

Hamlin Zoning Board of Appeals *Minutes*
Tuesday, February 18, 2014
7:30 p.m.

The regular scheduled meeting of the ***Hamlin Zoning Board of Appeals*** was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairperson, Norman Baase at 7:30 p.m. with the location of the fire exits and AED explained for those present. It was asked that all cell phones and pagers be turned off.

Present: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, and Klaus Pohl.
Also present: Ken Licht Attorney, Merritt Ackles Conservation Advisory Board Member, and Jason Baxter Town Councilperson.
Resident representative: John Sciarabba LandTech
Resident : Wayne Donahey.
Building Inspector, Chad Fabry was excused.

A motion to approve the January 21, 2014 meeting minutes as recorded and submitted was made by Klaus Pohl, seconded by Jerry Hoffman.
Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

A motion to approve the Meeting and Deadline schedule for applications and fees for 2014 was made by Ed Haight, and seconded by Jerry Hoffmann and Rocky Ellsworth.
Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

Proof of Publication
The clerk showed the ***Proof of Publication***.

PUBLIC HEARING
SETBACK & ACCESSORY STRUCTURE
VARIANCES

ROBERT MANVILLE
162 WALKER LAKE ONTARIO ROAD, HAMLIN

Application for Robert Manville for variance from Town Code§520-43 to allow a pond setback of zero feet along the west, south, and east property lines of Lot #2 of the proposed Manville Re-Subdivision of land located at 162 Walker Lake Ontario Road, Hamlin. The code requires a 40 foot setback. Also, a variance from Town Code§520-31 to allow accessory structures including a pond, dock, and shed on Lot #2 where no principal structure exists.

John Sciarabba from LandTech represented Robert Manville before the Board.

John Sciarabba gave an overview of the project. It is a 32 acre parcel being subdivided into 2 parcels. For liability issues, Mr. Manville would like to subdivide the pond and the road area off from his home. Two variances are being requested, one is for a zero setback for the pond, and the second is to allow the existing

structures that are adjacent to the pond to remain on a vacant parcel with the pond itself. Norman Baase mentioned the Board went out to the site on Saturday and that it is self explanatory and why they want to do it.

Norman Baase asked for any questions from the Board. There were no comments or concerns at this time from the Board.

Chairperson, Norman Baase opened the **Public Hearing** and asked for any comments from those present.

Resident Wayne Donahey who has lived in the last home on the private drive at 174 Walker Lake Ontario Road, Hamlin for 34 years had comments on the proposal. He is concerned that if subdivided, what if the owner stopped paying the taxes on the property? How would the dirt road be kept in repair? He stated that the road is a dirt road, not an asphalt road as shown on the map. John Sciarabba will make the correction to the map. According to his deed the road is supposed to be kept in proper repair, which it is not. Ken Licht responded that the Town or the County would have the right, if taxes weren't paid, to foreclose and sell the property at a tax sale. The previous owners of the said property always took good care of the road. The current owner has let the road fall into disrepair. Mr. Donahey has no issues with any of the variance requests, just road concerns. Norman Baase stated that this Board doesn't have any jurisdiction over anything of that nature other than the variance issues at hand.

Chairperson, Norman Baase declared the **Public Hearing** closed. Norman Baase asked the Board for any comments.

Ken Licht commented on a question raised by the Board about the proximity of the septic system on Lot #1 to the boundary line. He checked the **Town of Hamlin's Development Regulations** and they are silent. It states that septic systems shall be subject to the current Monroe County Health Regulations as outlined in dimensional chart requirements. So if the Monroe County requirement is 10 feet there is no need for a variance.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant Robert Manville a variance from Town Code§520-43 to allow a pond setback of zero feet along the west, south, and east property lines of Lot #2 of the proposed Manville Re-subdivision of land located at 162 Walker Lake Ontario Road, Hamlin. The code requires a 40 foot setback. Also a variance from Town Code§520-31 to allow accessory structures including a pond, dock, and shed on Lot 32 where no principal structure exists. The County comments have been received. We listened to Mr. Donahey's concerns and at this time this Board cannot rule on the issues he has. This is a Type II SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

AGENDA

SETBACK & ACCESSORY STRUCTURE VARIANCES

**DENNIS AND KAREN HOWE
2728 CHURCH ROAD, HAMLIN**

The application for Dennis and Karen Howe for variance from Town Code§520-43 to allow a pond setback of 2 feet along the common property line of Lot #AR-3B1 and Lot #AR-3B2 of the proposed Howe Re-subdivision located at 2728 Church Road, Hamlin "in a R-VL zoning district". The code requires a 40 foot setback. Also, a variance from Town Code§520-31 to allow an accessory structure that has a side setback of 4.4 feet on Lot #AR-3B2. The code requires a 10 foot setback. And, variance from Town Code§520-11 to allow the existing house to remain with a front setback of 45.7 feet on Lot # AR-3B2. The code requires a 100 foot front setback.

John Sciarabba of LandTech represented Dennis and Karen Howe before the Board.

The Howe's are selling their property to move out of town. They are subdividing the house off the property into roughly a 7 acre parcel. That includes the existing house and out buildings. There is no physical change or any negative impact. The house was built in 1900 and the outbuildings around 1920. The variances being asked for are pre-existing and non-conforming. They are in the character of the neighborhood and have been there for over 100 years.

The comments have not been sent in for review. Ken Licht stated the front setback variances are exempt as long as they don't permit any property improvement closer to a County or State right of way law and permitted by municipal code. Right now there is a new lot being created that is too close to the road. The County can't have any negative comment but I suggest you go to the County as soon as possible so that the comments are back in time for the next meeting when you have the **Public Hearing**. It would also have to go to the County for planning because you are creating a new lot on a County road. It probably could be one referral to cover the front setback variance for the house and lot creation. This Board will not take action without County comments.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to schedule a **Public Hearing** for Dennis and Karen Howe for 2728 Church Road, Hamlin for Monday, March 17, 2014 at 7:30 p.m. for multiple variances needed to subdivide property located at 2728 Church Road, Hamlin.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

DISCUSSION

Ken Licht had no new legal comments. He also mentioned the Keith O'Toole is taking over as the **Planning Board** Attorney in March 2014.

Merritt Ackles reported that the Conservation Board had no new issues.

Jason Baxter, Town Councilperson reported on the Town Board meeting. Dave Maynard, Dog control officer, helped secure a grant for over \$1,800.00 for their expansion. There have been residents at the shelter donating their time. They have been installing new ceramic tile in the rest room, security cameras for the kennel. The Town Board looked at a couple of bids for some Highway equipment. The **Accounting Department** is slowly getting back on track clearing up the issues that were there. There have been a lot of transfers trying to get everything to balance properly.

ADJOURNMENT

A motion to adjourn was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, March 17, 2014 at 7:30 p.m. at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is Wednesday, March 5, 2014 at 12 noon.

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