

Hamlin Zoning Board of Appeals *Minutes*  
Monday, March 17, 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.

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

A motion to approve the February 18, 2014 meeting minutes as recorded and submitted was made by Klaus Pohl, and seconded by Jerry Hoffman.  
Members polled: Norman Baase aye, Rocky Ellsworth aye, Jerry Hoffman aye, and Klaus Pohl aye,  
All in favor. Motion carried.

***Proof of Publication:***

The clerk showed the Proof of Publication to those present.

**PUBLIC HEARING**

**SETBACK AND ACCESSORY STRUCTURE  
VARIANCES**

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

Application for Dennis and Karen Howe for variance for Town Code§520-43 to allow a pond setback of 2' 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 an R-VL zoning district". The code requires a 40' setback. Also, variance from Town Code§520-31 to allow an existing accessory structure that has a side setback of 4.4' on Lot# AR-3B2. The code requires a 10' setback. And, variance from Town Code§520-11 to allow the existing house to remain with a front setback of 45.7' on Lot# AR-3B2. The code requires a 100' setback.

John Sciarabba represented Dennis and Karen Howe before the Board.

A recap of the application. The house is existing and cannot be moved. They are asking for relief for the pond. There is no fill in the pond. The current residents are moving to the west coast.

Norman Baase asked for any questions from the Board.

There is a small strip of land off to the side and no one seems to know why it is there. This is a classic zero frontage lot.

Norman Baase opened the *Public Hearing*.

Mr. Richard Charge of 2708 Church Road, Hamlin asked about the strip of land. He would be happy to take that strip of land for no payment. He has taken care of the strip for many years. Either neighbors, Mr. Charge or Mr. Pearson, would take the land off the Howe's hands. Dennis and Karen Howe have not yet made a decision as to what to do with the strip of land. Ken Licht suggested that the neighbors have a discussion with the landowner. Mr. Pearson stated that he had already had a conversation with the landowner.

Norman Baase closed the *Public Hearing*.

Chad Fabry had no objections with the variances requested.

The Conservation Advisory Board had no concerns

Mr. Pearson asked about the SUP permit for the Dog kennel. The new owner of the property will have to re-apply for an SUP to start up that or any other business. Mr. and Mrs. Howe chose not to re-new their SUP this year.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant approval to Dennis and Karen Howe for a 38' variance for the pond setback pursuant to Town Code§520-43. To grant approval for a 5.6' variance for a shed side setback pursuant to Town Code§520-31. To grant relief from Town Code§520-11 for 54.3' for the existing house front setback. This is a Type II SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Jerry Hoffman aye, and Klaus Pohl aye.

All in favor. Motion carried.

## **DISCUSSION**

Jason Baxter, Town Councilperson reported on the Town Board.

The Town of Hamlin Junk Pick up days will be held on May 5 – 10, 2014. Town Brush pick up will be from April 28 to May 2, 2014.

The interviews for the open positions on the Conservation Advisory Board were finished tonight.

The dog shelter is having an open house on May 17, 2014. There will also be a free rabies clinic held at the Hamlin Highway Garage on May 9, 2014.

## **ADJOURNMENT**

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

Members polled: Norman Baase aye, Rocky Ellsworth 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, April 21, 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, April 9, 2014 at 12 noon.**

DRAFT