

Hamlin Zoning Board of Appeals Minutes
Monday, August 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 for the duration of the meeting.

Present: Norman Baase, Rocky Ellsworth, Jerry Hoffman, Ed Haight, and Klaus Pohl.

Also present: Zoning Board Attorney Ken Licht, Building Inspector Cheryl Pacelli, Town Councilperson liaison Jennifer Goodrich, Conservation Advisory Board members Merritt Ackles and John DeRue, and Rich Maier from D.D.S.

Residents present: Bob Hofstra, Holly Hofstra, Ray Wenzel, Barb Wilson, Dave Wilson, Bud Hendershot, John Lee, Cindy Lutwiller, Stan Skupsky, Michael Kondolf and Patrick Mosher.

Proof of Publication

The clerk showed the proof of publication.

PUBLIC HEARING
AREA VARIANCE

ROBERT HOFSTRA
2232 REDMAN ROAD, HAMLIN

The application for Robert Hofstra for a variance from Town Code§520-27C to allow a proposed detached garage to be built 14.6' in front of the front main foundation of home located at 2232 Redman Road, Hamlin in an "R-VL(Residential/Very Low Density) zoning district". The code requires that a detached garage must be erected equal to or behind the front main foundation line of the principal dwelling. Also, a variance from Town Code§520-31 for a 3' variance to allow proposed garage to be 7' from the principal structure. A 4' variance from Town Code§50-31 to allow the proposed garage to be 6' from the existing garage on the property. The code requires 10' from any structure on the property. Resident agrees to place a one hour fire rated wall on the house side and the back wall of the garage wall which is more restrictive than the NYS code which requires a 3' separation with a one hour fire rated wall.

Mr. Hofstra represented himself before the board.

He has provided the site plan with the variances shown and has paid the PH fee. The siding and the roof are to match the existing house.

Norman Baase asked the board for any questions. There were none.

Chairperson **Norman Baase** opened the **Public Hearing** and asked anyone wishing to speak to please stand and state their name and address. There were no comments from those present.

Chairperson **Norman Baase** closed the **Public Hearing**.

Norman Baase stated that it seems to blend in with the neighborhood and it is a good spot for the garage.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant approval to Robert Hofstra for the following variances: from Town Code§520-27C to allow the proposed garage to be built 14.6' in front of the front main foundation of home located at 2232 Redman Road, Hamlin, from Town Code§520-31 for a 3'

variance to allow proposed garage to be 7' from the principal structure, and from Town Code§520-31 for a 6' variance to allow the proposed garage to be 6' from the existing garage on the property. This is a Type II negative SEQR. There were no negative comments from the public and it is consistent with the homes in the area.

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

PUBLIC HEARING
MULTIPLE VARIANCES

STANLEY SKUPSKY
6330 SHORE ACRES DRIVE, HILTON

Application for Stanley Skupsky for multiple variances from Town Code§520-21 for side, front, and rear setbacks, lot size, and lot width to allow construction of a garage and a utility room on the road side of the property and a 5' x 31' addition and deck on the front(water side) of the existing house located at 6330 Shore Acres Drive, Hilton in a "SR(Shoreline Residential) zoning district. Also, a variance from Town Code§520-21C(5) for a 29.4% impervious lot coverage where the code requires a 15% maximum lot coverage with impervious surface.

Ray Wenzel is the architect representing Mr. Skupsky before the Board.

We are looking for various variances concerning the property at 6330 Shore Acres Drive, Hilton.

Rocky Ellsworth stated the Town Code§295-15 concerning coastal erosion.

Norman Baase asked if there were any further questions.

Ed Haight noticed that the impervious surface percentage is double the percentage stated in the code.

Ray Wenzel commented that he would look into pervious asphalt. The driveway has 340 sq. ft of surface and the septic system is located at the bottom SE corner of the lot.

Chairperson, Norman Baase opened the **Public Hearing** and asked anyone wishing to speak to stand and state their name and address. There were no comments from those present.

Chairperson Norman Baase closed the **Public Hearing**.

Chairperson Norman Baase asked if there were any questions from the board.

Ed Haight stated that with a change in the surface percentage to 25.9 percent it is better than the 29.4 percent of coverage. So an 11 percent impervious variance would be needed.

Klaus Pohl commented that that should be a part of the resolution for the driveway.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to grant Stanley Skupsky the following variances for property located at 6330 Shore Acres Drive, Hilton in an "SR(Shoreline/Residential) zoning district", from Town Code§ 521-21 for a 15'1" front setback, an 18'10" rear setback, an east setback of 4.47', a lot width of 60.3' and a 1.772 acre size lot where the required lot size is 2 acres. The lot size proposed is .228 acres. Also, a variance from Town Code§520-21C(5) for an 11 percent impervious surface. The driveway will be constructed with a pervious product. This is a Type II negative SEQR. The owner is updated the existing structure on that lot. It is a non-conforming setback. There were no negative comments at the Public Hearing. 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 was made by Ed Haight, seconded by Klaus Pohl and Rocky Ellsworth to grant relief from Town Code§259-15 for EPS of 6330 Shore Acres Drive, Hilton consisting of a dwelling in a coastal and structural lot hazard area. Ed Haight read the code aloud.

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

AGENDA

AREA VARIANCE

JAMES & LINDA ATKINS

3344 BRICK SCHOOLHOUSE ROAD, HAMLIN

Application for James & Linda Atkins for a variance from Town Code§520-29A for a fence erected on property located at 3344 Brick Schoolhouse Road, Hamlin. The code states that a building permit shall be required prior to construction, movement, or replacement of any fence permitted in this section. A variance from Town Code§520-29Dfor a 6’ stockade fence erected in the front yard in front of the main front foundation line. The code states that no fence shall be erected in any front yard except one of open and decorative design and no more than 4’ in height. Open design shall mean the area covered by the fence will be a maximum of 50% opaque. Any wire fence is not allowed in a front yard.

Mr. Atkins represented himself before the board.

He stated that he was misinformed that he needed a permit. It is more of a security barrier. He has submitted pictures of the fence and a petition of his neighbors in favor of the fence. He requests that the Public hearing be waived based on the submitted petition.

Attorney Licht responded that a Public Hearing is required by code and it is a State Statute.

Chairperson, Norman Baase stated that we can schedule a Public Hearing in September. This is the correct code and it covers it all.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to schedule a Public Hearing for September 15, 2014 at 7:30 p.m. for a variance from Town Code§520-29D for a 6’ fence that is over 50% opaque and is in the front yard.

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

AGENDA

AREA VARIANCE

DAVID & BARBARA WILSON

7850 NEWCO DRIVE, HAMLIN

Application for Davis & Barbara Wilson for a variance from Town Code§520-30 for a 12’ x 20’ extension of an existing deck located in the front (water side) yard of property located at 7850 Newco Drive, Hamlin in an “SR(Shoreline/Residential) zoning district’. Also, a variance from Town Code§520-21B(2) which states that accessory uses and structures, with the exception of flood and erosion protection structures, shall not be located in the waterside yard in order to preserve views of Lake Ontario from the shoreline and views of the shoreline from Lake Ontario.

Mr. & Mrs. Wilson represented themselves before the board.

Mrs. Wilson showed pictures of the landscape in her front yard to the board members.

Attorney Licht stated that a Public Hearing is required all applications.

Chairperson, Norman Baase asked if there were any questions from the board.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for 7850 Newco Drive, Hamlin for September 15, 2014 at 7:30 p.m. for multiple variances for a 12' x 20' addition to an existing deck in the front yard.

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

AGENDA

AREA VARIANCE

**PATRICK MOSHER AND MICHAEL KONDOLF
1344 REDMAN ROAD, HAMLIN**

Application for Patrick Mosher and Michael Kondolf for a variance from Town Code §520-31(B) for an 8' x 10' shed to be placed in the rear/side yard of property located at 1344 Redman Road, Hamlin in an "R-L(Residential/Low Density) zoning district". The code states that the side and rear setback should be no less than 5'.

The applicants represented themselves before the board.

They would like to install a shed in a corner of their fenced in yard. The lot is of an irregular size and shape and this is the only place in the yard where the shed can be placed out of the way.

Rocky Ellsworth asked that the location of the proposed shed be staked out in the yard for the site visit from the board.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Patrick Mosher and Michael Kondolf of 1344 Redman Road, Hamlin for a variance from Town Code §520-31B for a 3' side setback and a 1.9' rear setback and a 3' separation for a 10' required setback from neighboring structures on September 15, 2014 at 7:30 p.m.

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

AGENDA

AREA VARIANCE

**BUD HENDERSHOT, LLC
1250 ROOSEVELT HIGHWAY, HAMLIN**

Application for Edward Hendershot for a variance from Town Code §520-11B(1)(a) for a lot containing an existing barn to be 1.1782 +/- acres where the code requires a lot size of 5 acres in an "R-VL(Residential/ very Low Density) zoning district known as the Roosevelt Highway Subdivision located at 1250 Roosevelt Highway, Hamlin. Also, relief from Town Code §520-46B(1) to retain the use of the existing building as a plant nursery, storage of nursery and maintenance equipment.

John Lee represented Mr. Hendershot before the board.

They would like it re-zoned as a nursery to grow ornamental jade plants for office spaces and wholesale.

Attorney Licht stated that it's a complicated code issue. The board has no authority for a lot less than 5 acres in an R-VL district. But you did hit on one use that may be an acceptable use. You would need an SUP from the Planning Board.

John Lee responded that they are open to suggestions.

Attorney Licht deferred to Attorney O'Toole for suggestions on this issue. It was discussed to have the applicant go to the Planning Board, informally, to see if they would entertain a SUP for a nursery on the lot, until the lot is created. If they were favorable then the applicant could come back to the Zoning Board for the granting of a variance contingent upon getting an SUP within a reasonable time frame. It was suggested that they could go before the Planning Board's September 2, 2014 meeting if all of their information could be submitted by the deadline.

AGENDA
AREA VARIANCE

BRADLEY SMITH
40 KETCHUM ROAD, HAMLIN

Application for Bradley Smith for variance from Town Code§520-27C for a 36' x 74' barn to be built before the house located at 40 Ketchum Road, Hamlin in an "R-VL(Residential/ very Low density) zoning district". The code requires that a detached private garage or carport or nonagricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15' to any rear or side property lines, nor closer than 10' to any other building on the lot.

Mr. Smith represented himself before the Board.

He would like to build a barn on the property before the home. The set back will be more than 100' from the road and will be behind the proposed future principal dwelling.

Chairperson asked if the board had any questions.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to schedule a Public Hearing for September 15, 2014 at 7:30 p.m. for a variance from Town Code§520-27C to build a barn before the house.

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

AGENDA
AREA VARIANCE

RAYNAULD OEHLBECK
1390 REDMAN ROAD, HAMLIN

Application for Raynauld Oehlbeck for variance from Town Code§520-11B(1)(a) seeking relief for a 2.879 acre parcel located at 1390 Redman Road, Hamlin in an "R-VL(Residential/Very Low Density) zoning district" with a required lot size of 5 acres. Also, a variance from Town Code§520-11B(2)(a) for a front setback of 42.5'. The code requires a front setback of 100 feet.

Rich Maier of D.D.S. represented the applicant before the Board.

This is property located at 1390 Redman Road, Hamlin in which the daughter wants to buy the house from the estate. They are looking for a front setback variance of 42.5'.

Chairperson, Norman Baase asked for any questions from the Board.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for September 15, 2014 at 7:30 p.m. for a front setback variance pursuant to Town Code§520-11B(1)(a) and a variance from Town Code§520-11B(2)(a) for a 2.879 acre parcel.

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

AGENDA

AREA VARIANCE

**EDWARD HAIGHT
487 WALKER ROAD, HAMLIN**

Application for Edward A. Haight for a variance from Town Code§520-30for a 3 foot variance for a 12' x 25' deck to be placed in front of the house in the front yard located at 487 Walker Road, Hilton, in an "R-VL(Residential/ Very Low Density) zoning district". The code states that a 10' deep deck may be placed in the front yard without a variance.

Mr. Haight represented himself before the Board.

He proposes to build a 12' x 25' deck on the front of his house. He has no room for the deck in the back yard as he has a steep grade to Moorman Creek. It will be constructed of all Pressure Treated wood. There will be 4 corners on the deck, no curves.

Chairperson, Norman Baase asked if the Board had any questions.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to schedule a Public Hearing on September 15, 2014 at 7:30 p.m. for a 2' front setback variance pursuant to Town Code§520-30 for a deck to be built in the front yard of property located at 487 Walker Road, Hilton.

Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight (excused), Jerry Hoffman aye, and Klaus Pohl aye. Motion carried.

DISCUSSION

Attorney Ken Licht had nothing new to report.

Chairperson, Norman Baase stated again that splitting off old farmhouses is becoming more predominant. Ed Haight asked Town Councilperson Jennifer Goodrich to suggest looking into the required 5 acre parcels. Jennifer Goodrich reported on the Town Board meeting. Gary Gustafson of 5 Summer Haven Drive spoke out in non-support of the 2014 IJC. The Town Board made a resolution opposing the 2014 IJC plan and will send letters to the legislature. There will be a workshop on the unification of the Town's computer systems. There are 4 proposals on the table. The library opening has been pushed back to September 22, 2104 as the front entry desk will not be in until then.

The land that the Town was interested in purchasing has not had any soil sampling done on the property. The current owner doesn't want any sampling done prior to sealing the deal.

ADJOURNMENT

A motion to adjourn was made by Ed Haight, seconded by Rocky Ellsworth 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, September 15, 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 September 4, 2014 at 12 noon.

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