

Hamlin Zoning Board of Appeals *Minutes*  
 Monday, September 15, 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, Ed Haight, Jerry Hoffman, and Klaus Pohl  
 Also present: Attorney Ken Licht, Conservation Advisory Board Member John DeRue.  
 Residents present: Dave & Barb Wilson, Jim Atkins, Patrick Mosher & Michael Kondolf, and Lance & Terri Prince.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the meeting minutes of August 18, 2014. Additions, deletions, or corrections to tonight's meeting.  
 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*** to those present.

**PUBLIC HEARING**  
**AREA VARIANCE**

**JAMES AND LINDA ATKINS**  
**3344 BRICK SCHOOLHOUSE ROAD, HAMLIN**

Application for James and 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 the construction, movement, or replacement of any fence permitted in this section. A variance from Town Code§520-29D for 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 for one of open and decorative design and no more that 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 permitted in a front yard.

Mr. Atkins represented himself before the Board.

Chairperson, Norman Baase asked about the security/barrier fence on the property.

Mr. Atkins stated that it is a 6 foot stockade dog eared fence. He installed the fence unaware that a fence permit was and/or a variance may be required. His barn faces the road and has had items missing from the barn when the doors have been open. Since he has installed the fence there have been no other incidents of missing items.

Chairperson, Norman Base opened the Public Hearing.

He stated that 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.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant at variance from Town Code§520-29A for a fence erected on property located at 3344 Brick Schoolhouse Road, Hamlin without a permit in an “R-VL (Residential/Very Low Density) zoning district”. Also, relief from Town Code§520-29D for a 6 foot stockade security fence in front of the front main foundation. There were no negative comments from and neighbors. The owners Insurance Company is favorable on the fence. This is a Type II negative SEQR.

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**  
**AREA VARIANCE**

**DAVID AND BARBARA WILSON**  
**7850 NEWCO DRIVE, HAMLIN**

Application for David and 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 (Shore Line/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 water side yard in order to preserve views of Lake Ontario from the shoreline and views of the shoreline from Lake Ontario.

Mr. & Mrs. Wilson represent themselves before the Board.

Mrs. Wilson gave an overview of their presentation form last month. She showed pictures of the yard and how the new deck will look. They propose to remove the steps and add another 12 feet to the existing deck with a railing around the entire deck for safety proposes. This would allow them to utilize their entire front yard and have it be safe for their grandchildren when they visit. They will use the same product as in the existing deck. A neighbor supplied a letter in support of the project.

Chairperson, Norman Baase opened the Public Hearing.

He stated that 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.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant 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 granted 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 water side yard in order to preserve views of Lake Ontario from the shoreline and views of the shoreline from Lake Ontario. This is a Type Negative SEQR. It is consistent with other homes as included in the LWRP comments. There are no negative comments from neighbors.

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**  
**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 setbacks should be no less than 5' from the property line and 10' from any neighboring building.

Patrick Mosher & Michael Kondolf represented themselves before the Board.

They propose an 8' x 10' pre-assembled shed to be placed in a back corner of the back yard for the storage of lawn care items. They are asking for relief for a 2 ½' side and rear variance from Town Code§520-31(B).

Chairperson, Norman Baase opened the Public Hearing.

He stated that 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.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to grant a variance from Town Code§520-31(B) for an 8' x 10' shed to be placed in the rear yard with a 2 ½' rear and side setback of property located at 1344 Redman Road, Hamlin in an "R-L(Residential/Low Density) zoning district". There are no negative comments from neighbors. This is a Type II negative SEQR.

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**  
**AREA VARIANCE**

**EDWARD A. HAIGHT**  
**487 WALKER ROAD, HILTON**

Application for Edward A. Haight for a variance from Town Code§520-30 for a 3 foot variance for a 12' x 24' deck to be placed in front of the house in the front yard of property located at 487 Walker Road, Hilton in an "R-VL (Residential/ Vey Low Density) zoning district". The code states that a 10' deep deck may be placed in the front yard without a variance.

Ed Haight recued himself from the meeting and represented himself, as a resident, before the Board.

Mr. Haight proposes to build a 12' x 24' deck on the front of his house. It will be square in design and be made of P.T. materials.

Chairperson, Norman Baase opened the Public Hearing.

He stated that 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.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant the variance for the application of Edward A. Haight for a 2' variance from Town Code§520-30(where the maximum allowed depth of a deck in the front yard 10 feet) to place a 12' x 24' deck in front of the house in the front yard of property located at 487 Walker Road, Hilton in an "R-VL (Residential/ Very Low density) zoning district". There are no negative comments from the neighborhood. This is a Type II negative SEQR.

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

**PUBLIC HEARING**  
**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 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 that 10' to any other building on the lot.

Mr. Smith represented himself before the Board.

He proposes to build a barn prior to the construction of the home. The proposed barn will be 36' x 74' in size. He anticipates building the home within 2 years. He has a farm with a barn in Hilton and is in the process of selling that property. He will use the proposed barn to store equipment from that barn.

Chairperson, Norman Baase opened the Public Hearing.

He stated that 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.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to grant a variance from Town Code§520-27C for a 36' x 74' barn to be built before the home to be located at 40 Ketchum Road, Hamlin. This is a practical situation and will be used for the storage of farm equipment. There is no character change for the neighborhood and no negative input from neighbors. This is a Type II negative SEQR.

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**  
**AREA VARIANCE**

**RAYNAULD OEHLBECK**  
**1390 REDMAN ROAD, HAMLIN**

Application for Raynauld Oehlbeck for variance from Town Code§520-11B(1)(a). He is 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 100' front setback.

Rich Maier of DDS represented Mr. Oehlbeck before the Board.

This property belonged to the applicant's mother. They propose to split the house and 2 acres off the property for the granddaughter. The house is also too close to the road. It is also a corner lot and is along the same lines as other properties in the area.

Chairperson, Norman Baase opened the Public Hearing.

He stated that 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.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant a variance from Town Code§520-11B(1)(a) for a 2 acre parcel where a 5 acre parcel is required. Also, relief from Town Code§520-11B(2)(a) for a front set back of 42.5' where a 100' setback is required. These types of variances are becoming more necessary in order to preserve farmland. This is a pre-existing home and is consistent with the neighborhood. There are no negative comments presented. This is a Type II negative SEQR.

## **AGENDA**

### **AREA VARIANCE**

### **LANCE PRINCE 19 TRACIANN DRIVE, HAMLIN**

Application for Lance Prince for variance from Town Code§520-29D to extend location of an existing fence 16' to the west located at 19 Traciann Drive, Hamlin in an "R-M (Residential/Medium Density) zoning district". The code states that only a fence of 4' in height and maximum 50% opaque may be placed in the front yard. A 6' shadow box fence is proposed. Also, seeking relief from Town Code§520-29F which requires that on corner lots, no fencing shall be erected in front of the front and street side main foundation lines of the principal dwelling or building on any lot, with the exception of split rail fencing as noted in Subsection D.

Mr. and Mrs. Prince represented themselves before the Board.

The applicants reside at 19 Traciann Lane, Hamlin on a corner lot. They are seeking a variance to move an existing 6' stockade fence 16' to gain more room in their backyard for their dogs and recreation. They are also seeking a variance to keep the 6' height of the fencing.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing for Lance Prince for October 20, 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.

## **DISCUSSION**

Attorney Ken Licht reported that the Zoning Workshop will be held on September 25, 2014 at 7:00 p.m. at the Hamlin Town Hall. The meetings are proposed be held on the 4<sup>th</sup> Thursday of each month.

## **ADJOURNMENT**

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

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 Board

**The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on October 20, 2014 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is October 8, 2014 at 12 noon.**