

Hamlin Zoning Board of Appeals *Minutes*
 Monday, November 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. 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, Town Councilperson Jennifer Goodrich, David Matt Schultz Associates, Conservation members Merritt Ackles & John DeRue, and Cheryl Pacelli Building Inspector/CEO.
 Residents present: Jeromy & Liz Spencer, Cindy Lutwiller, Jeff & Lora Partyka, Terri & Lance Prince, and Linda DeRue.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the meeting minutes of September 15, 2014. Additions, deletions, or corrections to tonight's meeting. A correction to the Spencer Agenda item. The proposed barn size is 40' x 80'.

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

Proof of Publication

The clerk showed the ***Proof of Publication*** to those present.

PUBLIC HEARING
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. & Mrs. Prince represented themselves before the board. They gave a quick overview from the original meeting.

Chairperson, Norman Base opened the Public Hearing.

It was asked that anyone wishing to speak please stand and state your name and address before the Board.

No one present had any comments or concerns on the proposal.

Chairperson, Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant the variance for Lance & Terri Prince from Town Code§520-29D to extend the location of an existing fence 16' to the west for property located at 19 Traciann Drive, Hamlin, and to grant the variance 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. This is a Type II Neg SEQR with no comments from the neighbors.

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

AGENDA

AREA VARIANCE

**JEROMY & ELIZABETH SPENCER
292 WALKER ROAD, HAMLIN**

Application for Jeromy & Elizabeth Spencer seeking variance from Town Code§520-27C to construct a proposed 40' x 80' pole barn prior to constructing the proposed residence in an "R-VL(Residential/Very Low Density) zoning district" located at 292 walker Road, Hamlin. The code states that a detached nonagricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot.

Dave Matt of Schultz Associates represented the applicants before the Board.

This parcel consists of 34 acres and will be split up into two 5 acre parcels and the remaining land as one lot. The lot discussed is to the east of the property and will be referenced as Lot #2 and will contain the proposed barn to be built before the house. They will be ready to build the house within 2 building seasons. There will be a 16' wide shared private driveway with a maintenance agreement between the lots and the barn will be approximately 400 feet off the road.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address before the Board.

There were no comments or concerns on the proposal from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to grant the variance for Jeromy & Elizabeth Spencer from Town Code§520-27C to construct a proposed 40' x 80' Pole Barn prior to constructing the proposed residence in an "R-VL (Residential/ Very Low Density) zoning district" to be located at 292 Walker Road, Hamlin. The code requires that a detached nonagricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot. The on-site inspection by the Board was conducted on Saturday, November 15, 2014 after 10:30 a.m. This is a Type II Neg 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

AREA VARIANCE

**JEFF & LORA PARTYKA
1700 LAKE ROAD, HAMLIN**

Application for Jeff & Lora Partyka seeking variance from Town Code§520-19B(2) for a front setback variance for 53 feet where the code requires a 70 foot front setback for location at 1700 Lake Road, Hamlin in a "C-GB(Commercial/General Business) zoning district".

Dave Matt of Schultz Associates represented the applicants before the Board.

The applicants are proposing a café/diner at 1700 Lake Road, Hamlin. They are proposing to build an awning roof extension to have protection for their produce they plan to sell. The awning posts are to be considered as part of the building therefore the front setback will change. There is already a front setback adjustment in place for 60.5' from the ROW. They would need a variance for a 52' front setback from the ROW.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant the variance for Jeff & Lora Partyka from Town Code§520-19B(2) for a front setback of 52' for property located at 1700 Lake Road, Hamlin in a "C-GB(Commercial/General Business) zoning district". The on-site inspection by the Board was on Saturday, November 15, 2014 beginning at 10:30 a.m. This is a Type II Neg SEQR.

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 Licht stated that the Zoning Workshop for the month will be held on November 20, 2014 at 7:00 p.m. in the Hamlin Town Hall Board Room.

Town Councilperson, Jennifer Goodrich stated that the 2015 Budget passed. A local law was passed for courtesy mergers for parcel combinations for mapping purposes. These will be available January 1, 2015 – March 1 2015. The applications need to be in to the county by the 2nd week in February. Liz Spencer, Hamlin Assessor, already has 5 residents lined up for the mergers.

Norman Baase congratulated Jennifer Goodrich for winning the election to remain on the Hamlin Town Board.

ADJOURNMENT

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

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 December 15, 2014 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is December 3, 2014 at 12 noon.

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