

Hamlin Zoning Board of Appeals *Minutes*
Monday, November 16, 2015
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 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 (excused), and Klaus Pohl
Also present: Attorney Ken Licht, Conservation Advisory Board Member Christine Yager, Richard Maier of Maier Land Surveying.
Residents present: Patrick Pullinzi, Gary DeFilipps, Garrett DeFilipps, Richard Iuppa, John DeRue, Linda DeRue, Joe Heberle, Paula Reis, Reid Foertsch.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the meeting minutes of October 19, 2015. Additions, deletions, or corrections to tonight's meeting.
Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

The clerk showed the Proof of Publication

PUBLIC HEARING CONTINUATION
AREA VARIANCE

JOSEPH E. HEBERLE
17255 LAKESHORE ROAD, HAMLIN

Application of Joseph E. Heberle; owner; seeking relief from Town Code§520-45C(2) to remove and excavate topsoil from the location site and per the DEC reclaim the soil back to its original location to be used for future agricultural use for property located at Cook Road, Hamlin in an R-VL zone.

Mr. Heberle & Mr. Podgers represented themselves before the Board. The map requested was presented to the Board. They gave an overview from the previous meetings concerning the topsoil that will be removed and placed in a specific location for storage until the project is completed; when the soil will be replaced in the original location.

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

It was asked 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 the permit for the application of Joseph E. Heberle; owner; per Town Code§520-45C (2) to remove and excavate topsoil from the location site and per the DEC reclaim the soil back to its original location to be used for future agricultural use for property located at Cook Road, Hamlin in an R-VL zone. This is a Type II Neg SEQR with no comments from those present.
Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

PUBLIC HEARING CONTINUATION
AREA VARIANCE

RICHARD IUPPA

1107 WALKER LAKE ONTARIO ROAD

Application of Richard Iuppa; owner; Richard Iuppa; seeking relief from Town Code§520-22C(1)(a) for a .24 acre lot where the code requires a minimum lot size of 2 acres; Town Code§520-22C(1)(b) for a lot width of 52.73 feet where the code requires a minimum lot width of 140 feet; Town Code§520-22C(2)(a)[2] for a 7.7 foot South side setback where the code requires a 15 foot side setback; Town Code§520-22C(2)(a)[2] for a 10.3 foot North side setback where the code requires a 15 foot side setback; Town Code§520-22C(2)(a)[3] for a 48.9 foot front (water side) setback where the code requires a minimum front (water side) setback of 100 feet for property located at 18 Lake Road East Fork in an R-CW zone. A single family cottage is proposed. Rich Iuppa represented himself before the board. He has purchased a cottage that he would like to alter. He is going to leave the garage and one wall of the existing structure intact.

Mr. Iuppa represented himself before the Board. He gave an overview from the previous month of the proposed project.

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

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

Patrick Pullinzi of 16 Lake Road East Fork (from whom the applicant purchased the property in question) spoke forth that he would like to see the north side setback changed to 12 feet from the lot line.

Gary DeFilippis of 20 Lake Road East Fork (Who owns a seasonal cottage at that address) expressed his concerns about the size of the proposed cottage and the proposed rear deck.

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

A motion was made by Ed Haight, seconded by Rocky Ellsworth to leave the Public Hearing open until the December 21, 2015 for the application of Richard Iuppa for various variances for property located at 18 Lake Road East Fork in an S/R zone. A site visit will be scheduled for December 19, 2015 after 10:30 pm. It was asked that the site be staked out. Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

PUBLIC HEARING
AREA VARIANCE

JOHN & LINDA DERUE

325 REDMAN ROAD

Application of John & Linda DeRue, owners; John & Linda DeRue; seeking relief from Town Code§520-11B(2)(a) for a front setback of 94.4 feet where the code requires a 100' minimum front setback for property located at 325 Redman Road in an R-VL zone.

Mr. DeRue represented himself before the board. He gave a summary of the needed variance; the garage footer was dug too close to the front lot line.

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

It was asked 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 Rocky Ellsworth to grant the area variance for the application of John & Linda DeRue, owners; John & Linda DeRue; seeking relief from Town Code§520-11B(2)(a) for a front setback of 94.4 feet where the code requires a 100' minimum front setback for property located at 325 Redman Road in an R-VL zone. This is a Type II SEQR. Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

AGENDA

AREA VARIANCE

**WALTER FOERTSCH
6528 SHORE ACRES ROAD**

Application of Walter Foertsch, owner; Walter Foertsch, seeking relief from Town Code§520-31B for a side setback of less than 5 feet for a shed on property located at 6528 Shore Acres Road an S/R zone.

Mr. Foertsch represented himself before the board. He proposes to place a small shed (7 x 7) less than 5 feet from the side setback. He has spoken to his neighbors and no issues have arisen.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing on December 21, 2015 for the application of Walter Foertsch, owner; Walter Foertsch, seeking relief from Town Code§520-31B for a side setback of less than 5 feet for a shed on property located at 6528 Shore Acres Road an S/R zone. A site visit will be scheduled for December 19, 2015 after 10:30 pm. It was asked that the site be staked out. Members Polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

AGENDA

AREA VARIANCE

**EDWARD A. DEMPSKI JR
1497 WALKER LAKE ONTARIO ROAD**

Application of Edward A. Dempski Jr, owner; Edward A. Dempski; seeking relief from Town Code§520-18B(2)(b) for a side setback of 3.7 feet for an addition to an existing barn where the code requires a 10 foot side setback for property located at 1497 Walker Lake Ontario Road in a C/NB zone.

Richard Maier of Maier Land Surveying represented the applicant before the board. Mr. Dempski proposes to add a 24' x 80' extension to the side of his existing barn.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing on December 21, 2015 at 7:30 pm for the application of Edward A. Dempski Jr., owner; Edward A. Dempski; seeking relief from Town Code§520-18B(2)(b) for a side setback of 3.7 feet for an addition to an existing barn where the code requires a 10 foot side setback for property located at 1497 Walker Lake Ontario Road in a C/NB zone. A site visit will be scheduled for December 19, 2015 after 10:30 pm. It was asked that the site be staked out. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

DISCUSSION

It was asked that all boards gather their recommendations for Chairperson and Vice Chairperson for 2016 and submit to the Town Board.

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 December 21, 2015 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is December 8, 2015 at 12 noon.

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