

Hamlin Zoning Board of Appeals *Minutes*
Monday, May 19, 2008
7:30pm

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held in the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by Chairman Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present.

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

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Building Inspector B.J. Maier, Planning Board member Tom Jensen, Conservation Board members Jeanine Klopp, Aaron LaFaro and Ed Evans and residents Fred and Marilyn Blandford, Honey DeLapa, Mike Lee, Jim Polek and Rich Maier.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the April 21, 2008 meeting as recorded. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, minutes approved.

The Clerk showed Proof of Publication

PUBLIC HEARING

**MIKE LEE
6468 SHORE ACRES**

Rich Maier of Maier Land Surveying was present to represent Mike Lee seeking relief from Town Codes 125-31C(1)(a) for a 1.769 lot size variance, 125-31C(1)(b) for a 69.88 lot width variance and 125-31C(2)(c) for a 24.3' rear setback variance to construct a single family house located at 6468 Shore Acres. Mr. Maier explained that Mr. Lee is proposing to demolish the existing structure and rebuild closer to the road. The new structure would be further from the shoreline than the current structure. They need some variances for setback from the road and for the lot size and width.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant relief to Mike Lee from Town Codes 125-31C(1)(a) for a 1.769 lot size variance, 125-31C(1)(b) for a 69.88 lot width variance and 125-31C(2)(c) for a 24.3' rear setback variance to construct a single family house located at 6468 Shore Acres. This is a Type II SEQR determination. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

PUBLIC HEARING

MR. AND MRS BLANDFORD 5714 WAUTOMA BEACH ROAD

Mr. and Mrs. Blandford were present to seek relief from Town Codes 125-42B for building a shed in front of the front foundation, 125-31C(5) for a 11.4% impervious surface variance, 125-31C(2)(c) for a 28.5' front setback variance and 125-42A for a 5' length variance for a 12' x 21' shed located at 5714 Wautoma Beach Road. Mr. Blandford explained that the shed exists and they are selling their house. He stated that 8 years ago they combined the two lots together but because of the leach system there was no other place for the shed. Chairman Norman Baase asked when the shed was placed there. Mr. Blandford stated in 2000.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Tom Jensen from 1 Roadside Drive stated that according to the definition in the Town Code book the maximum size for a shed is 16' x 16'. Since this is 12' x 21' technically it is a non-agricultural storage building and should have a 15' setback per the code. He also questioned the distance the shed is from the house. Building Inspector B.J. Maier stated that it is 10' from the house. Mr. Jensen questioned why this application wasn't before the Board at last month's meeting. Chairman Norman Baase stated that he allowed it due to the time factor that the residents were under to close on their house. He received several calls to help them out and eliminate the 30 days. He looked at the application and didn't see any issues. Mr. Jensen stated that it is not consistent. Chairman Norman Baase stated that the Board has had time to review it. Mr. Jensen stated that the Town Board is stressing consistency. Chairman Norman Baase stated that this Board has worked with the residents in the past to help them out therefore maintaining consistency. Mr. Jensen questioned whether the variance requested was adequate for the structure. Mr. Baase stated that it is under the sq. ft. of the allowable size for a shed. Mr. Jensen stated that per the code the maximum size is 16' x 16'. The sq. ft. is not mentioned in the code. Attorney Welch stated they could get a variance for the size of the shed. Mr. Jensen stated that in 2000 the LWRP was approved for a smaller structure in a different location. People are in the habit of getting a permit and then doing whatever they want wherever they want. He asked if Mr. Baase had seen the original documents. Mr. Baase stated no he hasn't but he looks at the situation now and tries to grant relief. The shed cannot go in a different location due to the leach field and it cannot be moved. Chairman Baase stated that he would like to see the code changed. Mr. Jensen stated that would be an item to discuss at the zoning workshop and right now we have to follow this code.

Honey DeLapa of 5728 Wautoma Beach Road stated that she objects to allowing sheds in front of the front foundation. There are many code violations along that road and to keep allowing people to violate the codes sets precedence. People will just build wherever they want and then get a variance later. She asked if they would pay a fine for violating the code. Building Inspector B. J. Maier stated that no fine would be charged because it happened two inspectors ago and they are just trying to get everything to conform now.

Ms. DeLapa stated that it doesn't conform and it should be moved. Mr. Maier stated that it doesn't block the view of the lake. Ms. DeLapa stated that is because there are trees there. If the trees were removed it would. She stated that the variance should be denied and the shed should be moved.

At this time Chairman Norman Baase closed the Public Hearing.

Klaus Pohl asked if the impervious surface was due to the shed. Attorney Welch stated that it was a combination of everything. Chairman Norman Baase stated that this doesn't give anyone the right to do this in the future. Ms. DeLapa stated that it didn't give Mr. and Mrs. Blandford the right to do it either.

A motion was made by Klaus Pohl, seconded by Ed Haight to grant relief to Mr. and Mrs. Blandford from Town Codes 125-42B for building a shed in front of the front foundation, 125-31C(5) for a 11.4% impervious surface variance, 125-31C(2)(c) for a 28.5' front setback variance and 125-42A for a 5' length variance for a 12' x 21' shed located at 5714 Wautoma Beach Road. This is a Type II SEQR determination. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

**JAMES POLEK
2281 N.HAMLIN ROAD**

James Polek was present to seek relief from Town Code 125-18B(2)(a) for a 33.7' front setback variance for an existing house located at 2281 N. Hamlin Road. Mr. Polek explained that he is selling the house and the buyer's attorney noticed that the front setback was in violation. The house was built in 1983. It is zoned R-VL.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to schedule a Public Hearing for Mr. Polek for June 16, 2008 after 7:30pm for relief from Town Code 125-18B(2)(a) for a 33.7' front setback variance for an existing house located at 2281 N. Hamlin Road. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

Chairman Norman Baase reminded Mr. Polek to have the fee into the Clerk by the deadline.

**RICK JENSEN
7016 BENEDICT BEACH**

Attorney Welch stated that he represents the buyer Mr. Jensen. The Board agreed to let Attorney Welch stay.

Rich Maier from Maier Surveying was present to represent the buyer Mr. Jensen who is seeking relief from Town Codes 125-31C(1)(a) for a 1.273 acre lot size variance, 125-

31C(1)(b) for a 59.92' lot width variance, 125-31C(5) for a 5% impervious surface variance and relief for building a portion of the house forward of the landward limit of structural hazard to construct a single-family house located at 7016 Benedict Beach. Mr. Maier explained that the original house was demolished due to mold. Several years ago the variances were granted to the owner then but a building permit was never obtained. Since then the bank has taken over the property. Mr. Jensen has a contingent offer in on the property providing variances and Site Plan approval can be granted for the location. Mr. Jensen lives out of state. He is proposing a smaller house than the original. Chairman Norman Baase stated that variances were approved three years ago. Rocky Ellsworth questioned the owner of the property for the Legal Notice. Attorney Welch stated that the Legal Notice would list ES & L Bank as the applicant.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to schedule a Public Hearing for ES & L Bank for June 16, 2008 after 7:30pm for relief from Town Codes 125-31C(1)(a) for a 1.273 acre lot size variance, 125-31C(1)(b) for a 59.92' lot width variance, 125-31C(5) for a 5% impervious surface variance and relief for building a portion of the house forward of the landward limit of structural hazard for the construction of a single-family house located at 7016 Benedict Beach. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

Chairman Norman Baase reminded Rich Maier to have a map and fees into the Clerk by the deadline.

**SALVATORE ANSELMO
122 LAKE ROAD EAST FORK**

Rich Maier was present representing Salvatore Anselmo seeking relief from Town Codes 125-31C(1)(a) for a 0.175 acre lot size variance and 125-31C(1)(b) for a 100' lot width variance to construct an addition on his existing house located at 122 Lake Road East Fork. Mr. Maier explained that Mr. Anselmo wants to add an addition to his existing house that is greater than 50%. Therefore a Site Plan was required and several variances. The new portion of the structure was shown and discussed. Rocky Ellsworth questioned if the new addition was going closer to the creek. Mr. Maier stated closer to the bank not the creek. Mr. Anselmo explained that the addition would not be any closer to the bank than the existing concrete pad that is already there. Rocky Ellsworth asked if the structure was going closer. Mr. Anselmo stated yes. They are trying to match up the new roofline with the existing. If it didn't go closer than the living room would be very narrow. Rocky stated that the reason for granting the variance has to be justified. He questions why the addition has to go closer to the creek when there is all of the property to the rear of the house. Attorney Welch stated they could make it a condition of the variance not to build closer to the bank. Mr. Anselmo stated that he did get approval from the DEC. Jeanine Klopp from the Conservation Board asked if a copy of the permit was in the file. She was told yes there was. She stated that an LWRP was already completed for the property.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for Salvatore Anselmo for June 16, 2008 after 7:30pm for relief from Town Codes 125-31C(1)(a) for a 0.175 acre lot size variance and 125-31C(1)(b) for a 100' lot width variance to construct an addition to his existing house located at 122 Lake Road East Fork. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

The Board reminded Mr. Anselmo to have a map and fee into the Clerk by the deadline and they would be out the Saturday prior to the Public Hearing for an inspection.

DISCUSSION

Building Inspector B.J. Maier stated that the owner of the Country Creek Subdivision would like another permit to sell topsoil for 6 months. They had a permit in 2005 but it has expired.

A motion was made by Ed Haight, seconded by Jerry Hoffman to approve a permit for the owners of Country Creek Phase I to sell topsoil for 6 months effective May 20, 2008. The fee is \$50.00 per Town Code 125-54. Members polled, Baase aye, Ellsworth abstain, Haight aye, Hoffman aye, Pohl aye. Motion approved.

Town Board Liaison Mike Marchetti reminded everyone of the Town Board workshop on Health Care tomorrow at 6:00pm followed by the Zoning Workshop at 7:00pm then the Flood Plain Preservation Workshop at 8:00pm.

Conservation Board member Jeanine Klopp stated that the next Conservation Board meeting would be Tuesday May 27, 2008 at 7:00pm at the library.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, meeting adjourned.

Minutes respectively submitted by:

Heather Norman
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, June 16, 2008 at 7:30pm. Deadline for all fees is Monday, June 2, 2008 at 2:00pm.