

**HAMLIN ZONING BOARD OF APPEALS MINUTES
MONDAY, December 19, 2016
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.

Roll call: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, and Phil Hurlbutt.

Present: Dave Matt of Schultz Associates, C.J. Conroy, Ryker DeHaan, J. Mark DeHaan, Conservation Advisory Board Member Nathan A. Pacelli, Conservation Advisory Board Member Jeanine Klopp, Nick Tesch, Town Councilperson Jennifer Voelkl.

Approval of the November 21, 2016 meeting minutes. Additions, deletion, or corrections to tonight's meeting. A motion was made by Ed Haight, seconded by Phil Hurlbutt to approve the Meeting minutes of November 21, 2016 as recorded.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. Motion carried.

AGENDA

VARIOUS AREA VARIANCES

KEVIN JOHNSTON

66 NORTHCLIFF DRIVE, ROCHESTER, NY

Application of Kevin Johnston; owner; Kevin Johnston; seeking relief from Town Code§520-30 for a deck (larger than 10 feet forward) on the front (waterside) of the dwelling where the code states that Non-enclosed porch structures and pergolas, covered or open air, not exceeding a distance of 10 feet forward of the front foundation of the residence, are allowable. Even when such structure encroaches within the required setback area. Town Code§520-21C(1)(a) which requires a minimum lot size of 2 acres. This site has 1.54+/- acres. This parcel is in the S/R zone. Tax account# 006.080-01-001.114.

Dave Matt of Schultz Associates represented the applicant before the board. This is the previous Neil Newman property. Which includes ½ of the mowed area and some overgrowth. A new single family home is proposed. A deck is proposed for the front (waterside) of the dwelling to be more than the allowable 10 -feet forward. Also, the lot is only 1.54+- in size where it is required to have a lot size of 2 acres.

A motion was made by Phil Hurlbutt, seconded by Rocky Ellsworth to schedule a Public Hearing for January 17, 2017 at 7:30 pm for the application of Kevin Johnson; owner; Kevin Johnson; seeking relief from Town Code§520-30 for a deck (larger than 10 feet forward) on the front (waterside) of the dwelling where the code states that Non-enclosed porch structures and pergolas, covered or open air, not exceeding a distance of 10 feet forward of the front foundation of the residence, are allowable. Even when such structure encroaches within the required setback area. Town Code§520-21C(1)(a) which requires a minimum lot size of 2 acres. This site has 1.54+/- acres. This parcel is in the S/R zone. Tax account# 006.080-01-001.114. The board will conduct an on-site visit on Saturday, January 14, 2017 after 10:30 am.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. Motion carried.

AGENDA

AREA VARIANCE

NATALYA MELENCHUK 19 BLOSSOMDALE LANE

Application of Natalya Melenchuk; owner; Natalya Melenchuk; seeking relief from Town Code§520-31B which states that a shed, cabana or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot and 10 feet from any building used for residential proposes. A side and rear setback of no less than 5 feet may be maintained as long as there is the ten-foot separation from any structures on neighboring properties. They propose to place the shed on the property line in the rear corner of the back yard. This is in an R-H zone. Tax account# 029.07-3-35.

Mr. Melenchuk represented he and his wife before the board. He is proposing to place and build a shed (10' x 10') up to his existing fence where the code states that a shed is required to be 5 feet from the side and rear lot lines. A Public Hearing will be scheduled. If the result of inspection of the new Instrument Survey shows that the shed will be 5 feet from the easement; a variance will not be required.

A motion was made by Ed Haight, seconded dually by Rocky Ellsworth and Jerry Hoffman to schedule a Public Hearing for the application of Natalya Melenchuk; owner; Natalya Melenchuk; seeking relief from Town Code§520-31B which states that a shed, cabana or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot and 10 feet from any building used for residential proposes. A side and rear setback of no less than 5 feet may be maintained as long as there is the ten-foot separation from any structures on neighboring properties. They propose to place the shed on the property line in the rear corner of the back yard. This is in an R-H zone. Tax account# 029.07-3-35.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. Motion carried.

DISCUSSION

Attorney Ken Licht stated that he will only be attending Zoning Board of Appeals Meetings that require him to attend as a result of applications that need legal discussion or interpretation in person. In the end this change will save the town money as he will only bill for those meetings attended.

Town Councilperson Jennifer Voelkl reported on the Town Board meeting where a resident spoke during the Public Forum portion of the agenda. The resident is concerned of the three (3) barns that have been built on Ketchum Road with primary structures. His concern was that if the properties which house the barns were ever sold to another party; would those parties be obligated to build dwellings.

Chairperson Norman Baase responded that no. new owners would not be obligated to build new dwellings on the properties. These variances included an issue of safety as it is not wise to leave machinery and tools on the property without being placed in an enclosure for safety and security factors.

Attorney Ken Licht added that in the future the code could be revisited to add specific time frame restrictions on the intention of the dwelling to be built.

Chairperson and Vice-Chairperson appointments for 2017:

Vice-Chairperson Rocky Ellsworth nominated **Chairperson Norman Baase** for the position of ***Chairperson of Zoning Board of Appeals*** for 2017.

Member Ed Haight seconded the nomination.

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

Chairperson Norman Baase nominated **Vice-Chairperson Rocky Ellsworth** for the position of ***Vice-Chairperson of Zoning Board of Appeals*** for 2017.

Member Phil Hurlbutt seconded the nomination.

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

ADJOURNMENT

A motion was made by Ed Haight., seconded dually by Phil Hurlbutt and Jerry Hoffman to adjourn tonight's meeting barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. 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 Tuesday, January 17, 2017 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is January 5, 2017 at 12 noon.