

HAMLIN ZONING BOARD OF APPEALS MINUTES
Tuesday, February 19, 2019
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.

Approval of the January 22, 2019 meeting minutes. Additions, deletion, or corrections to tonight's meeting. A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to approve the meeting minutes of January 22, 2019 as recorded.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye.

Present: Attorney Maureen L. Werner, David Paye, Barb Huffer, Robert Huffer, Mark Greenwell, Jill Galbraith, John Hand, Tammy Huffer, Philip Moore, Town Councilperson Jennifer Voelkl, Jeff Hand.

The clerk showed the legal notice publication to those present.

PUBLIC HEARING
AREA VARIANCE

JILL GALBRAITH
1758 BRICK SCHOOLHOUSE ROAD

Application of Jill Galbraith, owner, Jill Galbraith, seeking a side setback variance for a pond that has been dug in the rear yard of 1758 Brick Schoolhouse Road. This is in the R-VL zone. Tax account# 015.03-1-8.1. Town Code§520-43 states that to protect the safety and the property rights of adjacent landowners, ponds will have a minimum setback of 40 feet from any property line to the edge of the pond.

Jill Galbraith represented herself before the board.

Chairperson Norman Baase asked for the location of the pond. Jill replied it is basically on the lot line. Norman Baase asked how long the pond has been there. Jill replied about 1 year. The pond is 38 feet wide x 46 feet long and 10 feet deep.

Chairperson Norman Baase asked for any comments from the board.

Rocky Ellsworth asked what the lights are that are shown in the photos. Jill replied that they are solar lights.

Chairperson Norman Baase opened the Public Hearing.

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

Mark Greenwell of 1858 Brick Schoolhouse Road stated that he has no problem with the pond location. Norman Baase asked if there were any drainage issues caused by the pond. Mark Greenwell responded that he corrected any drainage issues a few years ago. Norman Baase stated that he had personal comments made to him concerning the drainage on the property. Mark Greenwell replied that he fixed the drainage.

Jill Galbraith, owner, stated that the pond is good runoff for the property. The pond is clear with no algae issues.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to grant a 40-foot west side setback variance with conditions for the application of Jill Galbraith, owner, Jill Galbraith, seeking a side setback variance for a pond that has been dug in the rear yard of 1758 Brick Schoolhouse Road. This is in the R-VL zone. Tax account# 015.03-1-8.1. This is a

Type II SEQR. The following conditions will apply: Planning Board approval per Town Code§520-43 which states Ponds shall be permitted within R-VL Districts in the Town of Hamlin, subject to proper care and maintenance by the property owner, and subject to a nonrenewable accessory permit issued by the Planning Board. The review body of the final application shall be responsible for determining the proper size and location of the pond, requirements for slope, and the necessity of fencing or warning signage, given the specific lot and the character of the surrounding residential areas. To protect the safety and the property rights of adjacent landowners, ponds will have a minimum setback of 40-feet from any property line to the edge of the pond. Ponds for the control of runoff are allowable in any zoning district as part of a Planning Board approved site plan.

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

PUBLIC HEARING
AREA VARIANCE

ROBERT & BARBARA LU HUFFER
1473 REDMAN ROAD

Application of Robert & Barbara Lu Huffer, owners, Robert & Barbara Lu Huffer, seeking area variances to create 2 separate lots from 1 existing parcel. Currently there are 2 dwellings occupying 1 parcel. Tax account # 012.03-001-034. This is in the R-VL zone and the AG District. Lot#1 for the following: A). 3.926- acre variance for a 1.211- acre lot where Town Code§520-11B(1)(a) requires a minimum lot size of 5-acres. B) 53.60-foot front setback variance for a 46.4-foot front setback where Town Code§520-11B(2)(a) requires a minimum 100 -foot front setback. Lot#2 for a .641 -acre variance for a 4.359-acre lot size where Town Code§520-11B(1)(a) requires a minimum lot size of 5-acres.

It has come to the attention of this board that Robert and Barbara Huffer have only Life Use of the property and are not the owners of the property therefore cannot request a split of the property. The ownership was deeded to their daughters in 2007. Tammy Huffer (daughter) has stated that she and her sister would like to continue with the application to split the property. A new application will need to be filled out and submitted with the correct owner information. The Public Hearing will be continued on March 18, 2019 at 7:30 pm as it was not opened at this meeting.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to schedule the continuation of the Public Hearing for 1473 Redman Road on March 18, 2019 at 7:30 pm.

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

AGENDA
AREA VARIANCE

DAVID PAYE
2258 MONROE ORLEANS COUNTY LINE ROAD

Application of David Paye, owner, David Paye, seeking an area variance of 3.37 acres for a lot size of 1.653 acres for property located at 2258 Monroe Orleans County Line Road. Town Code§520-11B(1)(a) states the minimum lot size is 5-acres in the R-VL zoning district. Also, an area variance for a lot width of 103.5-feet. This will require a variance of 146.50-feet. Town Code§520-11B(1)(b) states that the minimum lot width is 250-feet. If owner can prove an acceptable “perc” test and the property is served by municipal water, minimum lot width is 190-feet. This is in the R-VL zone. Tax account# 027.02-1-2.

Dave Paye represented himself before the board. He has a 1.6- acre lot located at 2258 Monroe Orleans County Line Road. He is asking for a lot width and a lot size variance so that he may build a dwelling in the future.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to schedule a Public Hearing on March 18, 2019 at 7:30 pm for the application of David Paye, owner, David Paye, seeking an area variance of 3.37 acres for a lot size of 1.653 acres for property located at 2258 Monroe Orleans County Line Road. Town Code§520-11B(1)(a) states the minimum lot size is 5-acres in the R-VL zoning district. Also, an area variance for a lot width of 103.5-feet. This will require a variance of 146.50-feet. Town Code§520-11B(1)(b) states that the minimum lot width is 250-feet. If owner can prove an acceptable “perc” test and the property is served by municipal water, minimum lot width is 190-feet. This is in the R-VL zone. Tax account# 027.02-1-2. The following documents have been submitted for review:

- Area Variance Application

- Site Plan
- Aerial Photo of Property
- Monroe County Real Property Photo

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

AGENDA

AREA VARIANCE

**PHILIP MOORE
1177 LAKE ROAD WEST FORK**

Application of Philip Moore, owner, Philip Moore, seeking a variance to have chickens on property located at 1177 Lake Road West Fork which consists of .51 acre. Town Code§520-41B(a)[1] states that ten chickens or hens are allowed on a lot of one acre. No roosters are allowed on any lot of less than 5-acres. This is in the R-M zone. Tax account# 013.030-02-010. The following documents have been submitted for review:

- Area Variance Application
- Instrument Survey

Philip Moore represented himself before the board. He and his wife would like to have chickens in the rear yard. They would like to have 10 chickens. He already has an existing shed that will be used for the chicken coop.

A motion was made by Rocky Ellsworth, dually seconded by Ed Haight and Jerry Hoffman to schedule a Public Hearing on March 18, 2019 at 7:30 pm for the application of Philip Moore, owner, Philip Moore, seeking a variance to have chickens on property located at 1177 Lake Road West Fork which consists of .51 acre. Town Code§520-41B(a)[1] states that ten chickens or hens are allowed on a lot of one acre. No roosters are allowed on any lot of less than 5-acres. This is in the R-M zone. Tax account# 013.030-02-010.

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

AGENDA

AREA VARIANCE

**PHILIP MOORE
1177 LAKE ROAD WEST FORK**

Application of Philip Moore, owner, Philip Moore, seeking a side setback variance of 5-feet for an outbuilding under construction. Town Code§520-27C states that a detached private garage or carport or nonagricultural storage barn must be erected equal to or behind the main front foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15-feet to any rear or side property lines, nor closer than 10-feet to any other building on the lot. This is in the R-M zone. Tax account# 013.030-02-010. The following documents have been submitted for review:

- Area Variance Application
- Instrument Survey
- Copy of Building Permit

Philip Moore represented himself before the board. He has an under-construction outbuilding in the rear yard but used the side setback required for a shed. He is seeking a 5-foot side setback and will need a 10-foot side setback variance.

A motion was made by Ed Haight, dually seconded by Rocky Ellsworth and Jerry Hoffman to schedule a Public Hearing on March 18, 2019 at 7:30 pm for the application of Philip Moore, owner, Philip Moore, seeking a side setback variance of 5-feet for an outbuilding under construction. Town Code§520-27C states that a detached private garage or carport or nonagricultural storage barn must be erected equal to or behind the main front foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15-feet to any rear or side property lines, nor closer than 10-

feet to any other building on the lot. Also, seeking relief from Town Code§520-31A for an existing shed/chicken coop where the codes states any shed, cabanas and similar accessory structures shall not exceed 256 square feet in area, no one side shall exceed 16 feet in length, and all walls shall have a maximum height of 8 feet. One of each type of structure shall be permitted per lot except for R-L District (two) and R -VL (three) as determined by the Building Inspector. This is in the R-M zone. Tax account# 013.030-02-010.

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

DISCUSSION

Attorney Maureen L. Werner had no legal concerns.

Town Councilperson Jennifer Voelkl reported that the board members have not yet received the submitted applications for the openings on the support boards. She expects the interviews may be scheduled for next week. The support boards will be contacted for those dates so that they may sit in on the interviews if they wish.

A resolution was passed for a local law to change the required minimum lot size for R-VL to 2-acres from 5-acres. The required minimum lot width of 250-feet wide will remain, if owner can prove an acceptable “perc” test and the property is served by municipal water, minimum lot width is 190 feet. This will take affect after state filing approval is received.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Rocky Ellsworth to adjourn tonight’s meeting barring no further business.

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

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, March 18, 2019 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is March 5, 2019 at 12 noon.

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