

**HAMLIN ZONING BOARD OF APPEALS MINUTES
Monday, April 15, 2019
7:30 P.M.**

The regular scheduled meeting of the Hamlin Zoning Board of Appeals will be held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and will be called to order by the Vice-Chairperson, Rocky Ellsworth at 7:30 p.m. with the location of the fire exits and AED explained for those present. It will be asked that all cell phones and pagers be turned off for the duration of the meeting.

Roll call: Norman Baase (excused), Rocky Ellsworth, Ed Haight, Jerry Hoffman (excused), and Carl Rath.

Approval of the March 18, 2019 meeting minutes. Additions, deletion, or corrections to tonight’s meeting. A motion was made by Ed Haight, seconded by Carl Rath to approve the meeting minutes of March 18, 2019 as recorded. Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight aye. Motion carried.

Present: J.R. Lewis. Philip Moore, Alexis Moore, Mark Ballerstein, Town Councilperson Jennifer Voelkl, Conservation Advisory Board Member Nathan Pacelli, Matt Tuttle of Schultz Associates, Padma Kasthurisangan of Buffalo Renewables.

The clerk showed the legal notice publication.

PUBLIC HEARING CONTINUATION
AREA VARIANCE

**PHILIP MOORE
1177 LAKE ROAD WEST FORK**

Application of Philip Moore, owner, Philip Moore, seeking a side setback variance of 10-feet for an outbuilding under construction which is 5-feet from the side lot line. 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. Also, seeking relief from Town Code§520-31A for an existing shed/chicken coop where the code 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.

- All documents were previously received for the Agenda process.

Philip Moore represented himself before the board. He is asking for variance relief for an outbuilding placed too close to the side lot line. A new plan was submitted as an alternative but was not really what the applicant wanted. Vice Chairperson Rocky Ellsworth acknowledged the Zoning Board application page 3.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The board responded that there are many sheds in various locations in that neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance. The board responded that yes, the other feasible method was presented by the applicant to move/remodel the shed.
3. Whether the requested area variance is substantial. The board responded that this application is similar to other applications submitted.
4. Whether the proposed area variance will have an adverse effect or impact n the physical or environmental conditions in the neighborhood district. The board responded that they are a board of compromise.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. The board responded that the difficulty was self- created.

Vice Chairperson Rocky Ellsworth opened the Public Hearing.

It was asked if anyone present wishing to speak to please stand and state your name and address.

J.R. Lewis of 1169 Lake Road West Fork stated that he feels that the outbuilding should abide by the 15-foot side setback.

There was no one else present wishing to speak.

Vice-Chairperson Rocky Ellsworth closed the Public Hearing.

The attorney and the board discussed this application at length.

A motion was made by Ed Haight, seconded by Carl Rath to grant the variance for the application of Philip Moore, owner, Philip Moore, seeking a side setback variance of 10-feet for an outbuilding under construction which is 5-feet from the side lot line. 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. Also, seeking relief from Town Code§520-31A for an existing shed/chicken coop where the code 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. The chicken coop will be moved to be 10-feet from the outbuilding. This is a Type II SEQR.

The following documents were submitted for review by the board:

- Area Variance Application
- Instrument Survey Map
- Building Permit
- Photo of outbuilding style

Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight aye. Motion carried.

PUBLIC HEARING
AREA VARIANCE

MARK EASTMAN
1410 AND 1460 ROOSEVELT HIGHWAY

Application of Mark Eastman, owner, Mark Eastman seeking relief from Town Code§520-11B(1)(a) to have a 4- lot subdivision with lots to be 4.8 acre in size where the code states that the minimum lot size in R-VL is 5-acres. Tax account #s 030.020-01-004.5 & 030.020-01-004.6. These are in the R-VL zone.

Matt Tuttle of Schultz Associates represented the applicant before the board. He is proposing to have 4 (four) 4.8 acre lots on Roosevelt Highway.

As a result of a resolution by the Hamlin Town Board the minimum lot size in the R-VL zone went from 5-acres to 2-acres. This has been filed with the State of New York, Department of State as Local Law 1 2019 filed on March 29, 2019.

A motion was made by Ed Haight, seconded by Carl Rath to designate the Public Hearing not required, and to not charge the applicant the Public Hearing fee.

Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight aye. Motion carried.

AGENDA

AREA VARIANCE

LIFE SOLUTIONS OF HAMLIN INC.

1696 LAKE ROAD

Application of Life Solutions of Hamlin Inc., owner, Life Solutions of Hamlin Inc, seeking front & side setback variances to add an addition to the existing building. Tax account# 021.03-002-039. In the C-GB Zone.

Mark Ballerstein (resident) and Matt Tuttle (Schultz Associates) represented Life Solutions before the board. Life Solutions is a non-profit value- based food pantry. They serve approx. 150 residents every month. It is run off of donations and the sale of household goods at the Treasure Store. It has been in operation since 2010.They are outgrowing the present location space and would like to add a 20' x 40' new space. They hope to acquire a small parcel of land from the Town. The Library Board of Trustees has approved of this land acquisition. They will need multiple variances.

A motion was made by Ed Haight, seconded by Carl Rath to schedule a Public Hearing on May 20, 2019 for the application of Life Solutions of Hamlin Inc., owner, Life Solutions of Hamlin Inc, seeking front & side setback variances to add an addition to the existing building. Tax account# 021.03-002-039. In the C-GB Zone.

Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight aye. Motion carried.

AGENDA

AREA VARIANCE

DEAN P. BRIGHTLY /BUFFALO RENEWABLES INC.

1765 REDMAN ROAD

Application of Buffalo Renewables Inc., owner, Dean P. Brightly, seeking a height variance to install a 160-foot wind tower on property located at 1765 Redman Road. Tax account# 020.01-1-5.112. In an R-VL zone within the AG district. The following documents have been submitted for review:

Padma Kasthurisangan of Buffalo Renewables represented the applicant before the board. The applicant is seeking a 110-foot height variance to install a 160-foot high wind tower on his farm located at 1765 Redman Road. This will be a relatively small wind tower. It will be a net metering process that builds up credits to be used for when the tower is not moving.

A motion was made by Ed Haight, seconded by Carl Rath to schedule a Public Hearing on May 20, 2019 at 7:00pm for the application of Buffalo Renewables Inc., owner, Dean P. Brightly, seeking a height variance to install a 160-foot wind tower on property located at 1765 Redman Road. Tax account# 020.01-1-5.112. In an R-VL zone within the AG district.

Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight aye. Motion carried.

DISCUSSION

Conservation Advisory Board Member Nathan Pacelli added that the Conservation Advisory Board will hold their Annual Tree Seedling Giveaway on Saturday, April 20, 2019 in the Town Hall parking lot from 9:00am – 11:00am, or until the supply has been handed out.

Town Councilperson Jennifer Voelkl reported that the water line between 260 and Town Line Road is getting there. There may be a sewer project in Troutberg in Orleans and Monroe County. A mural has been proposed for the outbuilding next to the Town Hall. The Recreation Department has obtained a grant for the project.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Carl Rath to adjourn tonight's meeting barring no further business.

Members polled: Carl Rath aye, Rocky Ellsworth aye, Ed Haight 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 Monday, May 20, 2019 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is May 7, 2019 at 12 noon.

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