

**HAMLIN ZONING BOARD OF APPEALS MINUTES  
October 18, 2021  
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 aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler excused.

Present: Angel Male, Town Board Liaison Jennifer Voelkl, Duane and Darlene Wolfer, Laura Crosetti, Chris Wegman, Dean Hess, Gregory R. Mosher, Cindy Lutwiller, Attorney Maureen L. Werner.

Approval of the September 20, 2021 meeting minutes. Additions, deletion, or corrections to tonight’s meeting. A motion was made by Rocky Ellsworth, seconded by Carl Rath to approve the meeting minutes of September 20, 2021 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye. Motion carried.

The clerk showed the legal notice to those present.

**PUBLIC HEARING**  
**AREA VARIANCE**

**LAURA CROSETTI**  
**625 WILER ROAD**

Application of Laura Crosetti, owner, Laura Crosetti, 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 purposes. This is in the R-L Zoning District. Tax account# 029.020-02-001.

Laura Crosetti represented herself before the board. At the time of the applicant moving into the property at 625 Wiler Road, she did not have anywhere else to place the shed. The shed was discussed that it would have to be placed in the rear yard. She would now like the shed to remain in front of the main front foundation line.

There were no questions from the board.

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 was no one present wishing to speak.

Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the charter of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance. Board members commented no.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.

4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
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. Board members commented no.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to grant the variance for the Application of Laura Crosetti, owner, Laura Crosetti, 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 purposes. This is in the R-L Zoning District. Tax account# 029.020-02-001. This is the minimum variance to grant relief. There were no comments from neighbors. This is a Type II SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye. Motion carried.

**PUBLIC HEARING**  
**AREA VARIANCES**

**DUANE WOLFER**  
**218 KETCHUM ROAD**

Application of Duane Wolfer, owner, Duane Wolfer, seeking relief from Town Code§520-27C 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 purposes. He is seeking a variance for 2 existing accessory structures that are in front of the front main foundation line of the principal dwelling. Also, seeking a variance of 3 feet from Town Code§520-27C to add an accessory structure addition to an existing accessory building. The code requires 10 feet from any other building on the lot. This is in the R-VL Zoning District. Tax account# 014.02-1-14.21.

Duane Wolfer represented Diane & himself before the board. At one time this lot was two lots. There was previous approval for an outbuilding to be on the lot without a dwelling. The two lots were then merged. They are seeking variances for two buildings to be in front of the main front foundation line. Also, they are planning an addition to one of the existing out buildings and are seeking a 3 -foot variance for the new addition to be 7-feet from one of the existing outbuildings.

Rocky Ellsworth stated that the board was pleased with markings for the new addition.

Chairperson Norman Baase opened the Public Hearing.  
 It was asked that anyone wishing to speak to please stand and state their name and address.  
 Dean Hess of 300 Ketchum Road added he is ok with the project.  
 Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

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. Board members commented no.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
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. Board members commented no.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to grant the variances for the Application of Duane Wolfer, owner, Duane Wolfer, seeking relief from Town Code§520-27C 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 purposes. He is seeking a variance for 2 existing accessory structures that are in front of the front main foundation line of the principal dwelling. Also, seeking a variance of 3 feet from Town Code§520-27C to add an accessory structure addition to an existing accessory building. The code requires 10 feet from any other building on the lot. This is in the R-VL Zoning District. Tax account# 014.02-1-14.21. These are the minimum allowed variances. This is a Type II SEQR.

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

**AGENDA**

**AREA VARIANCE**

**CHRISTOPHER WEGMAN**

**29 DRAKE ROAD**

Application of Christopher Wegman, owner, Christopher Wegman, seeking relief from Town Code§520-29B No fence shall be erected in any rear yard higher than six feet above the highest point of ground directly below the fence. The proposed fence in the rear yard is an eight- foot- high wood privacy fence. Tax account# 020.02-2-38. This is in the R-M Zoning District.

Chris Wegman represented himself before the board. He is seeking a variance for an eight-foot- high stockade privacy fence on the rear line. He has a dog and feels this would be beneficial for his dog.

A motion was made by Carl Rath, seconded by, Rocky Ellsworth, to schedule a Public Hearing on November 15, 2021 after 7:30pm for the Application of Christopher Wegman, owner, Christopher Wegman, seeking relief from Town Code§520-29B No fence shall be erected in any rear yard higher than six feet above the highest point of ground directly below the fence. The proposed fence in the rear yard is an eight- foot- high wood privacy fence. Tax account# 020.02-2-38. This is in the R-M Zoning District.

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

**AGENDA**

**AREA VARIANCES**

**DEAN HESS**

**300 KETCHUM ROAD**

Application of Dean Hess, owner, Dean Hess, seeking relief from Town Code§527-C A detached private garage, or carport or non-agricultural storage barn must be erected equal to or behind the front main 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, not closer than 10 feet to any other building on the lot. He is proposing the barn to be in front of the front main foundation line of the existing dwelling. Tax account# 014.020-01-017.121. This is in the R-VL Zoning District and in the AG district.

Dean Hess represented himself before the board. He proposes to add a 32' x 50' pole barn (with a 12-foot roof line on the east side) to his property, 80 feet from the road and in front of the main front foundation line of the dwelling on the property.

A motion was made by Carl Rath, seconded by, Rocky Ellsworth, to schedule a Public Hearing on November 15, 2021 after 7:30pm for the Application of Dean Hess, owner, Dean Hess, seeking relief from Town Code§527-C A detached private garage, or carport or non-agricultural storage barn must be erected equal to or behind the front main 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, not closer than 10 feet to any other building on the lot. He is proposing the barn to be in front of the

front main foundation line of the existing dwelling. Tax account# 014.020-01-017.121. This is in the R-VL Zoning District and in the AG district.

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

## **AGENDA**

### **AREA VARIANCES**

**GREGORY R. MOSHER  
955 HAMLIN PARMA TOWN LINE ROAD**

Application of Gregory R. Mosher, owner, Gregory R. Mosher, seeking relief from Town Code§520-31A & B to add a 10' x 10' Conservatory structure to 945 Hamlin Parma Town Line Road without a principal dwelling. Also, to keep multiple structures on 945 & 957 Hamlin Parma Town Line Road without principal dwellings. The code states a shed, cabana, or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot. A building permit shall be required prior to the construction, movement or replacement of any shed, cabana or other accessory structure permitted in this section. Tax account# 023.01-1-13.1 and 023.01-13.3. This is in the R-VL Zoning District.

Gregory R. Mosher represented himself before the board. He would like to add an observatory to his lot north of the lot which has his dwelling.

After further discussion with the Board and the Attorney, it was presented that it might be beneficial if the applicant merged all three lots into one. Then, he can come back to the Zoning Board of Appeals for a variance for the multiple buildings on the lot.

### **DISCUSSION**

Chairperson Norman Baase added that the board lost a member this year and he went to Jerry Hoffman's funeral. The military service was held at the VFW. It was a very nice service. He will miss him.

Attorney Maureen L. Werner had no new legal news.

Town Board Liaison Jennifer reported on the following: Jennifer also stated that she misses Jerry and that he was a great addition to the board. There will be a Public Hearing on the 2022 Budget on Wednesday, October 27, 2021 at 6:30pm. There was a Public Hearing on Cannabis on October 12, 2021. It was well attended. The sewer project is one permit away from moving forward. Kendall is falling behind on their sewer project. One of the reasons is the proposed cost.

### **ADJOURNMENT**

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

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

Minutes respectfully submitted by,

Cheryl J. Pacelli  
Clerk to the Zoning Board of Appeals

**The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, November 15, 2021 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is November 1, 2021 at 12 noon (this change is due to Election Day).**