

HAMLIN ZONING BOARD OF APPEALS MINUTES
Tuesday, June 21, 2022
7:00 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 Chairperson Norman Baase at 7:00 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, Carl Rath, Jonathan Vogler.

Present: Town Attorney Maureen L. Werner, Robert A. Root, Scott Stiles, Dave Maynard, Terry R. Bailey, Lori L. Galoni. Mike Lee, Katherine Pettinari, Conservation Advisory Board Liaison Louis Divincenti, Jeffrey Hand, Town Board liaison Jennifer Voelkl.

Approval of the May 16, 2022 meeting minutes. Additions, deletion, or corrections to tonight's meeting. A motion was made by Ed Haight, seconded by Rocky Ellsworth, to approve the meeting minutes of May 16, 2022 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

The clerk showed the Public Hearing notice to those present.

AGENDA
AREA VARIANCE

RICHARD CARLSTON
14 CLOSE HOLLOW DRIVE

Application of Richard Carlston, owner, Richard Carlston, seeking relief from §Town Code520-41B(1)(a)[1] which states that 10 hens or chickens are allowed on a lot of one acre. He is proposing 6 hens or chickens on a lot of 0.17 acres. This is in the R-H Zoning District. Tax account # 029.06-2-35.

Lori Galoni represented Richard Carlston before the board. He is asking to have 6 hens that will be kept behind the dwelling and be fully fenced. He is trained in infectious bird disease. These hens will be kept away from wild birds. He uses a disinfectant for use during the avian bird flu. This coop will be located on an asphalt pad in the rear yard. He will be working with the Messura (sp) family that in case the birds cannot be cared for that they will take the birds or assist in relocating the birds. Richard needs the protein in his diet at this time.

Chairperson Norman Baase opened the Public Hearing.

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

- Scott Stiles of 12 Fox Hollow Lane wanted to know how the coop was going to be secured as a result of the winds we have here. He asked if they were going to be free range. Lori responded no; they will be fenced in also. They will be clean with new straw and shavings to be used.
- Norman Baase added that there will be no roosters and the coop can be secured by using stakes in the ground.
- Ed Haight restated that there will be only 6 chickens allowed.
- Norman Baase added that with the rising cost of eggs, folks are choosing to raise chickens. It is an AG & Markets rule that only 6 chickens are allowed.
- Rocky Ellsworth added that the chickens will be contained as a result of the bird flu situation.
- Lori Galoni also added that Mr. Carlston is very schooled in the raising of birds and he knows of a chemical to combat the bird flu.

- Ryan Carpenter of 8 Close Hollow stated that he agrees with the Right to Farm. He is also willing to help with the care of the chickens while his neighbor recuperates.

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 yes.
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 yes.
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 yes.

A motion was made by Ed Haight, seconded by Carl Rath, to grant the area variance for the Application of Richard Carlston, owner, Richard Carlston, seeking relief from §Town Code 520-41B(1)(a)[1] which states that 10 hens or chickens are allowed on a lot of one acre. He is proposing 6 hens or chickens on a lot of 0.17 acres. This is in the R-H Zoning District. Tax account # 029.06-2-35. There will be a maximum of 6 chickens. No roosters. There will be a waste control program in place. This action will be valid for 5 years from today. The board has listened to feedback from those neighbors present. This is a Type II SEQR. This is the minimum variance issued.

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

AGENDA

AREA VARIANCE

DAVE MAYNARD

3599 BRICK SCHOOLHOUSE ROAD

Application of Dave Maynard, owner, Dave Maynard, seeking relief from Town Code §520-41B(1)(a)[1] which states that Ten chickens or hens are allowed on a lot of one acre. No roosters are allowed on any lot of less than five acres. He is seeking to have 6 chickens or hens on .53 acre. This is in the R-VL Zoning District. Tax account# 021.01-3-1. The following documents have been submitted for review:

- Letter of Intent
- Instrument Survey
- Aerial Photo

Dave Maynard represented himself before the board. This is a father – son project. He is asking to have 8 chickens on .53- acre parcel. He has an Amish built chicken coop. It is enclosed but has an area for fresh air. It is all sealed and no critters can get in. They will not be free range.

A motion was made by Rocky Ellsworth, seconded by Carl Rath, to schedule a Public Hearing for July 18, 2022 after 7:00pm. for the Application of Dave Maynard, owner, Dave Maynard, seeking relief from Town Code §520-41B(1)(a)[1] which states that Ten chickens or hens are allowed on a lot of one acre. No roosters are allowed on any lot of less than five acres. He is seeking to have 8 chickens or hens on .53 acre. This is in the R-VL Zoning District. Tax account# 021.01-3-1. The board will complete a site inspection of the property on July 16, 2022 after 10:30 am.

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

AGENDA

AREA VARIANCE

**TERRY BAILEY
199 HAMLIN CENTER ROAD**

Application of Terry Bailey, owner, Terry Bailey, seeking relief from §520-27C which states that a detached carport shall not be located nearer than 15 feet to any side lot line. He is seeking a 6- foot variance for a 9- foot side setback. Tax account# 022.030-02-014. This is in the R-L Zoning District. The following documents have been submitted for review:

- Letter of Intent
- Area Variance Application
- Building Plans
- Aerial Photos

Terry Bailey represented himself before the board. He would like to add an enclosed lean-to type structure to the existing building. There will be a door for access from the old to the new portion of the building.

A motion was made by Ed Haight, seconded by Carl Rath, to schedule a Public Hearing for July 18, 2022 after 7:00pm for the Application of Terry Bailey, owner, Terry Bailey, seeking relief from §520-27C which states that a detached carport shall not be located nearer than 15 feet to any side lot line. He is seeking a 6- foot variance for a 9- foot side setback. Tax account# 022.030-02-014. This is in the R-L Zoning District. The board will complete a site inspection on Saturday, July 16, 202w3 after 10:30am.

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

AGENDA

AREA VARIANCE

**SARAH & MICHAEL LEE
2 SUMMERHAVEN DRIVE**

Application of Sarah & Michael Lee, owners, Sarah & Michael Lee, seeking relief from Town Code§520-29D to add a 4-foot- high chain link fence to the front waterside yard located at 2 Summerhaven Drive where the code states no fence shall be erected in any front yard except one of open and decorative design no more than 4 feet in height and 50% opaque. Any wire fence is not permitted in a front yard. 520-21B (2) Only flood and erosion protection structures are allowed in waterside yards. This is in the S/R Zoning District, LWRP. Tax Account# 008.15-1-4. The following documents have been submitted for review:

- Letter of Intent
- Area Variance Application
- Drawing of Proposed Fence Area, (there is not an instrument survey available yet).
- Site Plan Diagram.
- Waiting for LWRP

Mike Lee represented himself before the board. He would like to add a 4-foot- high black chain link fence in the front (waterside) yard of his property located at 2 Summerhaven Drive. This is to conveniently let the dogs out.

A motion was made by Carl Rath, seconded by, Rocky Ellsworth, to schedule a Public Hearing on July 18, 2022 after 7:00pm for the Application of Sarah & Michael Lee, owners, Sarah & Michael Lee, seeking relief from Town Code§520-29D to add a 4- foot- high chain link fence to the front waterside yard located at 2 Summerhaven Drive where the code states no fence shall be erected in any front yard except one of open and decorative design no more than 4 feet in height and 50% opaque. Any wire fence is not permitted in a front yard. 520-21B (2) Only flood and erosion protection

structures are allowed in waterside yards. This is in the S/R Zoning District, LWRP. Tax Account# 008.15-1-4. The board will complete a site inspection on Saturday, July 16, 2022 after 10:30am.

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

AGENDA

AREA VARIANCE

COASTAL EROSION HAZARD AREA PERMIT

**CYNTHIA & ROBERT ROOT
6544 SHORE ACRES DRIVE**

Application of Cynthia & Robert Root, owners, Cynthia & Robert Root, seeking relief from Town Code§520-21C2(b)[1] to have a less than 6-foot side setback for the placement of a generator. The total current side setback is 7.48 feet. Also, seeking a Coastal Erosion Hazard Area Permit for the placing of the generator in the CEHA area. This is in the S/R Zoning District, LWRP. Tax Account# 007.510-02-012. The following documents have been submitted for review:

- Letter of Intent
- Area Variance Application
- Instrument Survey
- Email Correspondence
- Coastal Erosion Hazard Area Permit Application
- Floodplain Map
- CEHA Map
- Aerial Photos of Property
- Waiting for LWRP

Robert Root represented himself before the board. In further discussion it was determined that a variance for a side setback was not required.

The generator will be in the Coastal Erosion Hazard Area. This will require a CEHA Permit. The generator will be placed on a pad which will be 6' – 12" off the ground.

A motion was made by Ed Haight, seconded by Carl Rath to grant the CEHA permit request for the Application of Cynthia & Robert Root, owners, Cynthia & Robert Root, seeking relief from Town Code§520-21C2(b)[1] to have a less than 6-foot side setback for the placement of a generator. The total current side setback is 7.48 feet. Also, seeking a Coastal Erosion Hazard Area Permit for the placing of the generator in the CEHA area. This is in the S/R Zoning District, LWRP. Tax Account# 007.510-02-012.

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

AGENDA

AREA VARIANCE

**JEFF HAND
1757 BRICK SCHOOLHOUSE ROAD**

Application of Jeff Hand, owner, Jeff Hand, seeking relief from Town Code§520-29D to install a wire, electric feed in the front yard pasture. (a.) A barbed wire fence shall be permitted in R-VL Districts only. (b). Electrification of a fence may be permitted in R-VL districts only, provided that the electrical charge in said fence is not harmful to persons who may come in contact with said fence. (c). The minimum setback for a fence shall be the greater of: [1]. One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or [2]. Thirty feet to the nearest lot not owned by the person who owns the lot on which said corral is located. This is in the R-VL Zoning District. Tax Account# 023.010-01-004.2. The following documents have been submitted for review:

- Letter of Intent
- Aerial Photo depicting location
- Area Variance Application
- Instrument Survey Map

Jeff represented himself before the board. He is seeking a variance to place a wire, electric feed, fence in the front yard. It will be constructed of recycled plank and post materials. 300 feet of the fence will be visible from the road.

A motion was made by, Carl Rath, seconded by Rocky Ellsworth, to schedule a Public Hearing on July 18, 2022 after 7:00pm for the Application of Jeff Hand, owner, Jeff Hand, seeking relief from Town Code§520-29D to install a wire, electric feed in the front yard pasture. (a.) A barbed wire fence shall be permitted in R-VL Districts only. (b). Electrification of a fence may be permitted in R-VL districts only, provided that the electrical charge in said fence is not harmful to persons who may come in contact with said fence. (c). The minimum setback for a fence shall be the greater of: [1]. One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or [2]. Thirty feet to the nearest lot not owned by the person who owns the lot on which said corral is located. This is in the R-VL Zoning District. Tax Account# 023.010-01-004.2. The board will complete a site inspection on Saturday, July 16, 2022 after 10:30am. Members polled: Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Motion carried

DISCUSSION

DISCUSSION FOR NEW SIGN

**KATIE PETTINARI
918 ROOSEVELT HIGHWAY**

Discussion for the placement of a new sign to be placed in front of a Gas sign that is not working at this time. There is a ROW to consider for the placement of the sign. The owner has stated that when patrons look up the address on Google it takes them to the Mobil station which is on their property. They would like to place a sign out front that clearly states they have arrived at Pettinari's. The following documents have been submitted for review:

- Letter of Intent
- Aerial Photo
- Sign Information
- Sign Code

Katie Pettinari represented herself before the board. She is seeking a variance to place a new free- standing sign near the existing MOBIL gas sign. The sign may not be placed in the NYSDOT Right of Way. As it stands right now, this proposed item will not require a variance. It was suggested for her to contact MOBIL to confirm that a sign may be placed either on the MOBIL sign or near it.

DISCUSSION

Town board liaison Jennifer Voelkl reported on the following:

Lake Shore Sewer Kendall District #2 is still coming along. The bids for District #1 have been sent out and will be opened on July 7, 2022.

BJ Maier has been appointed to the fire marshal position until December 2022.

Mike Marchetti has been appointed to the position of deputy fire marshal until December 2022.

Conservation Advisory Board liaison Louis Divincenti had no news to report.

ADJOURNMENT

A motion was made by Ed Haight, seconded dually by Rocky Ellsworth, to adjourn this meeting barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler 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, July 18, 2022 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is July 5, 2022 at 12 noon.

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