

HAMLIN ZONING BOARD OF APPEALS MINUTES
Monday, July 18, 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: Zoning Board Attorney, Maureen Werner, Dave Maynard, Town Board Liaison Jennifer Voelkl, Jeff Hand, Jill Galbraith, Terry R. Bailey, Mike Lee.

Approval of the June 21, 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 June 21, 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.

PUBLIC HEARING
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. He uses wood chips and changes it weekly. He will change it more often as needed.

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 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 yes.

A motion was made by Rocky Ellsworth, seconded by Ed Haight, to grant the variance requested for 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

The following conditions are set in place:

The time limit on this variance will be a 5- year sunset clause.

This is a Type II SEQR

This is the minimum variance to be approved.

If more chickens are requested, the applicant can apply again to the Zoning Board of Appeals.

There will be the proper disposal

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

PUBLIC HEARING
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. There will be no further movement of the building towards the lot line. It will stay as it is now. He will store He will store vehicle type items there out of the weather.

Notman Baase stated that the existing structure appears to be built very rugged.

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 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 yes.

Rocky Ellsworth added that indoor storage is a good thing.

A motion was made by Ed Haight, seconded by Carl Rath, to grant the variance 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. This is a Type II SEQR.

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

PUBLIC HEARING **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 and for the safety for their daughter when outside to play.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak 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 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 yes.

A motion was made by Carl Rath, seconded by, Rocky Ellsworth, to grant the variance 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. This is a Type II SEQR. The 5 criteria have been discussed.

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

PUBLIC HEARING
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. There will only be 1 horse in the pasture area. They will use a solar power charger to power the fence. There will be no barbed wire used. It will be a ribbon single strand to be used for the upper strand close to the road.

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 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 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 yes.

A motion was made by Ed Haight, Carl Rath, seconded by Rocky Ellsworth, to the variances 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. This is a Type II SEQR. It is the minimum variance allowed. The 5 criteria have been reviewed. Members polled: Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler. Motion carried.

DISCUSSION

Town Board liaison Jennifer Voelkl reported on the following:

The open position for the Planning Board will be posted with the applications due to the Town Clerk on August 8, 2022 by 4:00pm.

The Lakeshore Sewer District bids have been opened and was over bid by approx.\$221,000.00. Construction costs changed from the initial start of the project from when it went out to bid. The Town may need to increase the bond to cover the deficit.

ADJOURNMENT

A motion was made by Ed Haight, seconded 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, August 15, 2022 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is August 2, 2022 at 12 noon.