

**HAMLIN ZONING BOARD OF APPEALS MINUTES
Monday, May 19, 2025
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.

Approval of the meeting minutes of April 21, 2025. A motion was made by Carl Rath, seconded by, Ed Haight, to approve the meeting minutes of April 21, 2025 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth abstain, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

Present: Brittney Leatzaw, Austin Leatzaw, Steve Rutherford, Jasmine Holmes, Sharon Stokoe, Greg Cooper, Jack Shevlin, Jeff Blair.

PUBLIC HEARING
AREA VARIANCE

SHARON STOKOE
816 HAMLIN CENTER ROAD

Application of Sharon Stokoe, owner, Sharon Stokoe, seeking an area variance to erect a 20' x 20' outbuilding/barn in front of the front main foundation line of the existing dwelling. Town code§520-12A(4)(a) only refers to garages and carports being allowed. Town code§520-27C states that a private garage or carport or nonagricultural storage barn must be erected to or behind the front main foundation line of the principal dwelling or building on the lot. They would like to place the outbuilding in front of the main foundation line of the principal dwelling. This is in the R-L Zoning District. Tax account#021.040-01-021.210. An onsite inspection of the property by the board did take place on May 17, 2025 after 10:30 am.

Sharon Stokoe represented herself before the board. She is asking to erect the outbuilding in front of the main front foundation line of the principal dwelling. There is not enough room to place it behind the main front foundation line of the principal dwelling.

There were no concerns from the board.

Chairperson Norman Baase opened the Public Hearing.
There were no comments from those present or the board.
Chairperson Norman Baase closed the Public Hearing.

Chairperson Baase stated that they looked at the area on Saturday and it looks like a good spot for the structure.

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 Ed Haight, seconded by, Jonathan Vogler, to grant the variances for the Application of Sharon Stokoe, owner, Sharon Stokoe, seeking an area variance to erect a 20' x 20' outbuilding/barn in front of the front main foundation line of the existing dwelling. Town code§520-12A(4)(a) only refers to garages and carports being allowed. Town code§520-27C states that a private garage or carport or nonagricultural storage barn must be erected to or behind the front main foundation line of the principal dwelling or building on the lot. They would like to place the outbuilding in front of the main foundation line of the principal dwelling. This is in the R-L Zoning District. Tax account#021.040-01-021.210. There were no further comments for the project. The 5 criteria has been discussed. The on-site inspection was completed by the board. 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**

JACK SHEVLIN
768 REDMAN ROAD

Application of Jack Shevlin, owner, Jack Shevlin, seeking an area variance to have more than 3 accessory structures on the property. At this time, there are 4 accessory structures on the property. Town code 520-31A states that in the R-VL Zoning District only 3 of the same type are allowed. This is in the R-VL Zoning District. Tax account# 005.03-1-4. An onsite inspection of the property by the board did take place on May 17, 2025 after 10:30 am.

Jack Shelvin represented himself before the board. He is asking to add an addition to one of the existing barns. He will still only have 4 accessory structures on the property. He would store cars in the new addition which will be connected to one of the existing barns.

Chairperson Norman Baase opened the Public Hearing.
There were no comments from those present or the board.
Chairperson Norman Baase closed the Public Hearing.

Chairperson Baase stated that they looked at the area on Saturday and it looks like a good spot for the structure.

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 variances for the Application of Jack Shevlin, owner, Jack Shevlin, seeking an area variance to have more than 3 accessory structures on the property. At this time, there are 4 accessory structures on the property. Town code 520-31A states that in the R-VL Zoning District only 3 of the same type are allowed. This is in the R-VL Zoning District. Tax account# 005.03-1-4. There were no comments from the board or those present. This is a Type II SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

PUBLIC HEARING **AREA VARIANCE**

GARY & NORMA SEEVER **568 DRAKE ROAD**

Application of Gary & Norma Seever, owners, Gary & Norma Seever, seeking a side set back variance of 8 - feet where Town Code 520-27C states that for a detached non-ag storage barn the side setback is 15 feet and it shall be 10 feet from any other building on the property. A 7- foot side setback is proposed. This is in the R-VL Zoning District. Tax account# 020.04-3-7. An onsite inspection of the property by the board will take place on May 17, 2025 after 10:30 am.

Norma Seever represented herself before the board. She would like to add a 30' x 40' barn in her rear yard. The location has changed as a new driveway was not approved. There will be an extension of the existing driveway to access the barn in the rear yard.

Chairperson Norman Baase opened the Public Hearing.
There were no comments from those present or the board.
Chairperson Norman Baase closed the Public Hearing.

Chairperson Baase stated that they looked at the area on Saturday and it looks like a good spot for the structure.

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, Carl Rath, to grant the variance for the Application of Gary & Norma Seever, owners, Gary & Norma Seever, seeking a side set back variance of 8 feet where Town Code 520-27C states that for a detached non-ag storage barn the side setback is 15 feet and it shall be 10 feet from any other building on the property. A 7- foot side setback is proposed. This is in the R-VL Zoning District. Tax account# 020.04-3-7. The board has reviewed the 5 criteria. They attended an on-site inspection. There were no negative comments from the

board. This is a Type II SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

AGENDA

AREA VARIANCE

JEFFREY BLAIR

7866 NEWCO DRIVE

Application of Jeffrey Blair, owner, Jeffrey Blair, seeking a variance to install a deck on the front waterside portion of the yard. He is proposing a 28' by 8' (224 sq ft) deck with an 8' x 8' L-shaped extension (64 sq ft). There is a required 35-foot setback from the lake per Town Code§520-21C(2)(c) which states the minimum front (waterside)setback is 35 feet.. The dwelling to the erosion control barrier is 13.25 feet. This would require a 21.75- foot variance. This location is not in the CEHA Area.

There is also a detached framed garage on the property and a detached deck also on the property. There is only one accessory structure allowed in the S/R Zoning District. A variance would be required to have more than 1 accessory structure on the property.

A motion was made by, Jonathan Vogler, seconded by, Rocky Ellsworth, to schedule a **Public Hearing** for the Application of Jeffrey Blair, owner, Jeffrey Blair, seeking a variance to install a deck on the front waterside portion of the yard for June 16, 2025 after 7:00pm. He is proposing a 28' by 8' (224 sq ft) deck with an 8' x 8' L-shaped extension (64 sq ft). There is a required 35- foot setback from the lake per Town Code§520-21C(2)(c) which states the minimum front (waterside)setback is 35 feet. The dwelling to the erosion control barrier is 13.25 feet. This would require a 21.75- foot variance. This location is not in the CEHA Area. An on-site inspection will be completed by the board on Saturday, June 14, 2025 after 10:30 PM. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

AGENDA

SIGN PERMIT

ALI ALYAFAI

1806 LAKE ROAD, TOPS PLAZA

Application of Ali Alyafai, owner, Tops Plaza, seeking to place an outdoor sign at his location. This is in the C-NB Zoning District. Tax account# 021.03-3-23.1.

- No paperwork was turned in. This will be re-scheduled for an agenda item when the paperwork is submitted for review.

AGENDA

AREA VARIANCE

STEVE RUTHERFORD

305 LAKE ROAD EAST FORK

Application of Steve Rutherford, owner, Steve Rutherford, seeking a variance to have ducks on the property located at 305 Lake Road East Fork. Per Town Code 520-41B(1)[2][a][iv] poultry other than chickens and hens are only allowed on lots of 5 acres. This is in the R-VL Zoning District. Tax account# 006.04-1-3.

Steve Rutherford and Jasmine Holmes represented the application before the board. The property consists on 1.1 acre. They are seeking a variance to keep the 6 ducks that they already have on the property. Jasmine is the keeper of the ducks. They are a variant of the mallard breed. She waters and feeds them. The current coop is enclosed. It has an outdoor fenced in area and the fence is electrified to keep out varmints. The fence is moveable. The feed is in metal containers. The compost is spread on blueberry plants and apple trees.

A motion was made by Carl Rath, seconded by, Rocky Ellsworth, to schedule a **Public Hearing** on June 16, 2025 after 7:00pm for the Application of Steve Rutherford, owner, Steve Rutherford, seeking a variance to have ducks on the

property located at 305 Lake Road East Fork. Per Town Code 520-41B(1)[2][a][iv] poultry other than chickens and hens are only allowed on lots of 5 acres or more.. This is in the R-VL Zoning District. Tax account# 006.04-1-3.

AGENDA

TOPSOIL PERMIT

BRITNEY & AUSTIN LEATZAW

5872 & 5864 WEST WAUTOMA BEACH ROAD

Application for Britney & Austin Leatzaw, owners, Britney & Austin Leatzaw, to add topsoil to properties to even out the yards which may alter the topography. This is in the S/R Zoning District, LWRP. Tax account# 008.15-1-19 & 008.15-1-17.

Brittney & Austin Leatzaw represented themselves before the board. They would like to dd topsoil to the properties to eliminate the standing water from the weather. They also plan to have vegetable and flower gardens on the property. They do have a letter of no jurisdiction from the DEC.

A motion was made by Ed Haight, seconded by, Jonathan Vogler to approve the request for a Topsoil permit per Town Code§520-45C(10)((a)(b) and Town Code§520-45C(2) which both state the following:

Depth of topsoil requirements. The minimum depth of topsoil required when the topsoil has been disturbed shall be as follows:

- (a) A minimum of 5 inches in yard and lawn areas
- (b) A minimum of 12 inches in tillable field areas
- (2) No person shall remove and/or sell topsoil, excavate or alter topography and remove topsoil from a site without a permit from the Zoning Board of Appeals.

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

ADDITION TO THE EXISTING AGENDA

AREA VARIANCES

5824 WEST WAUTOMA BEACH ROAD

LORI RICHENBERG

Application of Joe Schlonski, owner, Lori Richenberg, seeking a variance from Town Code§ 520-21A Statement of Purpose; This district also recognizes the unique scenic character of the Lake Ontario shoreline and the importance of maintaining view lines to the lake from the Lake Ontario State Parkway, as well as views of the shoreline from the lake, by ensuring that future development will not obstruct view lines. A new, larger, and higher garage is proposed on the waterside property of 5824 West Wautoma Beach Road. There has been a concern/complaint that the reason a neighbor purchased his house it was as a result of the view of the lake. They are concerned that their existing view will be compromised.

Also, relief from Town Code§520.21C(4)(b) which states the maximum height for accessory buildings in Subsection B(2) above shall not exceed 15 feet. The height of the proposed structure has not yet been received. Town Code§520-21B(2) Accessory structures/uses. Accessory uses and structures, with the exception of flood and erosion protection structures, shall not be located in the waterside yard in order to preserve views of Lake Ontario from the shoreline and views of the shoreline from Lake Ontario.

Also, relief from Town Code§520-21B(2)(a) Detached private garages and carports, subject to the restrictions in §520-27, except that the side setback requirement set forth in§520-27C shall not be applicable. The side setback for detached private garages and carports shall be determined pursuant to §520-21C(2)(b). The code states the minimum side setback is 15 feet for any lot 150 feet or greater in width and 10% of the lot width, but not less than six feet, for any lot less than 150 feet in width. A minimum of 10 feet must be maintained between buildings. This information has not yet

been received. This is in the S/R Zoning District, LWRP, CEHA and Conservation Corridor Development Area. Tax account# 008.15-1-31.

- Completed paperwork was not submitted. This will be scheduled for an agenda item when all completed paperwork is submitted for review.

DISCUSSION

There was no discussion.

ADJOURNMENT

A motion was made by, Jonathan Vogler, seconded by, Ed Haight, to adjourn this meeting barring no further business to be provided. 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, June 16, 2025 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is May 27, 2025 at 12 noon.