HAMLIN ZONING BOARD OF APPEALS MINUTES
Monday, September 15, 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. An on-site inspection of all properties by the board will take place on September 13, 2025 after 10:30 am.

Roll call: Norman Baase, Rocky Ellsworth, Ed Haight, Carl Rath, Jonathan Vogler.

Approval of the meeting minutes of August 18, 2025. A motion was made by, Carl Rath, seconded by, Rocky Ellsworth, to approve the meeting minutes of August 18, 2025 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight, abstain, Carl Rath aye, Jonathan Vogler aye. Motion carried.

Present: Conservation Board Liasion Scott Martin, Rebecca Mochel, Greg Vinch, Stephen Meissner, Magda B. Meissner, Victoria Graham, Nicole Baetzhold, Joan Hough, Dave Graham, Scott Hough, Linda Baker, John Baker.

PUBLIC HEARING
AREA VARIANCE **HEALING HEARTS WITH HORSES**
ERIC S. BAETZHOLD

Application of Healing Hearts with Horses, property owner, Eric Baetzhold, seeking relief from Town Code§520-41B(1)(a)[2][a][i][b][i] to have more than 6 horses on the property. The limit is 3 but he was already approved by the Zoning Board of Appeals to have 6 horses on the property. He is now seeking a variance to have 10 horses in order to use the property located at 3022 Brick Schoolhouse Road to operate a Healing Hearts with Horses Business for adults and children with or without disabilities. This is in the R-VL Zoning District. Tax account# 014.03-3-9.

Nicole Baetzhold represented the applicant before the board. They would like to have 10 horses on the property so that Healing Hearts with Horses can operate a horse therapy business on the property.

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.

There were no negative comments from the board.
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.

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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 Application of Healing Hearts with Horses, property owner, Eric Baetzhold, seeking relief from Town Code§520-41B(1)(a)[2][a][i][b][i] to have more than 6 horses on the property. The limit is 3 but he was already approved by the Zoning Board of Appeals to have 6 horses on the property. He is now seeking a variance to have 10 horses in order to use the property located at 3022 Brick Schoolhouse Road to operate a Healing Hearts with Horses Business for adults and children with or without disabilities. This is in the R-VL Zoning District. Tax account# 014.03-3-9. This is approved with one condition, that this variance for 10 horses will be valid for 5 years. 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 **MAGDA MEISSNER**

7884 NEWCO DRIVE

Application of Magda Meissner, owner, Magda Meissner, seeking to add a 30' x 60' (1800 sq. ft.) pole barn style accessory structure to the property located at 7884 Newco Drive. She would like to add the structure so her son can use it for storage. Per Town Code§520-21D(4) One permitted principal building and use shall be allowed per lot. There is no principal structure on the property. Town Code§520-27C states that a detached garage or carport or non-agricultural storage barn must be located behind the front main foundation line of the principal dwelling on the lot and shall not be located nearer than 15 feet to any side or rear property lines, nor closer than 10 feet to any other building on the lot. Also, a variance for impervious surface. The maximum impervious surface stated in Town Code§520-21C(5) shall not exceed 15%. The current calculation is 18.6% and will require a 3.6% variance. This is in the S/R Zoning Distrct, and LWRP. Tax account# 006.07-1-42.

Stephen Meissner and Magda Meissner represented the property before the board. Stephen would like to erect a pole barn style accessory structure on the property for household items and car(s). They had submitted an application for a 30' x 60' structure. They have now decreased the size to 28' x 56' and moved the location due to the existing sewer line. The walls will be vinyl siding and the roof to be a metal material. The sewer line is off to the side of the lot. They would also like to add a driveway from Newco Drive to Onteo Beach near the dwelling. There will be a 1- foot overhang of the roof.

Chairperson Norman Baase opened the Public Hearing.
It was asked that anyone wishing to speak to please stand and state their name and address.
John Baker of 7878 Newco Drive added these concerns. Her son is not the owner of the property. The property to be placed in the structure is not hers. There has always been an issue of flooding to the neighbors to the east. Stephen added that possibly swales and gutter could help with the drainage. If a drainage plan is required; an application to the Planning Board would be required.
Conservation Board Liasion Scott Martin stated that the overhang offset the roof. Concrete needs to be 5 foot. (Stephen added that the 5-foot gap will be maintained) This application should be sent to Planning.
Cheryl Kisicki of 7890 Newco Drive stated that there is drainage and it runs to her property. Highway has been out there. The Bakers are higher. She has a permeable driveway material. Others have concrete driveways. She has lived there for 25 years and she is a resident. She is in favor of the strength of families. And is fully in favor of this project.
Chairperson Norman Baase stated that he likes tile drainage. This property is flat. He thinks that the applicants should go to Planning Board.
Cheryl Kisicki added that the drainage goes to the culvert side.
Chairperson Norman Baase added that a drainage ditch or tile could be used. Lake Ontario is a mean lake. He has lived in Hamlin for 89 years and there is no stopping the water.
Conservation Board Liasion Scott Martin asked if the proposed driveway would cross the sewer line.

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Attorney Maureen Werner stated that the rules need to be followed and the lakefront has a unique set of issues.
Jonathan Vogler added that there dwellings used to be cottages.
Chairperson Norman Baase added that there needs to be drainage along the lake. It should be level with the ground.
John Baker added that gutters and swales would work.
Chairperson Norman Baase also added that no equipment can set outside and the building has to look ok to the neighbors.
John Baker said that since the floods there is a lot of sitting water.
Scott Martin also added that the drainage is also from snowmelt and rain water.
Chairperson Norman Baase stated that drainage and appearance are the main concerns of the neighbors. He read concerns from neighbors which includes the side setback of 2 feet is too close to the lot line. The neighbor next door does not want any building activity to be on her property.
Attorney Werner asked if the structure could be made smaller. Stephen Meissner responded that there will be cars, machines, tools, household items and a hobby shop for personal use.
Ed Haight asked just for clarification that the structure is just for personal use and not for the selling of items. We have to listen to everyone.

Chairperson Norman Baase Tabled the Public Hearing…to hold it open for the applicant can make application to the Planning Board. I hope for a compromise, especially with your neighbors.

A motion was made by Ed Haight, seconded by, Carl Rath, to table and refer the application to the Planning Board for evaluation. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight, aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

PUBLIC HEARING
AREA VARIANCE **DAVE & VICTORIA GRAHAM**
153 HAMLIN CENTER ROAD

Application of Dave & Victoria Graham, owners, Dave & Victoria Graham, seeking relief from Town Code§520-27C A detached private garage or carport or nonagricultural 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, nor closer than 10 feet to any other building on the lot. They are requesting to erect a garage 2 feet from the side lot line. This would require a 13- foot side setback variance. This is in the R-L Zoning District. Tax account# 022.03-2-20.1. The following documents have been submitted for review:

1. Letter of Intent
2. Area Variance Application

Dave & Victoria Graham represented themselves before the board. They are seeking a side setback of 2-feet with a 13-foot variance for a garage. This will be for equipment storage to protect their property. It will be a metal exterior with a metal roof. It will be place on a stone pad for now. They may consider concrete flooring at a later date. The variance is requested as the existing septic system bars them from being closer to the system.

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.

There were no negative comments from the board.

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

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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 yes.

A motion was made by Jonathan Vogler, seconded by, Rocky Ellsworth, to grant the variance for the Application of Dave & Victoria Graham, owners, Dave & Victoria Graham, seeking relief from Town Code§520-27C A detached private garage or carport or nonagricultural 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, nor closer than 10 feet to any other building on the lot. They are requesting to erect a garage 2 feet from the side lot line. This would require a 13- foot side setback variance. This is in the R-L Zoning District. Tax account# 022.03-2-20.1. 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.

DISCUSSION

Attorney Maureen L. Werner had no legal news.
Conservation Board Liasion Scott Martin had no conservation news.

ADJOURNMENT

A motion was made by Ed Haight, seconded by, Jonathan Vogler, to adjourn tonight's 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, October 20, 2025 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is October 1, 2025 at 12 noon.

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