

Hamlin Zoning Board of Appeals *Minutes*
Monday, July 17, 2006
7:30pm

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held in the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by Chairman Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present.

Present: Norman Baase, Terry Dingee, Rocky Ellsworth, Ed Haight, Klaus Pohl and Donna Stassen.

Excused: Jerry Hoffman

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Conservation Board member Craig Goodrich, Bill and Sherry Miller, Tom Jensen, Reid Foertsch, Theresa and Paul Suter, Craig Zaramba and several other residents.

A motion was made by Ed Haight, seconded by Klaus Pohl to approve the minutes of the June 19, 2006 meeting as recorded. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried, minutes approved.

Clerk showed Proof of Publication

PUBLIC HEARING

**WINDHORSE FARMS LLC
75 WALKER ROAD**

Mr. Lancia was present to represent Windhorse Farms LLC seeking relief from Town Code 125-42C to construct a 120' x 60' pole barn on the vacant lot located at 75 Walker Road for an Equine Assisted Psychotherapy Practice. Klaus Pohl asked if the barn would be inside the fenced in area per the drawing. Mr. Lancia stated no it would be outside of the fence.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies. At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Terry Dingee to grant relief from Town Code 125-42C to Windhorse Farms LLC to construct a 120' x 60' pole barn on the vacant lot located at 75 Walker Road for an Equine Assisted Psychotherapy Practice. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

**GUY RE-SUBDIVISION
380 WALKER ROAD**

Dave Matt from Schultz Associates was present to represent Ludmila Guy seeking relief from Town Code 125-39C for a barn on Lot 2, relief from Town Code 125-42B for a shed on Lot 2 and relief from Town Code 125-39C for a garage on Lot 3 of the Guy Re-Subdivision all of the structures being in front of the foundation lines of the proposed houses located at 380 Walker Road. Mr. Matt stated that the owners have shifted the property lines and would like to keep some of the existing structures on Lots 2 and 3 but they are located in front of the front foundation of the proposed houses. There is an existing 2-story barn and shed on Lot 2 and an existing garage on Lot 3.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies. At this time Chairman Norman Baase closed the Public Hearing.

Attorney Welch asked if the 2-story barn would be used for animals because it didn't meet the required setback for keeping of animals. Mr. Matt stated no it would be used for storage only.

Klaus Pohl questioned needing the variance without the house being there. Attorney Welch stated that the plan is before the Planning Board and the variances are needed based on the plan.

A motion was made by Donna Stassen, seconded by Klaus Pohl to grant relief from Town Codes 125-39C for a barn and garage and 125-42B for a shed on Lots 2 and 3 of the Guy Re-Subdivision all in front of the front foundation lines of the proposed houses located at 380 Walker Road. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

**BROMLEY SUBDIVISION
9544 BEACHWOOD PARK ROAD**

Dave Matt from Schultz Associates was present to represent Hans Metzger seeking relief from Town Codes 42-10B for building in the Coastal Hazard area for lots 1 and 2, 125-31C(1)(a) for a 1.490 acre lot area variance for Lot 1, 125-31C(1)(b) for a 62.13' lot width variance for Lot 1, 125-31C(1)(a) for a 1.496 acre lot area variance for Lot 2 and 125-31C(1)(b) for a 65.50' lot width variance for Lot 2 of the Bromley Subdivision located at 9544 Beachwood Park Road. Mr. Matt explained that currently there is one parcel on the north side of the road and one parcel on the south side of the road. The owner would like to split the two lots down the middle creating two lots with lake

frontage. This proposal does fit the character of the neighborhood. There are several similar lots on the road.

Rocky Ellsworth asked if the proposed house locations were definite. Mr. Matt stated that the houses would be built in the approved footprint of the plan. Terry Dingee questioned needing a front setback variance from the lake. There were concerns with Lot 1 having a 35' setback from the bank. Some discussion took place concerning Lot 1 dropping down 2-3' to a second tier towards the lake before the bluff. The setback for the proposed houses was discussed. Chairman Norman Baase stated that the Building Inspector B.J. Maier was concerned about running leach lines under the existing water lines across the road. Mr. Matt explained that a forced main system was being proposed and the sanitary lines could be dropped below the water lines with no problems. Conservation Board member Craig Goodrich stated that the Conservation Board was concerned with the distance the proposed houses were to the lake. They were concerned that the houses were too close to the embankment and they had erosion concerns. The Board was also concerned with the amount of trees that would be destroyed. Mr. Matt stated that other properties have added rocks along the embankment to prevent erosion. Attorney Welch stated that the Board could make that a condition of the motion to have rocks brought in to control erosion. Chairman Norman Baase asked if the north lot was approved for one house. Attorney Welch stated that variances would still be needed.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Paul Suter of 9582 Beachwood Park stated that he has serious erosion concerns. He has had to add rocks along his embankment several times and his property has eroded back 30'. He is also concerned with two houses being added at the end of the private road. Increased traffic and increased road maintenance were two other issues of concern. Terry Dingee stated that two more homes would mean two more people to help pay for the road maintenance and upkeep. Mr. Suter also mentioned drainage concerns.

Donna Stassen asked how the rocks would help along the embankment. Mr. Matt explained that they prevent the soil from washing away and prevent erosion from taking place. Mr. Suter stated that the DEC has many restrictions on where the rocks can be placed along the shore also.

At this time Chairman Norman Baase closed the Public Hearing.

Klaus Pohl stated that there are two existing lots there now the owner just wants to rotate them and have two properties on the lake. He can build two houses now on both sides of the road. Attorney Welch stated yes with variances.

Chairman Norman Baase asked the Clerk the number of notices that were mailed out. The Clerk stated 14 notices. Mr. Baase asked if the owner would consider combining the lots. Mr. Matt stated that if he could he would like to sell two lots. Some discussion took place on having just one house on the north lot.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to deny the variances requested for the Bromley Subdivision located at 9544 Beachwood Park Road for relief from Town Codes 125-31C(1)(a) for a 1.490 acre lot area variance for Lot 1, 125-31C(1)(b) for a 62.13' lot width variance for Lot 1, 125-31C(1)(a) for a 1.496 acre lot area variance for Lot 2 and 125-31C(1)(b) for a 65.50' lot width variance for Lot 2. The benefit can be achieved by the existing lots, the request is substantial, there may be adverse physical effects and the difficulty is self created. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to deny the variance request for the Bromley Subdivision located at 9544 Beachwood Park for relief from Town Code 42-10B for building in the Coastal Hazard area for Lots 1 and 2. There are reasonable pre-existing sites available, there may be adverse impacts on the natural systems and their functions and the development will not be reasonably safe from flood erosion damage. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

SHERRY MILLER 1728 MONROE ORLEANS COUNTY LINE RD.

Sherry Miller was present seeking relief from Town Codes 125-47B(21)(e)(7) for a 13.5' area sign variance, 125-47B(17)(a) for an illuminated sign and 125-47B(21)(a) for a 9' setback variance from the right of way for a sign located at 1728 Monroe Orleans County Line Road for her business. Ms. Miller explained that she needed the sign for her business and it needed to be larger so it could be seen from the road to make it easier and safer for her customers to find her business.

Attorney Welch stated that the road has a 66' right of way.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies. At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant relief from Town Codes 125-47B(21)(e)(7) for a 13.5' area sign variance, 125-47B(17)(a) for an illuminated sign and 125-47B(21)(a) for a 9' setback variance for Sherry Miller for a solar sign for her business located at 1728 Monroe Orleans County Line Road. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

VIRGINIA LOCURCIO 9693 BEACHWOOD PARK

Virginia Locurcio was present seeking relief from Town Code 125-31C(5) for a 22% impervious surface variance to construct a 16' x 24' attached garage with stone driveway located at 9693 Beachwood Park Road. Ms. Locurcio explained that she wanted to build a 16' x 24' garage with an open breezeway attached to the house. There would be a stone driveway to the road.

Chairman Norman Baase asked if the Conservation Board had any concerns. Craig Goodrich stated that they did review the site and there were no concerns.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies. At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to grant relief from Town Code 125-31C(5) for a 22% impervious surface variance for Virginia Locurcio to build a 16' x 24' garage with stone driveway located at 9693 Beachwood Park Road. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

REID FOERTSCH 6528 SHORE ACRES

Reid Foertsch was present to seek a height variance to construct a lighthouse structure located at 6528 Shore Acres Drive. Mr. Foertsch explained that he has received Final Site Plan approval from the Planning Board and now is seeking the 5' height variance needed for the lighthouse structure that is being proposed. Attorney Welch stated that the Planning Board did approve the height of the structure and referred the proposal to the Zoning Board for a variance. Rocky Ellsworth questioned the height of the other part of the addition. Mr. Foertsch wasn't sure. The Board asked that the height be added to the plan.

A motion was made by Donna Stassen, seconded by Rocky Ellsworth to schedule a Public Hearing for August 21, 2006 at 7:30pm for Reid Foertsch for a 5' height variance for a lighthouse structure located at 6528 Shore Acres Drive. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

Chairman Norman Baase reminded Mr. Foertsch to have his copies in by the August 7, 2006 deadline.

**MR. AND MRS. ZAREMBA
4 BLOSSOMDALE CIRCLE**

Mr. and Mrs. Zaremba were present to seek a 2.5' west side setback variance to construct a 12' x 18' addition to their home located at 4 Blossomdale Circle. They explained that the addition would be used for a library.

Attorney Welch questioned the bell structure on top of the addition. He asked the height of the structure. Mr. Welch questioned the location of the neighbor's house. Mr. Zaremba stated that the neighbor's house is in front of theirs and is 16' from the property line.

A motion was made by Terry Dingee, seconded by Ed Haight to schedule a Public Hearing for August 21, 2006 at 7:30pm for Mr. and Mrs. Zaremba for a 2.5' west side setback to build a 12' x 18' addition to their home located at 4 Blossomdale Circle. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

Chairman Norman Baase reminded Mr. Zaremba to have his copies in by the August 7, 2006 deadline.

**LIFETIME ASSISTANCE
1 TRACIANN DRIVE**

Robert LaDieu from LaDieu Associates was present to seek relief from Town Codes 125-20B(2)(a) for a 40' front setback variance and 125-20B(2)(d) for a 15' side yard setback to build an Individual Residential Alternative Residence located at 1 Traciann Drive. Mr. LaDieu explained that this is a narrow lot and variances are needed. Rocky Ellsworth questioned there being enough room for parking. Mr. LaDieu stated there was plenty of room for parking.

A motion was made by Rocky Ellsworth, seconded by Donna Stassen to schedule a Public Hearing for August 21, 2006 at 7:30pm for Lifetime Assistance seeking variances for an Individual Residential Alternative Residence located at 1 Traciann Drive. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried.

Chairman Norman Baase reminded Mr. LaDieu to have his copies in by the August 7, 2006 deadline.

DISCUSSION

Chairman Norman Baase mentioned a letter he received about a MET Tower presentation in Batavia July 18, 2006 if anyone was interested.

Town Board Liaison Mike Marchetti reminded everyone of the meetings tomorrow night. Master Plan at 6:00pm and the Zoning meeting at 7:00pm. He also asked if the Board had any questions about the Town Board presentation.

Attorney Welch stated that he had been contacted by the Attorney for the Cleveland property located on Monroe Orleans County Line Road that had the variances denied last month. The Attorney wanted to know what information the Board would need to reconsider the application. There was some discussion on trying to purchase additional land. Having the owner present was suggested. Terry Dingee stated that it was a shame that the lot couldn't be used. Some discussion on the well and septic took place. The Board determined that the owner had the right to come back before the Board again.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Donna Stassen to adjourn tonight's meeting barring no further business. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Pohl aye, Stassen aye. Motion carried, meeting adjourned.

Minutes respectively submitted by:

Heather Norman
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, August 21, 2006 at 7:30pm. Deadline for all fees is August 7, 2006 at 2:00pm.