

Zoning Board of Appeals *Minutes*  
Monday, May 16, 2005  
7:30pm

The regularly 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 explained for those present.

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

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison George Todd, Building Inspector Dick Bauman, Conservation Board Liaison Craig Goodrich, Tom Jensen, Richard and Linda Luther, David and Linda Hafner, Richard Koss, Tammy Manenti, Daniel Dowd and several interested residents.

A motion was made by Klaus Pohl, seconded by Terry Dingee to approve the minutes of the April 18, 2005 meeting with the correction of the word Agenda to read Minutes. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, minutes approved with correction.

*Clerk read the Proof of Publication*

**PUBLIC HEARING**

**MR. AND MRS. LUTHER  
218 MONROE ORLEANS COUNTY LINE RD.**

Mr. and Mrs. Luther of 218 Monroe Orleans County Line Road were present to seek relief from Town Code 125-39C to construct a 20' x 28' building in front of the front foundation of their residence to be used for a Quilt Shop. The Board asked if the building would be the same construction as the existing house. Mr. Luther stated yes. Jerry Hoffman asked how many feet from the house the building would be. Mr. Luther stated 50 feet from his house.

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

Attorney Welch asked if the building was going to be used exclusively for the Quilt Shop and what were their plans if the Planning Board denied their Special Use Permit request. Mr. Luther stated they hadn't thought about it.

A motion was made by Terry Dingee, seconded by Klaus Pohl to grant relief from Town Code 125-39C to Mr. and Mrs. Luther of 218 Monroe Orleans County Line Road to build a 20' x 28' building in front of the front foundation of their residence for the sole purpose of a Quilt Shop contingent on Special Use Permit Approval from the Planning Board for the Quilt Shop. This is a Type II SEQR determination and the minimum relief required. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted pending Special Use Permit Approval.

## **PUBLIC HEARING**

### **MR. AND MRS. HAFNER 7980 NEWCO DRIVE**

Mr. and Mrs. Hafner were present to seek relief from Town Code 125-42C to construct a 10' x 10' shed on their vacant lot located at 7980 Newco Drive. The Board asked what the shed would be used for. Mr. Hafner stated lawn mower, garden supplies and lawn chairs. The Board asked what the construction would be. Mr. Hafner stated wood with a wood floor on blocks. Attorney Welch asked the height of the shed. Mr. Hafner stated 8'. Chairman Norman Baase asked the location of the shed. Mr. Hafner stated per the drawing between the two trees. Attorney Welch asked the set back. Mr. Hafner stated 12' set back. Chairman Norman Baase stated that nothing could be stored outside of the shed. Mr. and Mrs. Hafner agreed.

At this time Chairman Norman Baase opened the Public Hearing for those present to speak for or against this proposal.

Mike McAuliffe of 7990 Newco Drive questioned if this would change the zoning of the property. Attorney Welch explained that they were only granting a variance for a shed on vacant land they were not changing the zoning of the property.

Bard McAuliffe of 7990 Newco Drive questioned how this would affect other vacant lots. Attorney Welch stated that each variance is handled separately. Mr. McAuliffe stated that this would change the character of the neighborhood. Mr. McAuliffe asked if vehicles could be stored next to the structure. Attorney Welch stated that this was a shed not a residence so vehicles could not be stored there.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Donna Stassen, seconded by Rocky Ellsworth to grant relief from Town Code 125-42C to Mr. and Mrs. Hafner to construct a 10' x 10' x 10' shed on their vacant lot located at 7990 Newco Drive for storage of lawn and garden equipment with no other equipment to be stored outside of the shed in the location specified on the map presented to the Board. This is a Type II SEQR determination with the minimum relief for the area. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

## **DISCUSSION**

### **JIM FAIRCHILD 157 HAMLIN CENTER ROAD**

Jim Fairchild of 157 Hamlin Center Road was present to request a side and rear set back variance from Town Code 125-52 to construct a 40' x 60' pond on his property. The Board asked how wide the lot was. Mr. Fairchild stated the lot was 100' wide. Terry Dingee suggested that Mr. Fairchild consider the slope and the depth of the pond. Mr. Fairchild stated that the pond would be used for wildlife and he would use the fill to fix his lawn. The Board asked how deep the pond would be. Mr. Fairchild stated 6' or 8' deep. Ed Haight explained that the pond needs to be 40' from every lot line and suggested moving the pond 40' from the rear property line. Mr. Fairchild agreed. Then Mr. Fairchild would only be seeking a 10' side variance from both side property lines.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing on June 20, 2005 at 7:30pm for Jim Fairchild of 157 Hamlin Center Road to seek a 10' east side set back variance and a 10' west side set back variance to construct a 40' x 60' pond on his property. This is relief from Town Code 125-52. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase advised Mr. Fairchild to get the Public Hearing fee and 12 revised copies of the proposal to the Clerk by June 6, 2005. He also explained that the Board would be doing an inspection on June 18, 2005 of the property and asked Mr. Fairchild to stake out the location of the pond. Mr. Fairchild agreed.

### **MR. AND MRS. LAWLER WILER RD AND ROOSEVELT HIGHWAY**

Darryl Moser from Schultz Associates was present for Mr. and Mrs. Lawler to request a variance to divide their farm property into 6 separate lots with Lot #1 only being 2 acres not the required 5 acres. Mr. Moser explained that Mr. and Mrs. Lawler would be keeping the 27-acre lot with the house for their own and would be auctioning off the other parcels. Donna Stassen suggested making Lot #1 5 acres. Mr. Moser explained that they would lose 1 lot if they did that. Rocky Ellsworth stated that they never create a sub standard lot. The Board asked if it was one tax account number now. Attorney Welch stated that it is all one tax account number zoned R-VL. Attorney Welch questioned the perk test. Mr. Moser stated that he was not confident about the perk test. Chairman Norman Baase explained that the Board doesn't have a history of creating sub standard lots but Mr. and Mrs. Lawler were entitled to a Public Hearing if they wanted one. Mr. Moser stated that Mr. and Mrs. Lawler did not want to schedule a Public Hearing.

**DANIEL DOWD  
91 CHURCH ROAD**

Daniel Dowd of 91 Church Road was present to request a 3' side set back variance from Town Code 125-18B(2)(b) to construct a 24' x 28' attached garage on his property. Mr. Dowd explained that he would like to construct an attached garage to his residence and would only be 12' from his lot line.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for June 20, 2005 at 7:30pm for Daniel Dowd located at 91 Church Road to seek a 3' west side set back variance from Town Code 125-18B(2)(b) to construct a 24' x 28' attached garage. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase advised Mr. Dowd to get the Public Hearing fee and 12 copies to the Clerk by June 6, 2005. He also explained that the Board would be inspecting the property June 18, 2005 and asked Mr. Dowd to stake out the location.

**TAMMY MANENTI  
1475 CHURCH ROAD**

Tammy Manenti of 1475 Church Road was present to request a variance from Town Code 125-50 to have 2 pigmy goats and 8 chickens on her 1.9-acre lot. Tammy explained that she would like to have 2 small pigmy goats and 6-8 chickens as pets at her residence. She stated that she would have the goats spade or neutered and she would not keep any roosters. There was some discussion on whether or not the barn was 150' from the neighboring structure. Mrs. Manenti stated that she had another map showing the location of the neighbor's house and she would bring that to the next meeting to determine the distance from the barn. The Board asked if there would be a fence. Mrs. Manenti stated a 4' fence would be put in.

A motion was made by Klaus Pohl, seconded by Terry Dingee to schedule a Public Hearing for June 20, 2005 at 7:30pm for Tammy Manenti located at 1475 Church Road to seek a variance from Town Code 125-50 to have 2 pigmy goats and no more than 10 chickens on her 1.9 acre lot. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase advised Mrs. Manenti to get the Public Hearing fee and 12 copies of the proposal to the Clerk by June 6, 2005. He also explained that the Board would be inspecting the property June 18, 2005.

**KEVIN NOON  
7622 NEWCO DRIVE**

Kevin Noon of 7622 Newco Drive was present to seek a 1' variance from Town Code 125-31 to construct a 9.4' x 51' porch on the west side of his residence. The Board asked Mr. Noon how far from the lake the porch would be. Mr. Noon stated 110'. Klaus Pohl asked if a porch already exists there. Mr. Noon stated no.

A motion was made by Donna Stassen, seconded by Klaus Pohl to schedule a Public Hearing June 20, 2005 at 7:30pm for Kevin Noon of 7622 Newco Drive to seek a 1' west side set back variance from Town Code 125-31 to construct a 9.4' x 51' porch on the west side of his residence. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase advised Mr. Noon to get the Public Hearing fee and 12 copies of the plans to the Clerk by June 6, 2005. He also explained that the Board would be inspecting the property on June 18, 2005.

**MR. KOSS  
26-28 ORCHARD AVE.**

Mr. Koss of 26-28 Orchard Avenue was present to request a 4' side set back variance to construct a 24' x 16' detached garage. Mr. Koss explained that he would be removing the existing garage and replacing it with the new one that would be sided the same as his house. The Board asked how far the garage was from his house. Mr. Koss stated 31'.

A motion was made by Terry Dingee, seconded by Jerry Hoffman to schedule a Public Hearing for June 20, 2005 at 7:30pm for Mr. Koss of 26-28 Orchard Avenue to seek a 4' west side set back variance from Town Code 125-26B(2)(b) to construct a 24' x 16' garage on his property. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase advised Mr. Koss to get the Public Hearing fee and 12 copies of the plans to the Clerk by June 6, 2005. He also explained that the Board would be inspecting the property on June 18, 2005.

Chairman Norman Baase asked if the Building Inspector Dick Bauman had anything. Dick answered nothing at this time. Chairman Norman Baase asked if Town Board Liaison George Todd had anything from the Town Board. George Todd replied no nothing at this time. Chairman Norman Baase asked Craig Goodrich if there was anything from the Conservation Board. Craig Goodrich replied no nothing at this time.

## **ADJOURNMENT**

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

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, June 20, 2005 at 7:30pm at the Hamlin Town Hall. Deadline for fees is Monday, June 6, 2005 at 2:00pm.