

Hamlin Zoning Board of Appeals *Minutes*
Monday, June 20, 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, James E. Krempasky, Tom Jensen, Dan Dowd, Jim Fairchild, Honey DeLapa and several other interested residents.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the May 16, 2005 meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING

**DANIEL DOWD
91 CHURCH ROAD**

Daniel Dowd of 91 Church Road was present to seek relief from Town Code 125-18B(2)(b) for a 3' west side set back variance to construct a 24' x 28' garage on his property. Chairman Norman Baase asked if it was an attached garage and if it would match his house. Mr. Dowd stated that it would be an attached garage sided to match the house. Rocky Ellsworth thanked Mr. Dowd for having the site staked out for the inspection.

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.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to grant relief from Town Code 125-18B(2)(b) to Daniel Dowd of 91 Church Road for a 3' west side set back variance to construct a 24' x 28' attached garage at his residence. There were no comments. This is the minimum to provide relief. This is a **TYPE II SEQR**. This will not change the character of the neighborhood. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

PUBLIC HEARING

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

Mr. Koss of 26-28 Orchard Avenue was present to seek relief from Town Code 125-26B(2)(b) for a 4' west side set back variance to construct a 24' x 16' garage at his residence. Chairman Norman Baase asked the construction of the garage. Mr. Koss stated it would be wood construction then sided to match the house. Ed Haight asked if he was planning on putting in a driveway to the garage. Mr. Koss stated yes.

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.

A motion was made by Terry Dingee, seconded by Jerry Hoffman to grant relief from Town Code 125-26B(2)(b) to Mr. Koss of 26-28 Orchard Avenue for a 4' west side set back variance to construct a 24' x 16' garage at his residence. This will not change the characteristic of the neighborhood. This is the minimum to provide relief. This is a **TYPE II SEQOR**. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

PUBLIC HEARING

**JIM FAIRCHILD
157 HAMLIN CENTER ROAD**

Jim Fairchild of 157 Hamlin Center Road was present to seek relief from Town Code 125-52 for a 20' east and a 20' west side set back variance to construct a 60' x 160' pond on his property in the R-L district. Chairman Norman Baase asked Mr. Fairchild why he changed his original request for a 40' x 60' pond. Mr. Fairchild stated that it was his mistake at the last meeting. Chairman Norman Baase asked who the contractor would be. Mr. Fairchild stated that he didn't know yet. At this time Chairman Norman Baase read a letter from Dave Graham of 153 Hamlin Center Road regarding some concerns about the pond being constructed too close to the leach field and the possibility that the new pond may tap into the underground spring and drain his existing pond dry. Some discussion on the location of the pond and the distance from the leach field took place. It was stated that Monroe County code is 150' between a pond and any leach field is required. Ed Haight asked Mr. Fairchild if the pond could be scaled back so that it would definitely be 150' from his leach field. Mr. Fairchild stated that was not a problem. Some discussion took place on the location of the neighbor's pond. It was stated that during the site inspection the water level was very low in the neighbor's pond.

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

Mr. James Krempasky of 1960 Redman Road asked the required set back distance for a pond. A 40' set back was stated. Mr. Krempasky questioned whether there was a

minimum distance requirement between ponds and structures. Attorney Welch stated that there were not any restrictions on the distance between ponds and structures. Mr. Krempasky stated that he just wanted to make sure that the pond wouldn't put any restrictions on the neighbors in the future. Terry Dingee explained that in the proposed location of the pond there is a swale and wetland conditions surrounded by woods right now so future buildings in this location were unlikely.

Tom Jensen of 1 Roadside Drive questioned the zoning. Attorney Welch explained that the pond requires two variances, one for the accessory permit to have a pond and a variance because he is in the R-L district and ponds are only permitted in R-VL districts.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Donna Stassen, dually seconded by Rocky Ellsworth and Jerry Hoffman to grant relief from Town Code 125-52 for Jim Fairchild of 157 Hamlin Center Road for a 20' east and a 20' west side set back variance to construct a pond approximately 160' x 60' on his property in the R-L district with an Accessory Permit with the conditions that the pond is 150' from his leach field and the existing fence remains up. This is the minimum to provide relief. This will not change the character of the neighborhood because there is an existing pond to the east and one to the west of the property. This is a **TYPE II SEQR**. The Board has reviewed the concerns from Dave Graham's letter and addressed the issues. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance and Accessory Permit Approval granted. Mr. Fairchild was advised to contact the Monroe County Soil and Water Conservation. It was stated that Mr. Fairchild would need to obtain a \$25.00 Accessory Permit from the Building Department.

PUBLIC HEARING

**KEVIN NOON
7622 NEWCO DRIVE**

Kevin Noon of 7622 Newco Drive was present to seek relief from Town Code 125-31C(2)(b)(1) for a 1' west side set back variance to construct a 9.4' x 51' porch on the west side of his residence. Chairman Norman Baase asked if this would be a wrap around porch. Mr. Noon stated that it would be on the south and west side of the house. Klaus Pohl questioned the size of the porch. Mr. Noon stated that they were trying to get the widest possible porch in the limited space and decided to get the variance to be safe.

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.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to grant relief from Town Code 125-31C(2)(b)(1) for Kevin Noon of 7622 Newco Drive for a 1' west side set back variance to construct a 9.4' x 51' porch on the west side of his residence. This will not change the character of the neighborhood. This is the minimum to provide relief. This is

a **TYPE II SEQR**. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

DISCUSSION

Chairman Norman Baase asked if Town Board Liaison George Todd had anything from the Town Board. Town Board Liaison George Todd stated nothing at this time.

Chairman Norman Baase asked if Conservation Board Liaison Craig Goodrich had anything. Mr. Goodrich stated that there was going to be a discussion June 22, 2005 at 7:00pm at the Kendall Town Hall on Home Land Security along the Lake Ontario Shoreline if anyone was interested in attending.

EXECUTIVE SESSION

A motion was made by Donna Stassen, seconded by Klaus Pohl to go into Executive Session for a legal matter. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Ed Haight, seconded by Jerry Hoffman to come out of Executive Session. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl 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.

Minutes 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, July 18, 2005 at 7:30pm at the Hamlin Town Hall. Deadline for fees is Monday, July 4, 2005 at 2:00pm.