

Hamlin Zoning Board of Appeals *Minutes*  
Monday, August 15, 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 Supervisor Austin F. Warner III, Town Board Liaison George Todd, Conservation Board Liaison Craig Goodrich, Highway Superintendent Tom Ingraham, Secretary to the Supervisor Pat MacIntosh, Tom Jensen, Denny Roach, Rich Wright, John Curtis, Jacqueline Maxwell, Jim Breslawski, Alex and Linda Rasbach, Honey and Frank Delapa, James E. Krempasky and several other interested residents.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the minutes of the July 18, 2005 meeting as presented. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, minutes approved.

At this time Chairman Norman Baase excused himself from the Public Hearing because he is a part time employee of the applicant and turned the meeting over to Vice Chairman Rocky Ellsworth.

**The clerk read the proof of publication.**

**PUBLIC HEARING**

**GREG AND KATHLEEN SPEER  
660 REDMAN ROAD**

Shad Speer was present to represent Greg and Kathleen Speer who are seeking approval for an Accessory Permit to construct a 5-acre pond on their property located at 660 Redman Road. Mr. Speer stated that they would like to construct a 5-acre pond on their property in the Agricultural district for irrigation purposes. Mr. Speer explained that the pond was being designed by Monroe County Soil and Water and would be constructed per their specifications. Klaus Pohl asked how deep the pond would be. Mr. Speer explained that it would be 12 feet deep at one end with a damn and taper off to 5 feet at the other end. Terry Dingee asked how they planned to keep snowmobiles off the area. Mr. Speer stated that the property is posted.

At this time Vice Chairman Rocky Ellsworth opened the Public Hearing for anyone to speak for or against the project. There were no replies.

Terry Dingee asked if Monroe County was setting the slope on the sides of the pond. Mr. Speer stated that they designed everything. Rocky Ellsworth asked if they had a

contractor yet. Mr. Speer stated that they didn't have one yet but had a list of approved contractors from the County. Ed Haight asked if the land would continue to be used for Agricultural. Mr. Speer stated yes nothing would change.

At this time Vice Chairman Rocky Ellsworth closed the Public Hearing.

Attorney Welch explained that a short Environmental Assessment Form had been completed for the project. Section 2 of the E.A. F. was normally completed by the S.E.Q.R. Officer not the Board. He stated that the pond would not cause an adverse effect on the environment and explained that the questions in section 2 were for significant effects to the environment. Donna Stassen stated that the answer to D. would be no and the answer to E. would be no. The Board agreed. Attorney Welch completed the rest of the form and Rocky Ellsworth signed it.

A motion was made by Donna Stassen, seconded by Ed Haight that the Hamlin Zoning Board of Appeals has determined that the application for Gregory and Kathleen Speer for a proposed 5-acre pond at 660 Redman Road is an unlisted action. Furthermore, the Board has accepted and completed the short E.A.F. Form and finds that such action is a negative declaration and will not result in any significant adverse environmental impact. Members polled Baase abstain, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Ed Haight, seconded by Klaus Pohl to approve an Accessory Permit for Gregory and Kathleen Speer of 660 Redman Road for the construction of a 5-acre pond on their property to be built per Monroe County Soil and Water specifications. Members polled Baase abstain, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Accessory Permit granted.

Vice Chairman Rocky Ellsworth told Mr. Speer that he would need to get an Accessory Permit from the Building Department.

At this time Vice Chairman Rocky Ellsworth turned the meeting back over to Chairman Norman Baase.

**JACQUELINE MAXWELL  
7850 NEWCO DRIVE**

Jeff Ackles was present to discuss the need for a variance for Jacqueline Maxwell of 7850 Newco Drive for a 10' x 22' deck on the front of her house. Mr. Ackles explained that Mrs. Maxwell wasn't sure if she needed a variance or not and would be willing to have a smaller deck on the front of her house to eliminate the need for a variance. Terry Dingee asked the septic location. Mr. Ackles stated that the septic had been relocated to the other side of the dirt road. Chairman Norman Baase stated that the existing planks that she is using are unsafe. Ed Haight asked if there would be a roof on the deck. Mr. Ackles stated no roof or walls. Terry Dingee stated that Mr. Ackles would need to check with the Building Inspector on the height and regulations for the railing on the deck.

Attorney Welch stated that if the deck was only 10' she would not need a variance. Mr. Ackles stated that they would only build a 10' x 22' deck on the front of the house then. No variance required.

**ROBERT FEY  
60 ALDERBUSH LANE**

Robert Fey of 60 Alder Bush Lane. No one was present at the meeting.

**COUNTRY LIVING SUBDIVISION  
1406 LAKE ROAD**

Victor Tifone developer for Sunset Builders was present to seek lot size variances for the Country Living Subdivision located at 1406 lake Road. Mr. Tifone explained that they would be losing several lots do to wetlands and drainage problems so as a trade off they are proposing smaller lot sizes. Mr. Tifone stated that they would lose about 10 lots without the variances and would only develop 60 lots. Attorney Welch explained as a trade off for putting in a drainage ditch around the property to help fix the current flooding problems in Lake Breeze Estates they are seeking lot size, lot width and set back variances. Rocky Ellsworth stated that the Boards past experience with smaller lot widths was not good. The lots are too narrow for a growing family's needs. The Board asked what kind of houses they were proposing. Mr. Tifone stated 2 story houses with 2 car garages. Rocky Ellsworth stated that with that size house adding decks, sheds and pools later is difficult. Chairman Norman Baase stated that he talked with Planning Board Chairman James Nesbitt and they scheduled a workshop for August 29, 2005 at 7:00pm to discuss the project.

A motion was made by Donna Stassen, seconded by Ed Haight to schedule a Public Hearing for September 19, 2005 at 7:30pm for the application of Sunset Builders for Country Living Subdivision located at 1406 Lake Road for lot size 0.33 acres, lot width 85', front setback 50', side setback 10' and easement setback 0' variances. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase reminded Mr. Tifone to have 12 copies and \$75.00 Public Hearing fee into the Clerk before September 6, 2005.

**ALEX AND LINDA RASBACH  
6304 SHORE ACRES**

Alex and Linda Rasbach of 6304 Shore Acres were present to seek a variance to construct a 14' x 32' detached garage on their property. Mr. Rasbach explained that they needed additional storage and would like to build a garage across the private road on their

property. He explained that they have several easements and a utility pole on the property, which make it difficult to build there. Some discussion on lot size and set backs took place. The Board questioned if it was located in the Conservation Overlay District. The Board told Mr. Rasbach to check with the Building Inspector about other permits that may be required. For a detached garage it was determined that a 15' rear set back would be required, so a 9' variance would be needed. A letter from the Water Superintendent Eric Peters was mentioned indicating that he didn't have a problem with building the garage but if something happened to the water lines and the garage was damaged the Hamlin Water Department would not be responsible for the damages. Mr. Rasbach stated that he understood that.

A motion was made by Klaus Pohl, seconded by Terry Dingee to schedule a Public Hearing for September 19, 2005 at 7:30pm for Alex and Linda Rasbach of 6304 Shore Acres to seek relief from Town Code 125-39C for a 9' rear setback and a 9' side setback variance to construct a 14' x 32' detached garage on their property with easement setback requirements to be determined prior to the Public Hearing. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

Chairman Norman Baase stated that Mr. Rasbach would need to submit 12 copies and \$75.00 to the Clerk prior to September 6, 2005 for the Public Hearing.

## **DISCUSSION**

Rick Wright and John Curtis were present to represent the Volunteer Ambulance Department. They explained that they are in the process of replacing the existing sign with a new one and discovered that the existing sign never had a permit. The new sign would be in the same location 6 ft from the sidewalk facing the road. It would be an illuminated sign 6'8" x 4'4". Which is about 29 square feet. A 25 square foot sign is allowed. So an area variance and front setback variance would be required.

A motion was made by Terry Dingee to schedule a Public Hearing for September 19, 2005 at 7:30pm for the Hamlin Volunteer Ambulance located at 1483 Lake Road to seek relief from Town Code 125-47B(21)(e)(8) for a 4' area variance and relief from Town Code 125-47B(21)(a) for a 9' front setback variance for a 6'8" x 4'4" illuminated sign. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

The Board asked Highway Superintendent Tom Ingraham if there were any problems with the sign location in the past with snow removal. Mr. Ingraham stated there were no problems.

## **5733 W. WAUTOMA BEACH ROAD**

Craig Goodrich stated that the Zoning Board asked the Conservation Board to take a look at the property located at 5733 W. Wautoma Road. Mr. Goodrich stated that they went there and found the current septic system to be questionable and it appeared to only be 5'-6' from the property line. Mr. Goodrich suggested getting proof from Monroe County Health Department that the new septic system was approved.

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

Chairman Norman Baase asked Highway Superintendent Tom Ingraham if he had anything. Mr. Ingraham stated nothing at this time.

Chairman Norman Baase reminded the Board of the Workshop on August 29, 2005 at 7:00pm.

## **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 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, September 19, 2005 at 7:30pm at the Hamlin Town Hall. Deadline for fees is Tuesday, September 6, 2005 at 2:00pm.