

Hamlin Zoning Board of Appeals *Minutes*
Monday, December 19, 2005
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 explained for those present.

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

Also present: Support Boards Attorney Charlie Welch, Conservation Board member Craig Goodrich, Building Inspector Dick Bauman, Tom Jensen, Karen Jensen, Denny Roach, David Enos, Don and Carol Teringo and Frank DeLapa.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the November 21, 2005 meeting as recorded. Members polled Baase abstain, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye Stassen aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

PUBLIC HEARING

**HENRY ENOS
6338 SHORE ACRES**

Mr. Enos of 6338 Shore Acres was present to seek relief from Town Code 125-41.1 for an 8' variance to construct an 8' x 24' deck addition from the existing deck on the front of his house to the gabions. Klaus Pohl asked the existing deck size. Mr. Enos stated it was 24' with a little jog in it. Rocky Ellsworth asked if the new deck would be the same construction as the existing deck. Mr. Enos stated yes it would be a wood deck.

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

Tom Jensen of Roadside Drive questioned the effect the new deck would have on the percent of green space. Donna Stassen stated that there was no grass there now. It's a double lot with lots of green space. Mr. Enos stated that there is rock and sand there now. Mr. Jensen stated that rock and sand are important.

Conservation Board member Craig Goodrich stated that he is aware of the property and the deck addition would be typical of what the neighbors have in the area. The deck

shouldn't have an impact on the impervious surface because the water would be able to go through the deck.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant relief from Town Code 125-41.1 to Henry Enos of 6338 Shore Acres to construct an 8' x 24' deck addition on the front of his house to the gabions. There are no adverse effects and this is the minimum to provide relief. This is a Type II SEQR determination. Members polled, Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

At this time Ed Haight entered the meeting.

Attorney Welch excused himself from the meeting for this Public Hearing.

PUBLIC HEARING

MR. AND MRS. HIATT 6322 SHORE ACRES

Arnold Carmichael was present to represent Mr. and Mrs. Hiatt of 6322 Shore Acres to seek relief from Town Code 125-31C(2)(b)(1) for a 2' east side setback variance to construct a 10' x 10' bathroom addition on their garage. Mr. Carmichael explained that there is presently a studio in the garage now and Mr. and Mrs. Hiatt would like to add the bathroom for convenience when they are working in the studio. A lift pump system is proposed to tie into the existing sanitary system. Donna Stassen stated that they received comments back from the Town Engineer and he doesn't have any concerns with a grinder pump system being used. Chairman Norman Baase asked the location of the existing leach field. Mr. Carmichael stated it is to the west of the garage. Terry Dingee asked if there were any current problems with the leach field. Mr. Carmichael stated there were no problems and they provided the Board with a copy of the Monroe County Health Department approval. Chairman Norman Baase asked if the bathroom would be used for private use only. Mr. Carmichael stated yes there were no other plans for the bathroom. Donna Stassen asked the distance the addition would be from the house. Mr. Carmichael stated about 42.7' from the house. Conservation Board member Craig Goodrich asked if it was an existing 1,000-gallon tank for a 2-bedroom house. Mr. Carmichael stated yes it was a 2-bedroom house and it had a 1,000-gallon tank. Building Inspector Dick Bauman asked about the roof drains. Mr. Carmichael stated that there wasn't any roof drains currently on the sketch but he would tie them into the existing drains that go to the lake. He would add the roof drains to the drawings. Craig Goodrich asked if there was any guarantee that the garage wouldn't be used as living space. Mr. Carmichael stated that there was no intent for it to be used as living space.

At this time Chairman Norman Baase opened the Public Hearing for everyone wishing 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 Donna Stassen, seconded by Rocky Ellsworth to grant relief from Town Code 125-31C(2)(b)(1) for Mr. and Mrs. Hiatt of 6322 Shore Acres for a 2' east side setback variance to construct a 10' x 10' bathroom addition to their garage with the following restrictions. The bathroom to be used for residents use only, roof drains to be shown on final drawings and approved by Building Inspector, all proposed work to be done in compliance with all applicable plumbing and building codes. This is a Type II SEQR determination. Members polled, Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted with restrictions.

At this time Attorney Welch returned to the meeting.

**DON TERINGO
7882 NEWCO DRIVE**

Mr. Teringo was present to seek a variance to construct a 26' x 52' pole barn on his vacant lot located on Newco Drive. Mr. Teringo explained that he would like to construct a pole barn for the storage of 2 cars and a boat. Terry Dingee asked the location of the barn. Mr. Teringo stated it would be where the basketball hoop is now. Terry Dingee asked if the barn would be used for commercial storage. Mr. Teringo stated no just for personal storage. Building Inspector Dick Bauman questioned the setback for a private road. Mr. Teringo stated that the barn would be 15' back from the road. Mr. Bauman asked if there were any deed restrictions. Mr. Teringo stated that he didn't think so.

A motion was made by Rocky Ellsworth, seconded by Terry Dingee to schedule a Public Hearing for Don Teringo of 7882 Newco Drive for January 16, 2006 at 7:30pm to seek relief from Town Code 125-39C to construct a 26' x 52' pole barn on a vacant lot on Newco Drive. Members polled, Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Chairman Norman Baase explained that all fees needed to be into the Clerk by January 2, 2006 and that the Board would be doing an inspection of the property on Saturday, January 14, 2006 and asked if Mr. Teringo could stake out the location of the barn. Mr. Teringo agreed.

KEVIN CLARK
5733 WAUTOMA BEACH

Kevin Clark was present to seek several variances required to subdivide the property located at 5733 Wautoma Beach Road into two lots. Attorney Welch asked if the west property line was the existing property line. Mr. Clark stated yes it was. Attorney Welch stated that it looked like it had been changed. Mr. Clark stated that it was the original line. Attorney Welch stated that if the property line wasn't moved then the variances for Lot R-60B wouldn't be necessary because it was pre existing non-conforming. Some discussion took place on needing a variance for impervious lot coverage. Mr. Clark stated that he could move the one lot line to meet the impervious lot coverage requirements so a variance wouldn't be needed. Mr. Clark stated that he would have his engineer look at it and make the necessary changes. Klaus Pohl questioned the proposed lot line cutting through the existing turn around. Mr. Clark stated that he wasn't sure that the size of the driveway was accurate and that there was plenty of room. Donna Stassen questioned what variances are needed. Attorney Welch stated that changing the lot line would change the area variances needed also. Conservation Board member Craig Goodrich stated that when an LWRP was done for the existing cottage it was observed that the existing septic line was only 3' from the lot line and a sump pump was being used. Mr. Goodrich stated that was not per code and that a better pump would be needed. Rocky Ellsworth stated that he thought that the septic was redone. Mr. Clark stated that he has Monroe County Health approvals. Mr. Goodrich asked if the Board could get a copy of the Monroe County Health Department approvals. Chairman Norman Baase asked for copies of all the documents that Mr. Clark has. Mr. DeLapa stated the New York State said that the lot couldn't be divided. Attorney Welch stated that New York State did not say that the lot couldn't be divided and Mr. Clark has the right to have a Public Hearing if that is what he wants. Attorney Welch requested that the lot sizes of the neighboring properties including lot widths be added to the plans.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing for January 16, 2006 at 7:30pm for Kevin Clark of 5733 Wautoma Beach Road for required variances to subdivide the parcel into two lots. Members polled, Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Chairman Norman Baase explained that all fees and the variances needed to be into the Clerk by December 27, 2005. Mr. Clark agreed.

DISCUSSION

A motion was made by Rocky Ellsworth, seconded by Ed Haight to recommend the re-appointment of Jerry Hoffman for another term to the Town Board. Members polled, Baase aye, Dingee aye, Ellsworth aye, Hoffman abstain, 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, 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, January 16, 2006 at 7:30pm. Deadline for all fees is January 2, 2006.