

Hamlin Zoning Board of Appeals *Minutes*
Monday, April 21, 2008
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 Vice Chairman Rocky Ellsworth at 7:30pm with the location of the fire exits and AED explained for those present.

Present: Rocky Ellsworth, Ed Haight, Jerry Hoffman and Klaus Pohl.

Excused: Norman Baase

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Building Inspector B.J. Maier, Planning Board member Tom Jensen, Conservation Board members Jeanine Klopp, Aaron LaFaro and Ed Evans and resident Ward Bowen.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the March 17, 2008 meeting as recorded. Members polled, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, minutes approved.

The Clerk showed Proof of Publication

PUBLIC HEARING

**WARD BOWEN
6344 SHORE ACRES**

Ward Bowen of 6344 Shore Acres was present to seek relief from Town Codes 125-39C to build on a vacant lot, 125-31C(1)(a) for a 1.83 lot size variance and 125-31C(1)(b) for a 100' lot width variance to move an existing 18' x 18' detached garage across the street to his vacant lot on Shore Acres tax acct. no. 008.45-1-45. Vice Chairman Rocky Ellsworth explained that the Zoning Board did an on site inspection and they questioned the setback of the garage from the road. The map states a 25' setback from the road but the stakes were over 40' from the edge of the road. The Board also questioned what the garage would be set on, what kind of fill would be used and the type of driveway. Mr. Bowen stated that he would remove the topsoil, bring in crushed stone for the pad, roll it and pack it then place the garage on it. Vice Chairman Rocky Ellsworth questioned what the final grade would be. Mr. Bowen stated that it would be pitched away from the road and the sides would slope down so the water would drain to the pond in the back. Klaus Pohl asked if drainage tile would be used. Mr. Bowen stated that the property is already low. He would dig a trench if the Board wanted that would drain towards the pond. Vice Chairman Rocky Ellsworth asked if the Building Inspector had any concerns. Building Inspector B.J. Maier stated that the Highway Department unplugged the existing culvert pipe. The garage needs to have gutters that will take the water to the pond. If any

drainage problems occur it should be the owner's responsibility to repair them. Mr. Bowen stated that there is already a drainage problem and standing water on his lot. Vice Chairman Rocky Ellsworth stated that their goal is to cure the existing problem and not to make it worse. Vice Chairman Rocky Ellsworth asked if the Conservation Board had any concerns. Conservation Board member Jeanine Klopp asked the type of driveway. Mr. Bowen stated it would be a crushed stone base with black top. Jeanine stated that the black top driveway would cause an impervious problem. She stated that the Conservation Board would recommend a crushed stone driveway not a black top driveway. Mr. Bowen explained that the crushed stone would eventually not be impervious either. Vice Chairman Rocky Ellsworth explained that they were trying to improve the condition of the lot not create additional problems with drainage. Mr. Bowen stated he would do whatever the Board wanted.

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

James Brower of 6348 Shore Acres stated that the lot currently is very low and wet and he is concerned that when Mr. Bowen raises it for the foundation of the garage that he will have drainage problems on his property. He suggested extending the existing culvert pipe or adding PVC piping. He doesn't want the current condition of his lot to change when Mr. Bowen raises his. Some drainage discussion took place.

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

Klaus Pohl asked what the setback of the garage was going to be. Mr. Bowen stated about 40'. Vice Chairman Rocky Ellsworth explained that the map they received from Mr. Bowen stated a 25' setback but that was not what was staked out for the on site inspection. Both the map and the staked out location need to be consistent in order to grant any variances. The Board needs to know what the setback of the garage is going to be. Mr. Bowen stated that he would put the garage wherever the Board wanted it. He was trying to allow for enough room to park a car so it wasn't in the way of snow removal. Building Inspector B.J. Maier stated that down spouts off the garage into a pipe that drains to the pond plus a swale along the west property line to the pond is recommended. Mr. Bowen stated he could make a swale along the property line if that was ok with his neighbor. The neighbor Mr. Brower stated that would be fine. Conservation Board member Jeanine Klopp requested that the existing trees be maintained and suggested that they be trimmed back. Ed Haight asked if there were gutters on the garage now. Mr. Bowen stated no there wasn't. Klaus Pohl questioned what would happen if the garage falls apart when moving it. Mr. Bowen stated that he would be making every effort to keep it from falling apart. He would frame it in prior to moving it. If it did start to lean or fall apart he would stop immediately. Vice Chairman Rocky Ellsworth explained that if it did fall apart then the rubble would need to be removed from the lot. Mr. Bowen understood.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to grant relief to Ward Bowen for Town Codes 125-39C to build on a vacant lot, 125-31C(1)(a) for a 1.83 lot

size variance and 125-31C(1)(b) for a 100' lot width variance to move his existing 18' x 18' detached garage across the street to his vacant lot on Shore Acres tax acct. no. 008.45-1-45 with the following stipulations: gutters be added to the garage that drain to a pipe that drains to the pond plus a swale is to be dug along the west property line. The garage is to be 45' back from the edge of the road with a crushed stone driveway. This is a Type II negative SEQR determination. This will not change the character of the neighborhood. Members polled, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

Vice Chairman Rocky Ellsworth explained that Mr. Bowen would need to see the Building Inspector for a building permit to move the garage.

**MIKE LEE
6468 SHORE ACRES**

Rich Maier of Maier Land Surveying was present to represent Mr. Lee seeking relief from Town Codes 125-31C(1)(a) for a 1.769 lot size variance, 125-31C(1)(b) for a 69.88 lot width variance and 125-31C(2)(c) for a 24.3' rear setback variance to construct a single family house located at 6468 Shore Acres. Mr. Maier explained that they are removing the existing house and building a new one further back from the shoreline. They need some variances for setback from the road and for the lot size and width. Vice Chairman Rocky Ellsworth questioned if there were any plans for shoreline protection. Mr. Lee stated that there is a break wall there now. Vice Chairman Rocky Ellsworth asked if they planned to repair it or extend it to the east of the lot. Attorney Welch stated that was a Planning Board issue. Rocky stated that the Board recommends repairing and extending the break wall and has given warning. The owner is aware of the condition of the break wall. It is in the plan to improve the existing break wall as to what the DEC will allow. Vice Chairman Rocky Ellsworth asked if the variance numbers were firm. Rich Maier stated yes they are. Klaus Pohl questioned the new footprint of the house. Rich Maier showed the footprint of the new structure on the map.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing for Mike Lee for May 19, 2008 at 7:30pm for relief from Town Codes 125-31C(1)(a) for a 1.769 lot size variance, 125-31C(1)(b) for a 69.88 lot width variance and 125-31C(2)(c) for a 24.3' rear setback variance to construct a single family house located at 6468 Shore Acres. Members polled, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion approved.

Vice Chairman Rocky Ellsworth reminded Mr. Lee to get maps and fee into the Clerk by the deadline. The Board would be out the Saturday prior to the Public Hearing for an on site inspection and asked that the location of the house be staked out. Rich Maier agreed to have the property staked out.

Vice Chairman Rocky Ellsworth asked for Conservation Board comments at the Public Hearing.

DISCUSSION

Planning Board member Tom Jensen stated that the Planning Board would be very busy at their next meeting.

Town Board Liaison Mike Marchetti stated that there would be a Special Town Board meeting Thursday night at 7:00pm to vote on the Wind Tower Law.

Conservation Board member Jeanine Klopp reminded everyone of Earth Day this Saturday at Area 1 in the park.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl 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, May 19, 2008 at 7:30pm. Deadline for all fees is Monday, May 5, 2008 at 2:00pm.