

Hamlin Zoning Board of Appeals *Minutes*
Monday, October 20, 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 Chairman Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present.

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

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Building Inspector Charlie Hungerford, Planning Board member Tom Jensen, Conservation Board members Jeanine Klopp and Ed Evans and resident Terry Newbauer.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the September 15, 2008 meeting as recorded. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, minutes approved.

**TERRY NEWBAUER
94 CHURCH ROAD**

Terry Newbauer was present seeking relief from Town Code 125-18B(2)(b) for an 11' east side setback variance to construct a detached garage on his property located at 94 Church Road. Mr. Newbauer explained that he decided not to add on to his existing garage because it would be too close to his neighbor's property. He would like to build a 50' x 27' detached garage where the in ground pool was on his property. Attorney Welch questioned how close the garage would be to his neighbor's buildings. Mr. Newbauer stated he would be about 4' from the property line so an 11' variance would be needed. Chairman Norman Baase asked if he was still going to complete the garage addition. Mr. Newbauer stated no he changed his mind. Klaus Pohl questioned the type of driveway to the new garage. Mr. Newbauer stated eventually he would put in a stone or black top driveway but nothing right now. It would be just grass for now. Attorney Welch questioned what the garage would be used for. Mr. Newbauer stated for cars and storage. Attorney Welch questioned if it would be used for animals. Mr. Newbauer stated no. Ed Haight questioned the size of the garage. Mr. Newbauer stated it would be 50' x 27'. Attorney Welch questioned the location of the leach field. Mr. Newbauer stated that he believes it is about 4' to the west of the proposed location of the garage. Attorney Welch stated that is why the garage couldn't be moved over further to the west so a variance is needed.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Mr. Newbauer seeking relief from Town Code 125-18B(2)(b) for an 11' east side setback variance to construct a 50' x 27' detached garage for personal storage on his property located at 94 Church Road for November 17, 2008 at 7:30pm. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board asked Mr. Newbauer to have the location of the garage staked out for their site inspection on November 15, 2008 and the fee paid to the Clerk by the deadline.

DISCUSSION

Chairman Norman Baase asked if everyone received the emails regarding the Structural Hazard Area from the DEC. The Board discussed the emails. Attorney Welch explained that the Town of Hamlin has their own code that was approved by the State that refers to structures along the lake being moveable. The particular house that the emails refer to received a variance so the structure didn't need to be moveable. The owner followed the process to receive the variance. Rocky Ellsworth questioned what other towns with lots along the lake are doing. Attorney Welch stated that he wasn't sure but he could find out. He explained that Hamlin has a code approved by the State. If a Town doesn't have an approved code then its up to the State code. The Town of Hamlin has control over variances and permits. If a town doesn't have an approved code then the owner's would have to go to the State. The Town code takes precedence over the State code. Building Inspector Charlie Hungerford stated that the structures still needed to be moveable per the DEC. Attorney Welch stated not if a variance is give. Charlie Hungerford disagreed and explained that the DEC representative in charge of the Structural Hazard Area is coming November 13 to explain the regulations. Mr. Hungerford stated that they have not been doing the variances correctly in the past. Chairman Norman Baase stated that was good someone was coming out so they could get one answer. They need a clear direction.

The training workshop scheduled for November 13, 2008 at 7:00pm with the DEC regarding the Structural Hazard Area was discussed. It was mentioned that the Town Board would decide if it could be used towards their training hours at their November meeting.

Number of training hours and the Mt. Morris training opportunity in November was discussed.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled Baase aye, 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, November 17, 2008 at 7:30pm. Deadline for all fees is Monday, November 3, 2008 at 12:00.