

Hamlin Zoning Board of Appeals *Minutes*  
Monday, November 17, 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 and Conservation Board members Jeanine Klopp and Ed Evans.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the October 20, 2008 meeting as recorded. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, minutes approved.

*The Clerk showed Proof of Publication*

**PUBLIC HEARING**

**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 27' x 50' detached garage on his property located at 94 Church Road. Mr. Newbauer said that he would like to build a 50' x 27' detached garage where the in ground pool was on his property. The pool is gone now. It would be 4' from the property line so he needs an 11' variance. His existing leach field is located on the other side of the garage.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Chairman Norman Baase closed the Public Hearing.

Chairman Norman Baase asked if this would be a pole barn. Mr. Newbauer stated no it would be full construction. Chairman Norman Baase asked what it would be used for. Mr. Newbauer stated for storage only no animals. Klaus Pohl asked if it would be a single story garage. Mr. Newbauer stated that it would have 10' walls and be about 17' high with a small attic above.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant relief from Town Code 125-18B(2)(b) for an 11' east side setback variance to Mr. Newbauer for a 27' x 50' x 17' detached garage located at 94 Church Road. There were no negative comments from the neighbors. This will not change the character of the neighborhood. This is the minimum to provide relief. This is a type II SEQR determination. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**SUSAN RITZENTHALER  
6360 SHORE ACRES DRIVE**

James Camp was present to represent Susan Ritzenthaler seeking relief from Town Code 125-31C(2)(a) for a 9' front setback variance to construct a 12' x 20' x 10' shed located on their vacant property at 6360 Shore Acres Drive. Mr. Camp explained that they wanted to build a shed across the street on their vacant lot. Due to the pond and wetlands on the rear of the lot they can't meet the required setback from the road so they need a 9' front setback variance from the road. Rocky Ellsworth questioned the height of the shed. Mr. Camp stated that the walls would be 6' so it would be about 10' high. He is aware of the 15' height restriction. Klaus Pohl questioned the side setback. Mr. Camp stated that it would be 5-6' from the property line. Attorney Welch asked if there were any other structures on the property. Mr. Camp stated no there were not. Attorney Welch explained that according to the code a primary structure is required. Building Inspector Charlie Hungerford strongly disagreed. Attorney Welch read the code and it states that a shed must be located behind the front foundation of the primary structure so a variance is required. Mr. Hungerford disagreed again. A discussion took place. Planning Board member Tom Jensen asked Chairman Norman Baase if the applicant paid a fee per variance. Chairman Norman Baase stated no there is just one fee. Mr. Jensen stated that it is not an issue then. Some more discussion took place.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing for December 15, 2008 at 7:30pm for Susan Ritzenthaler seeking relief from Town Codes 125-31C(2)(a) for a 9' front setback variance and 125-42 to construct a 12' x 20' x 10' shed on a vacant lot located at tax account #008.45-1-49 on Shore Acres Drive. Members polled, Baase no, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth reminded Mr. Camp to have maps and the fee to the Clerk by Nov. 24 and to have the location staked out for the inspection on Dec. 13, 2008.

**DISCUSSION**

Chairman Norman Baase stated that the Zoning Board presentation to the Town Board went well. He felt that the Structural Hazard training was very good and hopefully everyone is on the right track.

Town Board Liaison Mike Marchetti wanted to thank everyone that came to the Structural Hazard training. He also stated that what happened tonight at this meeting was very unprofessional and he would suggest that these conflicts be taken care of prior to the meeting so this doesn't happen again.

**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, December 15, 2008 at 7:30pm. Deadline for all fees is Monday, December 1, 2008 at 12:00.