

Hamlin Zoning Board of Appeals *Minutes*  
Monday, March 16, 2009  
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, Planning Board member Tom Jensen and Conservation Board members Jeanine Klopp, Nick Kramer and Ed Evans and residents Christina and Katherine Nicot, Clark and Alice Coffey, Mike Henner, Kathleen and Paul Meyer, David and Sherry Danzig and Mark and Karen Petersen.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the February 16, 2009 meeting as recorded. Members polled, Baase aye, Ellsworth aye, Haight abstain, Hoffman aye, Pohl aye. Motion carried, minutes approved.

*The Clerk showed Proof of Publication*

**PUBLIC HEARING**

**DAKOTA GRILL  
913 ROOSEVELT HIGHWAY**

Rich Maier from Maier Land Surveying was present to represent Dave Danzig owner of the Dakota Grill seeking relief from Town Codes 125-25B(2)(a) for a 40' front setback variance and 125-54A(7) for relief from a 10' landscape buffer requirement for an addition located at 913 Roosevelt Highway. Mr. Maier explained that the building is pre existing non-conforming but a front setback variance is needed for the addition and a buffer is required but there are some concerns with the safety. Mr. Maier talked with the DOT and stated that they want to eliminate one of the entrances on Roosevelt Highway and the County wants to eliminate one entrance on the Town Line Road. The DOT has concerns with the current parking but Mr. Maier stated it has existed for over 50 years. The DOT would like to prevent the cars from backing out onto the highway. The State has jurisdiction. At the triangle the DOT would like curbing to be added to eliminate traffic being able to cut through. They would like just one entrance with curbing along Roosevelt Highway. Mr. Maier stated that they are still waiting for a final decision from the State and County DOT on the proposal.

Chairman Norman Baase questioned if they were asking to eliminate the buffer just along Roosevelt Highway. Mr. Maier stated that for safety reasons they didn't want to have a landscaped buffer along the highways.

Attorney Welch questioned if they added curbing at the triangle per the DOT then they would lose some parking. Mr. Maier stated that yes they would lose a couple of parking spaces. Mr. Maier stated that a traffic analysis still needed to be completed. They are talking about eliminating the parking lot on the Townline Road.

Putting a landscaped buffer around the parking lot, septic system and retention pond only was suggested.

Chairman Norman Baase stated that he talked with the Highway Superintendent Thomas Ingraham and he agrees with the State. No trees or shrubs should be planted along the highway due to site distance and safety concerns.

Klaus Pohl questioned the need for the 40' setback. Attorney Welch explained that this proposal was also a lot combination that was approved by the Planning Board. So because the expansion carries over onto the other lot the Planning Board wanted the Zoning Board to look at the front setback also. Because they did the lot combination and the expansion at the same time it needed to be addressed because the use is being expanded. Klaus questioned if it brings it closer to conformity. Attorney Welch stated yes it does.

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

Jeanine Klopp of 3987 Roosevelt Highway questioned if the cars at the tip of the parking lot would still be backing out onto the highway. Mr. Maier stated yes they would and it has been like that for 50 years.

Kathleen Meyer of 1699 Hamlin Parma Townline Road stated that it is a hazard to back out onto the highway. Even though it has been happening for over 50 years the population and traffic have increased and it is dangerous. Mr. Maier agreed that the traffic has increased and stated that they are waiting for a decision from the DOT.

Chairman Norman Baase stated that it doesn't effect the Board's decision tonight on the buffer.

At this time Chairman Norman Baase closed the Public Hearing.

The Board discussed the location of the buffer.

Ed Haight questioned if the State gave a height limit for the buffer. Mr. Maier stated that the State's response was very vague.

It was discussed that the buffer zone should be kept grass or just curbing. Chairman Norman Baase stated that the location of the bushes would be a Planning Board decision. Mr. Maier stated that they were just looking for some direction as to what type of landscaping would be needed. Attorney Welch stated that the section of code does state that the buffer could be grass or curbing. The developer is requesting to have just curbing along Roosevelt Highway and screening along the parking lot with plantings in the islands in the parking lots.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant Dave Danzig, owner of the Dakota Grill relief from Town Code 125-25B(2)(a) for a 40' front setback variance and relief from Town Code 125-54A(7) for relief from a 10' landscaped buffer along the highways for the addition proposal with the conditions that no plantings or shrubs interfere with site distances and that the comments from the DOT be followed. There were no negative comments from the neighbors. This is a Type II SEQR determination. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**STEPHEN AND CHRISTINA NICOT  
811 WILER ROAD**

Stephen and Christina Nicot were present seeking relief from Town Codes 125-50C(1)(b) for a 25.4' north side setback variance to keep chickens in the existing barn and 125-50C(1)(d) and 125-50C(2)(d) for a 110 chicken variance to raise 150 chickens on their property located at 811 Wiler Road. Mr. Nicot stated that they wanted to have 150 chickens and they would be kept in the shed on the east end of the red metal pole barn on their property.

Chairman Norman Baase explained that the application was for a Use variance. He doesn't agree that this is a Use variance because chickens are allowed on the property already. Attorney Welch agreed that this should be an Area variance not a Use variance.

Chairman Norman Baase asked if they would be adult chickens. Mr. Nicot stated yes they would eventually be adults used for egg production to supplement their income.

It was determined that the lot was 7 acres so a 115 chicken variance would be needed.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to schedule a Public Hearing for Mr. and Mrs. Nicot for April 20, 2009 at 7:30pm for variances to keep 150 chickens on the property located at 811 Wiler Road. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth stated that the Board would be out to the property the Saturday prior to the Public Hearing for an inspection. The Board reminded Mr. and Mrs. Nicot to have their fees into the Clerk by the deadline.

**MARK AND KAREN PETERSEN  
740 MONROE ORLEANS COUNTY LINE RD.**

Mr. and Mrs. Petersen were present seeking relief from Town Code 125-18B(2)(a) for a 56' front setback variance to reconstruct a house located at 740 Monroe Orleans County Line Road after a fire. Mr. Petersen explained that their house burned down and they would like to rebuild using the same setback due to the location of their existing septic. They would like to start the garage for the new house at the same location as the foundation for the old house. Then the house would run east and west rather than north and south like the original house did.

Attorney Welch stated that the lot is zoned R-VL and asked if the garage would be attached. Mr. Petersen stated yes it would be. Attorney Welch stated that the Board would need an actual proposal to make a decision. Mr. Petersen showed the Board some house plans that were close to what they wanted.

Some discussion took place. Mr. Petersen stated that he was just looking for some idea as to the size house he could build there. They weren't sure about what they wanted yet.

Attorney Welch explained that he would need Site Plan approval from the Planning Board since this is a new house. They would need to look at lot size, drainage, house size, septic location, impervious surface, etc. Then they would refer him to the Zoning Board for any variances. He would need to decide what he wants then hire an engineer and submit the maps to the Planning Board.

Some discussion took place on scheduling a Public Hearing. Attorney Welch explained because it's a different footprint it is treated like a vacant lot. They need solid plans and it needs to be referred to the Zoning Board by the Planning Board.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Mr. and Mrs. Petersen for April 20, 2009 at 7:30pm for variances to be determined by the Planning Board to rebuild a house located at 740 Monroe Orleans County Line Road. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**DISCUSSION**

Town Board Liaison Mike Marchetti stated that they should be receiving a schedule of when their presentation to the Town Board will be. The next Zoning Workshop is Thursday, March 19, 2009 at 7:00pm.

Conservation Board member Jeanine Klopp stated that Earth Day is April 25<sup>th</sup>.

**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, April 20, 2009 at 7:30pm. Deadline for all fees is Monday, April 6, 2009 at 12:00.