

Hamlin Zoning Board of Appeals *Minutes*
Monday, April 20, 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 Aaron LaFaro, Nick Kramer and Ed Evans, Engineer Dave Matt and residents Steve and Christina Nicot, Michael Cardillo and Honey and Frank DeLapa.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the March 16, 2009 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

**STEPHEN AND CHRISTINA NICOT
811 WILER ROAD**

Stephen was 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)(a)(1)(d) and 125-50C(1)(a)(2)(d) for a 115 chicken variance to raise 150 chickens on their property located at 811 Wiler Road. Mr. Nicot stated that the chickens would be a moneymaking enterprise.

Rocky Ellsworth asked if they would be raised for meat or eggs. Mr. Nicot stated for eggs.

Chairman Norman Baase asked if they ever raised chickens before. Mr. Nicot stated yes last year they raised about a dozen. These would be juvenile chickens at time of purchase. Chairman Norman Baase asked if they would be kept in a pen. Mr. Nicot stated they would be outside in a closed in area. Chairman Norman Baase asked if they would have any roosters. Mr. Nicot stated no roosters just hens for laying.

Attorney Welch questioned where they would be selling the eggs. Mr. Nicot stated not at his house. Possibly at Mank's or at Brown's.

Klaus Pohl questioned the total number of chickens. Mr. Nicot stated it would be 150 chickens total.

Rocky Ellsworth questioned the disposal of manure. Mr. Nicot stated they would compost it near the barn.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone 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 Klaus Pohl, seconded by Rocky Ellsworth to grant relief to Mr. and Mrs. Nicot for Town Code 125-50C(1)(b) for a 25.4' north side setback variance to keep chickens in the existing barn and Town Codes 125-50C(1)(a)(1)(d) and 125-50C(1)(a)(2)(d) for a 115 chicken variance to raise 150 chickens on their property located at 811 Wiler Road. This is a Type II SEQR determination. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**RAY AND LISA O'DELL
140 WESTPHAL DRIVE**

Not Present.

**BRAD AND NICKI SMITH
11 WALKER LAKE ONTARIO RD.**

Brad Smith was present seeking relief from Town Code 125-40A(2) for a 5' side setback variance and relief from Town Code 42-10B to install an inground pool in the Structural Hazard Area located at 11 Walker Lake Ontario Road. Mr. Smith explained that he would like to install an inground pool on the west side of his house. Attorney Welch stated that the code reads that pools need to be installed behind the rear foundation line of the principle building. Since along the lake the front of the property is the lakeside then an additional variance is required.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing May 18 at 7:30pm for Brad Smith for variances to construct an inground pool on his property located at 11 Walker Lake Ontario Road. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth explained that they would do a site inspection on May 16 after 10:30 and asked that they have the location of the pool staked out.

Chairman Norman Baase reminded Mr. Smith to have his fees into the Clerk by the deadline.

**MICHAEL CARDILLO
4332 ROOSEVELT HIGHWAY**

Michael Cardillo was present seeking relief from Town Code 125-45A(3) for a 30' height variance to construct an 80' wind tower on his property located at 4332 Roosevelt Highway. Mr. Cardillo explained that the tower would be for private use and it would be utilized with the power company. Attorney Welch asked if the towers were approved in other areas. Mr. Cardillo stated yes they were. The Board asked Mr. Cardillo to provide brochures and articles on the type and studies for the tower he would be purchasing. Attorney Welch stated that they would need additional documentation provided prior to the Public Hearing on the tower.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing May 18 at 7:30pm for Michael Cardillo for relief from Town Code 125-45A(3) for a 30' height variance to construct an 80' wind tower on his property located at 4332 Roosevelt Highway. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth explained that they would do a site inspection on May 16 after 10:30 and asked that they have the location of the tower staked out.

Chairman Norman Baase reminded Mr. Cardillo to have his fees into the Clerk by the deadline.

**KEN AND MARY JO SCHLECHT
7146 TUCKER LANE**

Dave Matt from Schultz Associates was present representing Mr. and Mrs. Schlecht seeking relief from Town Code 42-10 for building in a Coastal Erosion Hazard Area and Structural Hazard Area and Town Code 125-34D(1)(15) for building a septic within 150' of a wetland buffer and the Town of Hamlin Conservation Overlay District to construct a single family house located at 7146 Tucker Lane. Mr. Matt explained that the owners also own the cottage next door. They want to sell the existing cottage and build a new house on this lot. The Planning Board has referred them to the Zoning Board for a couple of variances. The leach field will be to the west. The wetlands have been delineated.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing May 18 at 7:30pm for Mr. and Mrs. Schlecht for variances to construct a single family house located at 7146 Tucker Lane. Members polled, Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth explained that they would do a site inspection on May 16 after 10:30 and asked that they have the location staked out. Rocky also commented that they have the same concerns as the Planning Board has and the same items will need to be addressed.

Chairman Norman Baase reminded Mr. Matt to have his fees into the Clerk by the deadline.

**RAY AND LISA O'DELL
140 WESTPHAL DRIVE**

Not Present. No message from Mr. and Mrs. O'Dell. Chairman Norman Baase stated that they would put the application on next month's agenda.

DISCUSSION

Conservation Board member Aaron LaFaro stated that Earth Day is April 25th.

Planning Board member Tom Jensen stated that the Planning Board has several concerns with Tucker Lane also.

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, May 18, 2009 at 7:30pm. Deadline for all fees is Monday, May 4, 2009 at 12:00.