

Hamlin Zoning Board of Appeals *Minutes*
Monday, September 21, 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 Chairperson Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present.

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

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Building Inspector Lee Nettnin, Planning Board member Peter Tonery and Conservation Board members Nick Kramer and Ed Evans, residents Amy Kelly and Rob and Patti Bartholomay.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to approve the minutes of the July 20, 2009 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman abstain, Pohl aye. Motion carried, minutes approved.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to approve the minutes of the August 17, 2009 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman abstain, Pohl abstain. Motion carried, minutes approved.

The Clerk showed the Proof of Publication

PUBLIC HEARING

**AMY AND RICHARD KELLY
30 HIGHVIEW**

Amy Kelly was present seeking relief from Town Code 125-39C for an 8' side setback variance to construct a 14' x 20' detached garage located at 30 Highview Drive. Mrs. Kelly explained that they purchased a 14' x 20' garage and the only location for it on their property is too close to the lot line therefore they need an 8' side setback variance. Mrs. Kelly confirmed that this is a wooden building.

At this time Chairperson Norman Baase opened the Public Hearing and asked if there was anyone present 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 Rocky Ellsworth, seconded by Klaus Pohl to grant relief to Mr. and Mrs. Kelly from Town Code 125-39C for an 8' side setback variance to construct a 14' x 20' detached garage located at 30 Highview Drive. This is the only location for the garage; this will not change the character of the neighborhood. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**ROBERT AND PATRICIA BARTHOLOMAY
1381 BROOKEDGE DRIVE**

Robert and Patricia Bartholomay were present seeking relief from Town Code 125-39C for a 4' side setback variance and a 4' rear setback variance to construct a 10' x 18' detached garage located at 1381 Brookedge Drive. Mr. Bartholomay explained that this is the only location on his property for the garage due to trees, a playground, his garden and the location of his boat.

Attorney Welch questioned what the shed would be used for. Mr. Bartholomay stated for mowers, tools, bikes and other treasures. The wall height was questioned. Mr. Bartholomay stated that the walls are 8'. Some discussion took place on the use of the garage. Building Inspector Lee Nettin stated that per the code the maximum size for a shed is 16' x 16'. Ed Haight asked if they would be storing any vehicles in the shed. Mr. Bartholomay stated no they would not be.

After some discussion the Board determined that no variance was required due to the structure being used as a shed therefore it could be a minimum of 5' from the property lines.

**KEVIN AND KATHLEEN NOON
7622 NEWCO DRIVE**

Kevin and Kathleen Noon were not present.

Building Inspector Lee Nettin explained that the location of the garage that the owners originally wanted was not approved by the DEC due to the wetlands. This location near the road is the location that was approved by the DEC. The owner would like it to be a two story garage for storage therefore he is requesting a height variance. The location and setbacks of the proposed garage were discussed. It was determined that the garage is 42' from the road and it will have to be 15' from each side lot line. It was determined that the lot was wide enough and those requirements could be met.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Oct. 19, 2009 at 7:30pm for Mr. and Mrs. Noon seeking relief from Town Code 125-31C(3)(b) for an 8' height variance to construct a 24' x 30' x 23' detached garage. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

DISCUSSION

Conservation Board member Nick Kramer just wanted to let the Board know that the garage at 7622 Newco Drive was all set due to the DEC approving the location.

Town Board Liaison Mike Marchetti introduced new Planning Board member Peter Toney to the Board.

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.

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, October 19, 2009 at 7:30pm. Deadline for all fees is Monday, October 5, 2009 at 12:00.