

Hamlin Zoning Board of Appeals *Minutes*  
Monday, March 15, 2010  
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, Ed Haight and Jerry Hoffman, Klaus Pohl.

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Building Inspector Lee Nettin, Planning Board member Tom Jensen, Conservation Board member Nick Kramer and residents David Dudley, Gary and Donna Johnson and Leon Sawyko.

A motion was made by Jerry Hoffman, seconded by Ed Haight to approve the minutes of the February 15, 2010 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl abstain. Motion carried.

**GARY AND DONNA JOHNSON  
719 WILER ROAD**

Gary and Donna Johnson were present seeking relief from Town Code 125-50C (1) (a) (2) (a) to have a total of 3 horses on their 5.51 acre lot located at 719 Wiler Road. Mr. and Mrs. Johnson explained that they combined the 3 lots that they own into one at the Planning Board making one 5.51 acre lot. They use some of their neighbor's land. A note from the neighbor was given to Chairperson Norman Baase. They stated that they have had the horses since 1997. One horse is very old and they don't want to have to get rid of him. They explained that after the Planning Board approved their Lot Combination they tried to file the map with Monroe County but the taxes needed to be paid before the County will accept the map. The Lot Combination approval expires in 60 days so they have to come back to the Planning Board. The applicants requested to delay their Public Hearing until they can pay the taxes and file the map with the County. Attorney Ken Licht stated that the Public Hearing could be delayed for a reasonable amount of time. Attorney Ken Licht stated that the Use is not legal in the interim.

The applicants will call the Clerk to schedule a Public Hearing.

**DAVID DUDLEY  
5922 WAUTOMA BEACH**

David Dudley was present seeking relief from Town Code 125-31C (2) (b) (1) for a 6' west side setback variance to construct a 10' x 20' side porch located at 5922 Wautoma Beach. Mr. Dudley explained that there was an existing 10' x 20' side porch on his house that he was trying to repair. The structure was too rotted to repair and it started to fall down so he tore it down for safety reasons. Now he would like a variance to re-build the porch the same size as the previous porch. He explained that the porch provides wind protection to the garden and the house. The previous structure was a screened in porch with storm windows over the screens. It had a flat roof. He would like to rebuild the same size structure. The previous structure went right to the west property line. Some discussion took place regarding whether this was a repair of structural members or the reconstruction of the structure. Building Inspector Lee Nettin stated that the porch is completely gone so in his opinion this would be starting over and would require a variance to be that close to the lot line. Attorney Licht questioned the distance to the neighbor's house. Mr. Dudley stated that it is 60'-70' from the property line. The neighbor's house is also further back from the lake than his house. Attorney Licht stated that the new porch would have to be totally on Mr. Dudley's property. It can't go over the property line. Mr. Dudley understood.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for David Dudley seeking relief from Town Code 125-31C(2)(b)(1) for a 6' west side setback variance to construct a 10' x 20' side porch located at 5922 Wautoma Beach for April 19, 2010 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Rocky Ellsworth reminded Mr. Dudley to have the fee into the Clerk by the deadline and asked him to have the porch stacked out prior to April 17, 2010 for an inspection. Mr. Dudley agreed.

**LEON AND ANNE SAWYKO  
7678 NEWCO DRIVE**

Leon Sawyko was present seeking relief from Town Code 125-41.1 for a 6' variance to construct a 16' x 24' front deck located at 7678 Newco Drive. Mr. Sawyko stated that he would like to construct a 16' x 24' front deck on his house. The code states that the maximum is 10' for a front deck so he is requesting a 6' variance. There is plenty of room from the deck to the shoreline. Rocky Ellsworth questioned if he could have the deck stacked out prior to April 17, 2010 for an inspection. Mr. Sawyko agreed.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Leon and Anne Sawyko seeking relief from Town Code 125-41.1 for a 6' variance to construct a 16' x 24' front deck located at 7678 Newco Drive for April 19, 2010 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Mr. Sawyko was reminded to have his fee into the Clerk by the deadline. Mr. Sawyko agreed.

### **DISCUSSION**

Chairperson Norman Baase discussed a letter from Peter Toney requesting a refund of the Public Hearing fee that he paid for his variance that he was granted. Ed Haight stated that they discussed the application with Mr. Toney and gave him the option of a Public Hearing and he chose to proceed with the Public Hearing. He was granted the variance. Attorney Licht stated that this is a Town Board decision and it should be referred to them by this Board. He suggested that the Zoning Board make a recommendation to the Town Board with their referral. Rocky Ellsworth stated that their decision was based on precedent.

A motion was made by Klaus Pohl, seconded by Ed Haight to refer Mr. Toney's request to the Town Board with the recommendation that the Town Board does not refund the Public Hearing fee. Chairperson Norman Baase will write a recommendation letter to the Town Board. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Conservation Board Liaison Nick Kramer stated that Earth Day is April 24, 2010 from 10:00am until 2:00pm at Hamlin Beach State Park area 4 and 5. There will be a tree give away, green vendors, free hot dogs and drinks, environmental info booths and a flea market. Nick also stated that the Conservation Board has no concerns with the applications tonight but would like to have the gutters at 5922 Wautoma Beach drain towards the lake. The Board stated that they would make a note of that.

Town Board Liaison Craig Goodrich stated that legal representation is present tonight so all is well.

**ADJOURNMENT**

A motion was made by Ed Haight, dually seconded by Rocky Ellsworth and 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, April 19, 2010 at 7:30pm. Deadline for all fees is Monday, April 5, 2010 at 12:00.