

Hamlin Zoning Board of Appeals *Minutes*  
Monday, July 19, 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 Vice Chairperson Rocky Ellsworth at 7:30pm with the location of the fire exits and AED explained for those present.

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

Excused: Norman Baase

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Building Inspector Lee Nettin, Planning Board member Tom Jensen (late), Conservation Board members Nick Kramer and Ed Evans and residents Lorraine Vyrerberg, David Rodak, Loren Ostrander and Brian Blonowicz.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the June 21, 2010 meeting as recorded. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

*The Clerk showed the Proof of Publication*

**PUBLIC HEARING**

**LORRAINE VYRERBERG  
811 CHASE ROAD**

Lorraine Vyrerberg was present seeking relief from Town Code 125-39C to construct a 14' x 28' barn in front of the front foundation of the house located at 811 Chase Road. The height of the barn was questioned. Ms. Vyrerberg stated the height of the barn would be 14'. Ed Haight questioned if there was another location for the barn behind the house. He stated that there was a lot of room to put the barn behind the house. Ms. Vyrerberg stated that the septic system and leach was to the east, propane tank was to the west and she rides her horses in the back yard. She stated that it would be more convenient to have the barn in front of the house. She added that the back yard has a steep grade. Klaus Pohl stated that he was concerned about putting the barn in front of the house also. He explained that there are certain criteria for granting a variance. This hardship is self induced. The barn can be placed behind the house and a variance wouldn't be needed. Ms. Vyrerberg asked if they could add on to the existing garage. It was determined that they could add on to the existing garage to the west. Ed Haight explained that because this hardship is self created and the barn can be placed behind the house it doesn't meet the variance criteria.

At this time Vice Chairperson Rocky Ellsworth opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Richard Sullivan of 801 Chase Road stated that he lives directly to the east of Ms. Vyrerberg. He was concerned that the barn was going to be right next to his house. He doesn't have any issues if the location of the barn is where the stakes are and if the barn is going to be used for storage only and not for animals. He stated that there is a row of trees that will block his view of the barn in that location.

At this time Vice Chairperson Rocky Ellsworth closed the Public Hearing.

Building Inspector Lee Nettnin stated that he feels that the area behind the house is flat enough to build the barn. He has done some calculations and the area is outside of the Conservation Overlay District. There are two existing structures back there already. He feels the barn can be built behind the house.

Ms. Vyrerberg stated that it is too far to walk in the winter.

Attorney Licht stated that the Zoning Board is a 5 member Board. They need a majority vote to grant the variance. The applicant can request to postpone the vote until next month when there is a full Board.

A motion was made by Ed Haight, seconded by Klaus Pohl to deny the application for Lorraine Vyrerberg to construct a 14' x 28' x 14' barn in front of the front foundation located at 811 Chase Road. There is adequate room behind the house to construct the barn so a variance isn't needed. This is a self created hardship. Members polled Ellsworth abstain, Haight aye, Hoffman aye, Pohl aye. Motion carried.

## **PUBLIC HEARING**

### **CAPSTONE PROPERTIES 692 WILER ROAD**

Brian Blonowicz owner of Capstone Properties was present seeking relief from Town Code 125-19B(2)(b) for a 13.5' north side setback variance for a 45' x 13.125' existing deck located at 692 Wiler Road. Mr. Blonowicz explained that he purchased the property and is ready to sell it. He would like to clean up the issue with the existing deck that is too close to the lot line.

At this time Vice Chairperson Rocky Ellsworth 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 Vice Chairperson Rocky Ellsworth closed the Public Hearing.

Ed Haight stated that the deck has been there a long time.

Building Inspector Lee Nettnin stated that he didn't have any concerns. The deck blocks fire access but there is enough room on the neighbor's property and on the other side of the house for access.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant relief from Town Code 125-19B(2)(b) to Capstone Properties for a 13.5' north side setback variance for a 45' x 13.123' existing deck located at 692 Wiler Road. This is a Type II SEQR determination. There were no negative comments from neighbors. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. Blonowicz to see the Building Inspector for a permit for the deck.

**LOREN OSTRANDER  
677 HAMLIN CENTER ROAD**

Loren Ostrander was present seeking relief from Town Code 125-39C to construct a 2 story 24' x 36' x 24' barn in front of the front foundation of the house located at 677 Hamlin Center Road. Mr. Ostrander explained that he built his house in 1993 and it is 800' back from the road. He would like to build a barn for storage and a workshop approximately 600' from Hamlin Center Road. His lot behind his house is all trees and there is a creek that runs through his back yard. There is a drop off behind his house and a flood plain on his property. This is the only location for the barn. It won't be seen from the road due to the number of trees on his property.

Ed Haight questioned how far off the west property line the barn would be. Mr. Ostrander stated about 23' from the property line.

Building Inspector Lee Nettnin stated that 50% of his lot is in the Conservation Overlay District and there are Federal Wetlands on the property. This is a flag lot. There is a house in front of his house on a separate lot. There is no other location for the barn other than the proposed location.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for Loren Ostrander seeking relief from Town Code 125-39C to construct a 24' x 36' x 24' barn in front of the front foundation of the house located at 677 Hamlin Center Road for August 16, 2010 at 7:30pm. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. Ostrander to have his fee into the Clerk by the deadline and they would be out for an onsite inspection on August 14, 2010.

**DAVID AND SILVIA RODAK  
615 CHURCH ROAD**

David and Silvia Rodak were present seeking relief from Town Code 125-18C(3) to have two dwellings on one lot located at 615 Church Road. Mr. Rodak explained that the second house on their lot is used for his mother in law. The addition to the barn was intended to be used as office space. Due to health reasons his mother in law is living in the second house. She would like to prolong her independence. The stove has been unplugged and she only uses the refrigerator and a microwave. When his mother in law is no longer able to live there then they will not use the house as a residence.

Building Inspector Lee Nettin stated that Mr. Rodak has a business for selling firearms out of the second house also. The ATF confirms that customers come to the office to pick up the firearms. Mr. Nettin stated that he explained the options to Mr. Rodak and wrote a letter to the ATF explaining the options and what needed to be done for Mr. Rodak to move forward with his Special Use Permit application. The options were for Mr. Rodak to move the resident out of the second house and remove the kitchen or to subdivide the property so that there is only one house per lot per code.

Mr. Rodak stated that the second house is totally independent and has its own septic, well and utilities.

Attorney Licht stated that the applicant is entitled to a Public Hearing. Attorney Licht explained that several times the term In Law has been used. This is not an In Law because it is not attached. He explained that the second residence is on one lot. If the variance was granted it would be a permanent variance that stays with the property.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for Mr. and Mrs. Rodak seeking relief from Town Code 125-18C (3) to have two dwellings on one lot located at 615 Church Road for August 16, 2010 at 7:30pm. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. and Mrs. Rodak to have the fee into the Clerk by the deadline and they would be out for an onsite inspection on August 14, 2010.

**DISCUSSION**

Attorney Ken Licht reminded the Board about the training tomorrow night.

Conservation Board member Ed Evans questioned the variance granted for the existing deck. He was concerned because there was no fire access that it would limit what the neighbor could build on his property in the future. Attorney Licht stated that the neighbor's setback is 15' so that would be enough access and there is access to the south of the house for emergency vehicles. Ed stated that he thought the whole point for setbacks was to have 30' between properties. Now this

variance limits what the neighbor can do on his property. Building Inspector Lee Nettin stated that a fire truck doesn't need 30'. Vice Chairperson Rocky Ellsworth stated that there is room to the south of the house for access. Ed Haight stated that fire trucks rarely go behind the house they park in the driveway.

Town Board Liaison Craig Goodrich stated that the Hamlin Fireman's Carnival is this week Thursday through Sunday.

**ADJOURNMENT**

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled 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, August 16, 2010 at 7:30pm. Deadline for all fees is Monday, August 2, 2010 at 12:00.