

Hamlin Zoning Board of Appeals *Minutes*
Monday, December 20, 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.

Excused: Klaus Pohl

Also present: Support Boards Attorney Ken Licht, Building Inspector Lee Nettin, Planning Board member Tom Jensen, Conservation Board members Nick Kramer and Ed Evans and residents John Murch, Marcelina Campa, and David Dudley.

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

The Clerk showed the Proof of Publication

PUBLIC HEARING

**DAVID DUDLEY
5922 WAUTOMA BEACH**

Mr. Dudley was not present.

PUBLIC HEARING

**MARIA CAMPA
5702 WAUTOMA BEACH**

Maria Campa was present seeking relief from Town Code 125-42B for a 4' side setback variance and 125-42B for a 2.8' setback from residential building variance for an existing 8' x 10' shed located at 5702 Wautoma Beach Road. Ms. Campa stated that the actual size of the new shed is 8' x 6'. Some discussion took place regarding the size and location of the shed. It was determined that a .8' setback from a residential building variance was needed due to the size of the shed being smaller.

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 Chairperson Norman Baase closed the Public Hearing.

Building Inspector Lee Nettin stated that the shed is 13' from the neighbor's house.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to grant relief to Maria Campa from Town Code 125-42B for a 4' side setback variance and a .8' setback from residential building variance for an existing 8' x 6' shed located at 5702 Wautoma Beach Road. This is a Type II SEQR determination. There were no comments from the neighbors. County referral was not required due to it being a Town road. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye. Motion carried.

Maria Campa was reminded to get a permit from the Building Department for the shed.

PUBLIC HEARING

**SCOTT MURCH
36 BARRINGER DRIVE**

John Murch was present representing Scott Murch seeking relief from Town Codes 125-21B(2)(f)(2) for a 3.5' side setback variance and 125-21B(2)(g) for a 2.57' front setback variance to construct a 7' x 22' attached garage addition located at 36 Barringer Drive. The Board questioned if the addition would be sided the same as the existing garage and house. Mr. Murch stated yes it would.

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 Chairperson Norman Baase closed the Public Hearing.

A motion was made by Jerry Hoffman, seconded by Ed Haight to grant relief to Scott Murch from Town Codes 125-21B(2)(f)(2) for a 3.5' side setback variance and 125-21B(2)(g) for a 2.57' front setback variance to construct a 7' x 22' attached garage addition located at 36 Barringer Drive. This is a Type II SEQR determination. There were no comments from the neighbors. This will not change the character of the neighborhood. County referral was not required due to it being a Town Road. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye. Motion carried.

Mr. Murch was reminded to get a permit from the Building Department for the garage addition.

PUBLIC HEARING

**DAVID DUDLEY
5922 WAUTOMA BEACH**

Mr. Dudley was not present.

DISCUSSION

Conservation Board member Ed Evans discussed the Conservation Board's concerns with the tree removal at 7920 Newco Drive. Pictures were passed around of the site. Ed explained that at two meetings the Engineer stated that the location of the house couldn't be moved due to the owner wanting to save the trees. Now all of the trees but three have been removed from the lot. Jerry stated that this is a Planning Board issue. Chairperson Norman Baase stated that in the first photo most of it is shrubs and scrub trees that should have been removed. He questioned if anyone has asked the owner if he plans to replant the trees that he removed. It was explained that once the Certificate of Occupancy is issued the owner can do whatever he wants on his lot and the Town has little control over removal of trees. Attorney Ken Licht stated that mature trees die and need to be removed. Ash trees can become diseased and need to be removed. The map can be marked to indicate the mature trees that are to be saved when granting a variance but if those trees die or become diseased permission can be given to have those trees removed from the property. Many of the trees on this lot could have been scrub trees, broken, decayed or dead trees. Only the healthy trees can be saved. Ed stated that when granting motions in the Conservation Overlay District they can have the healthy trees that are to be saved noted on the plans.

PUBLIC HEARING

**DAVID DUDLEY
5922 WAUTOMA BEACH ROAD**

David Dudley was present seeking relief from Town Codes 125-31C(4) for a 28.46% Impervious Surface variance and 125-31C(2)(b)(1) for a 6' side setback variance to construct a 19' 10" x 18' side porch located at 5922 Wautoma Beach Road. The Board made sure that this was what Mr. Dudley wanted to do. Mr. Dudley stated yes it is. The new map showed the distance from the neighbor's house.

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 Chairperson Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to grant relief from Town Codes 125-31C(4) for a 28.46% Impervious Surface variance and 125-31C(2)(b)(1) for a 6' side setback variance to construct a 19' 10" x 18' side porch located at 5922 Wautoma Beach Road. This is a Type II SEQR determination. There were no comments from the neighbors. This will not change the character of the neighborhood. County Referral was not required due to it being a Town road. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye. Motion carried.

Mr. Dudley was reminded that the variance is good for 1 year and to get a permit from the Building Department.

DISCUSSION

Chairperson Norman Baase stated that he received a Thank you letter from the Building Inspector for use of funds to purchase Fire Safe File Cabinets for the office.

The Board wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Jerry Hoffman to adjourn tonight's meeting barring no further business. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman 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, January 17, 2011 at 7:30pm. Deadline for all fees is January 3, 2011 at 12:00 noon.