

Hamlin Zoning Board of Appeals *Minutes*  
Monday, April 18, 2011  
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: Building Inspector Lee Nettnin, Planning Board member Tom Jensen, Conservation Board members Nick Kramer, Paul Nau and Jason Baxter and residents Roger and Kim Cole, Ron Sisson, Trevor Smith, Tom and Helen Clark, Robert Place, Esq., Gary and Donna Johnson, Paul Keller and Wayne and Barb Lewis.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the March 21, 2011 meeting as recorded. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

*The Clerk showed the Proof of Publication*

**PUBLIC HEARING  
DAVID SMITH**

**8018 NEWCO DRIVE**

Todd and Trevor Smith were present representing their father David Smith seeking relief from Town Codes 125-31C(2)(a) for a 20' rear (roadside) setback variance, 125-31C(2)(b) for a 10' height variance and 125-31C(4) for a 21% Impervious Surface variance to construct a 20' x 32' x 25' pole barn located at 8018 Newco Drive. Pictures of the proposed barn were passed out to the Board. Todd Smith explained that this is the only location for the barn due to the septic and leach field location and views of the lake. They are asking for a variance for the setback from the road. The barn can be built within the side setbacks per the code. The barn would be used for storage only. No driveway is being proposed.

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.

Robert Place representing Tom and Helen Clark of 8028 Newco Drive argued that the barn would have significant impact on the Clark's property. He argued that the proposed barn would be higher than the Clark's house. The barn is out of scale based on the height and it is not compatible with the neighborhood. Mr. Place went through the criteria for a variance. There are also drainage concerns due to building the barn in this location. He argued that this creates an

undesirable change to the neighborhood and this variance is significant. He asked that the impacts be balanced.

Vice Chairperson Rocky Ellsworth stated that several other properties on Newco Drive have similar structures already. So this barn is not out of character for the neighborhood.

Klaus Pohl questioned the drain in the last picture. Mr. Place stated that it doesn't work very well. Helen Clark stated that the drain goes to the west, down two properties and drains into the swamp to the west. They have had flooding issues for years and the garage floods several times a year. They have lived there for about 30 years.

Attorney Ken Licht questioned possible other locations for the barn. A different location closer to the Smith's house was suggested. Trevor Smith stated that it would be closer to the lake and affect the views of the lake.

Building Inspector Lee Nettin stated that the property is low there but the barn would not have an impact on the existing drainage issues. If the barn location is moved then they shouldn't be driving over the septic. He stated that the views of the lake would be blocked if the barn was moved.

Conservation Board member Nick Kramer had concerns if a driveway was added in the future.

Other locations for the barn were discussed. Previous variances and the barn placement then were discussed.

Trevor Smith stated that if the barn is an eyesore and not compatible for the neighborhood then it doesn't matter where the location is. He stated that when the previous variances were granted they were unaware of the septic location. Now they know where it is so the barn had to be moved.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to continue this Public Hearing until May 16, 2011 at 7:30pm for David Smith seeking relief from Town Codes 125-31C(2)(a) for a 20' rear (roadside) setback variance, 125-31C(2)(b) for a 10' height variance and 125-31C(4) for a 12% Impervious Surface variance to construct a 20' x 32' x 25' pole barn located at 8018 Newco Drive. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**PUBLIC HEARING  
ROGER COLE**

**35 COUNTRYSIDE DRIVE**

Roger Cole was present seeking relief from Town Codes 125-20B(2)(b) for an 8' side setback variance and 125-20B(2)(a) for an 8' front setback variance to construct a 30' x 30' 2 story attached garage addition located at 35 Countryside Drive. Mr. Cole explained that they need

more storage space and would like to add onto their existing garage. He stated that he measured wrong and he actually needs a 12' front setback variance.

Attorney Ken Licht stated that Mr. Cole would need to withdraw this application and start over with a new application to the Board.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for May 16, 2011 at 7:30pm for Roger Cole seeking relief from Town Codes 125-20B(2)(b) for an 8' side setback variance and 125-20B(2)(a) for an 12' front setback variance to construct a 30' x 30' 2 story attached garage addition located at 35 Countryside Drive. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. Cole to have his fee into the Clerk by the deadline and to have the location of the garage staked out for the onsite inspection.

## **PUBLIC HEARING**

### **RON AND MARCIA SISSON**

### **11 SUMMER HAVEN DRIVE**

Ron Sisson was present seeking relief from Town Code 125-31C(2)(a) for a 20' rear(roadside) setback variance to construct a 30' x 36' detached garage located at 11 Summer Haven. Mr. Sisson explained that he would like to build a garage for storage across the road on his property. The private road runs through his property. He would like to build the garage closer to the road than the code allows due to it being too far from his house. He doesn't want the garage on the same side as his house.

Klaus Pohl questioned if there would be a driveway. Mr. Sisson stated yes just crushed rock for now.

Jerry Hoffman questioned if there would be a loft above the garage and the height of the structure. Mr. Sisson stated no loft. It would be just for storage. No height variance would be needed.

Building Inspector Lee Nettin stated that he has not seen the plans for the garage.

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.

Klaus Pohl questioned the door location and the removal of trees due to the driveway. Mr. Sisson stated that the door would be in the center of the garage and only 1 tree would be removed for the driveway.

Conservation Board member Nick Kramer stated that the location of the garage is in an open area on the lot and no trees would need to be removed if the garage was in that location.

A motion was made by Klaus Pohl, seconded by Ed Haight to grant relief to Ron and Marcia Sisson from Town Code 125-31C(2) for a 20' rear (roadside) setback variance to construct a 30' x 36' detached garage at 11 Summer Haven. This is a Type II SEQR determination. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

## **PUBLIC HEARING**

### **GARY AND DONNA JOHNSON**

### **719 WILER ROAD**

Gary and Donna Johnson were present seeking relief from Town Code 125-50C(1)(a)(2)(a) for a .49 acre variance to have a total of 3 horses on their 5.51 acre lot located at 719 Wiler Road. They explained that they have 3 horses. One horse is very old and they don't want to get rid of him. They rent some land from their neighbors for the horses also.

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.

Klaus Pohl questioned the status of the variance after the third horse is deceased. A time limit on the variance was discussed.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant relief to Gary and Donna Johnson from Town Code 125-50C(1)(a)(2)(a) for a .49 acre variance to have 3 horses located at 719 Wiler Road for 5 years from today. This is a Type II SEQR determination. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

## **WAYNE AND BARBARA LEWIS**

### **3626 BRICK SCHOOLHOUSE ROAD**

Wayne and Barbara Lewis were present seeking relief from Town Code 125-20A(4) to have a roadside stand on their property located at 3626 Brick Schoolhouse Road zoned R-M. Mr. Lewis stated that they have been selling camp fire wood for the past 5 years. They thought they were in compliance with the code but then the Building Inspector sent them a letter that stated roadside stands aren't allowed in the R-M zoning. They already have cut seasoned wood and would like to continue to have their roadside stand.

Building Inspector Lee Nettin stated that he discovered that roadside stands aren't allowed in the R-M zoning while he was researching something else. He hopes to get the code changed to allow them in R-M but that would take several months.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for May 16, 2011 at 7:30pm for Wayne and Barbara Lewis seeking relief from Town Code 125-20A(4) to have a roadside stand located at 3626 Brick Schoolhouse Road zoned R-M. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

### **KELLER INTERNATIONAL 1431 LAKE ROAD**

Paul Keller was present seeking relief from Town Code 125-53G(7) for a variance to not pave the parking lot located at 1431 Lake Road. Mr. Keller explained that he is in front of the Planning Board seeking approval for his business located at 1431 Lake Road. He is required to pave the parking lot per the code. He is requesting a variance due to the cost of paving. He stated that he doesn't see the need for the required number of parking spaces and it is a lot to have to pave.

Vice Chairperson Rocky Ellsworth stated that they have never granted a variance in the past for this regulation. Paving is required for the safety of the customers and employees and maintenance. He would be reluctant to grant a variance without a real hardship.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for May 16, 2011 at 7:30pm for Keller International seeking relief from Town Code 125-53G(7) for a variance to not pave the parking lot located at 1431 Lake Road. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

### **HAMLIN STATION 52 RAILROAD AVE.**

The owner of the Hamlin Station located at 52 Railroad Ave. requested to have a Public Hearing scheduled. He is seeking relief from Town Code 125-26B(2)(e) for a 15' front setback variance to construct a 60' x 45' party room addition on the west end of his building.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for May 16, 2011 at 7:30pm for C. Manna, Inc. seeking relief from Town Code 125-26B(2)(e) for a 15' front setback variance to construct a 60' x 45' party room addition on the west end of the Hamlin Station located at 52 Railroad Ave. Members polled Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

### **DISCUSSION**

Klaus Pohl questioned the setbacks for the duplexes in the Hamlin Meadows Subdivision. It was explained that per the SC zoning the setbacks are determined by the Town Engineer when the subdivision is approved.

**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, May 16, 2011 at 7:30pm. Deadline for all fees is May 2, 2011 at 12:00 noon.