

Hamlin Zoning Board of Appeals *Minutes*
Monday, May 16, 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 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, Jerry Hoffman and Klaus Pohl.

Also present: Town Board Liaison Craig Goodrich, Building Inspector Lee Nettin, Planning Board member Tom Jensen, Conservation Board member Merritt Ackles, Robert Place, Esq. and residents Mark Glogowski, Roger and Kim Cole, Tom and Helen Clark, Wayne and Barb Lewis and Dave and Maura Smith.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the April 18, 2011 meeting as recorded. Members polled Baase abstain, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING
DAVID SMITH

8018 NEWCO DRIVE

David Smith was present 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. It was explained that the Public Hearing was left open from last month's meeting. Mr. Smith explained that since the last meeting he has plans for the barn and the actual height of the structure will only be 20'. Due to the location of the septic and view of the lake this is the best location for the barn.

Robert Place, Esq. was present representing Mr. and Mrs. Clark, the neighbors to the west. Mr. Place stated that they sent a letter to the Board with other acceptable locations for the barn. The alternative locations would have less impact on the Clark's property.

Chairperson Norman Baase questioned if the Clark's existing garage was located between their house and the road. Mr. Place stated yes it is but it is pre-existing.

Rocky Ellsworth questioned the location of the leach field. Mr. Smith stated that he wasn't sure. He located the tank but wasn't sure of the size of the leach lines. Building Inspector Lee Nettin stated that there is no standard for the length of the leach lines. Moving the barn to the east was suggested. Again the size and location of the leach lines was discussed.

Mr. Smith questioned blocking the view of the lake if he moved the barn and stated that according to the code it is important to maintain the views of the lake. He owns a piece of property on the lake that he would like to build on. He offered to reduce the size of the barn by 20% which would make it 20' x 26' x 20'.

At this time Chairperson Norman Baase closed the Public Hearing.

Klaus Pohl questioned if the size of the structure now was 20' x 26' x 20'. Mr. Smith agreed.

Some discussion took place.

A motion was made by Ed Haight, seconded by Jerry Hoffman to table the decision for Mr. Smith until the June 20, 2011 meeting in order to gather more needed information. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Clerk showed the Proof of Publication

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 12' front setback variance to construct a 30' x 30' 2 story attached garage addition located at 35 Countryside Drive. Mr. Cole explained that he was here last month but measured wrong so the Legal Notice had to be changed and advertised again. He is proposing a 2 story garage addition. County comments have been received and there were no issues.

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 Klaus Pohl, seconded by Rocky Ellsworth to grant relief to Roger Cole 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. There were no negative comments from the County. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING

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 and have lived there for 17 years. Roadside stands aren't allowed in the R-M zoning, only R-VL and R-L zoning, so they need a variance. Klaus Pohl asked if the stand was portable. Mr. Lewis stated yes it is and they bring it in for the winter.

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

David Martek of 3634 Brick Schoolhouse Road stated that he lives next door and the stand has no negative impact at all on the neighborhood. It benefits the town and he supports it.

At this time Chairperson Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to grant relief to Wayne and Barbara Lewis from Town Code 125-20A(4) to have a roadside stand located at 3626 Brick Schoolhouse Road zoned R-M. This is a Type II SEQR determination. There were no negative comments. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING

KELLER INTERNATIONAL

1431 LAKE ROAD

Attorney Keith O'Toole was present representing Paul Keller seeking relief from Town Code 125-53G(7) for a variance to not pave the parking lot located at 1431 Lake Road. Mr. O'Toole 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. The business is an internet business and no customers come to the location. It is a Warehouse use. The building is 4,000 sq. ft. He has 9 employees plus 1 for him would make a total of 10 spaces needed. They are proposing 15 paved parking spaces instead of the 25 spaces required per the code. They agree to pave Area A on the map. The cost of not paving will benefit the owner and save him money.

Chairperson Norman Baase stated that he met with the Highway Superintendent and Lee Nettin and a cheaper alternative to paving would be to use millings and oil and stone to surface the parking lot in the rear in Area B on the map. It would be a cheaper alternative and meet the code.

Building Inspector Lee Nettin questioned if he rents space to another business inside. Mr. Keller stated yes he does but it is just used for storage. Mr. Nettin stated that he requires parking spaces also for that business. Mr. O'Toole stated that they are proposing 15 spaces which are enough for both businesses.

Mr. Nettin stated that at the Planning Board meeting and on the web site it states that customers come to the warehouse. Tonight you stated that no customers come to the site. Mr. Keller stated yes some customers come to pick up items but not very often. Mr. Nettin stated then parking spaces for customers are needed also. Mr. O'Toole stated that they could add 2 more spaces to the front of the building making it a total of 17 spaces proposed.

Attorney Licht stated that the application that was advertised in the Legal Notice was for relief of paving the parking lot not for reduced number of spaces. He explained that another Public Hearing would be needed if they were seeking relief from the number of spaces required for the business. Some discussion took place.

A motion was made by Jerry Hoffman, seconded by Ed Haight to table the application for Keller International until the June 20, 2011 meeting. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to schedule a Public Hearing for Keller International seeking relief from Town Code 125-53D(1)(g)(2) to reduce the number of spaces required for the business located at 1431 Lake Road from 25 to 17 paved parking spaces. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING
HAMLIN STATION

52 RAILROAD AVE.

Kevin Manna was present 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 located at 52 Railroad Ave the Hamlin Station. Mr. Manna explained that he is proposing a party room addition on the west end of his existing building and would like to come closer to the road than the code allows to add a separate entrance way and coat room. This will add character to the building and look nicer.

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 Ed Haight, seconded by Klaus Pohl to grant C. Manna, Inc. 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. There were no negative comments. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**ELIZABETH HENNER
7658 NEWCO DRIVE**

Rich Maier from DDS Engineers was present representing Elizabeth Henner seeking relief from Town Codes 125-31C(1)(a) for a 1.62 acre variance, 125-31C(1)(b) for a 74.33' lot width variance and 125-31C(5) for a 15% Impervious Surface variance to construct a single family house located at 7658 Newco Drive. Mr. Maier explained that they are before the Planning Board for Site Plan approval to re-build their house due a spill several years ago. The DEC has mitigated the spill. The existing lot requires some variances. Mr. Maier explained that since they made application they have worked on the house plans and would like to increase the Impervious Surface variance request to 18% to be safe.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for Elizabeth Henner for June 20, 2011 seeking relief from Town Codes 125-31C(1)(a) for a 1.62 acre variance, 125-31C(1)(b) for a 74.33' lot width variance and 125-31C(5) for a 18% Impervious Surface variance to construct a single family house located at 7658 Newco Drive. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**KATHLEEN FOY
6314 SHORE ACRES**

Rich Maier from DDS Engineers was present representing Kathleen Foy seeking relief from Town Codes 125-31C(1)(a) for a 1.7 acre variance, 125-31C(1)(b) for a 20.89' lot width variance and 125-31C(4) for a 3% Impervious Surface variance for a Simple Lot Combination called The East End Sub. North Section located at 6314 Shore Acres. Mr. Maier explained that these were 3 separate lots. Ms. Foy lives on the north side and wants to combine a 19' strip with her property. The lot requires variances.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Kathleen Foy for June 20, 2011 seeking relief from Town Codes 125-31C(1)(a) for a 1.7 acre variance, 125-31C(1)(b) for a 20.89' lot width variance and 125-31C(4) for a 3% Impervious Surface variance for a Simple Lot Combination called The East End Sub. North Section located at 6314 Shore Acres. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**DEBORAH LEE
6309 SHORE ACRES**

Rich Maier from DDS Engineers was present representing Deborah Lee seeking relief from Town Codes 125-31C(1)(a) for a 1.68 acre variance, 125-31C(1)(b) for a 23.09' lot width variance and 125-39C to have a garage on a vacant lot and for a Simple Lot Combination called The East End Sub. South Section located at 6309 Shore Acres. Mr. Maier explained that this part of the same subdivision. Ms. Lee wants to combine the 3 lots into 1 lot. There is an existing garage on the lot that needs a variance also.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Deborah Lee for June 20, 2011 seeking relief from Town Codes 125-31C(1)(a) for a 1.68 acre variance, 125-31C(1)(b) for a 23.09' lot width variance and 125-39C to have a garage on a vacant lot and for a Simple Lot Combination called The East End Sub. South Section located at 6309 Shore Acres. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

DISCUSSION

Attorney Ken Light stated that he wouldn't be at next month's meeting due to surgery.

Discussion regarding 8018 Newco Drive took place. The Board decided that no workshop was required for 8018 Newco Drive.

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, 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, June 20, 2011 at 7:30pm. Deadline for all fees is June 6, 2011 at 12:00 noon.