

Hamlin Zoning Board of Appeals *Minutes*  
Monday, June 20, 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 members Jason Baxter and Ed Evans, Robert Place, Esq. and residents Mark Glogowski, Tom and Helen Clark, Dave Smith, Bruce Butcher, Dwight Kanyuck, Mike Henner and Ken Pike.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the May 16, 2011 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

*The Clerk showed Proof of Publication*

**PUBLIC HEARING**  
**DAVID SMITH**

**8018 NEWCO DRIVE**

Chairperson Norman Baase stated they would start with the decision for the David Smith application. 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. Chairperson Norman Baase stated that they have reviewed this application and re-visited the property numerous times. They did discover that the waterline is directly in front of the house which eliminates the building being placed there. The location of the septic eliminates the possibility of the building being located in that location.

A motion was made by Klaus Pohl seconded by Rocky Ellsworth to grant relief to David Smith from Town Codes 125-31C(2)(a) for a 20' rear setback variance, 125-31C(3)(b) for a 5' height variance and 125-31C(4) for a 12% Impervious Surface variance to construct a 20' x 26' x 20' Pole Barn located at 8018 Newco Drive due to the following: there will be no undesirable change in the character of the neighborhood and no detriment to neighboring properties. The benefit sought by the applicant will require variances no matter where the barn is located. Locating the barn closer to the applicant's house may interfere with the septic system and the water line located by the house. The construction of the barn will not have a substantial impact on lake views from the parkway and neighboring homes. There were no negative comments from Monroe County. There is no indication that the proposed variances will have any adverse impact on the physical or environmental conditions in the neighborhood. The proposed variances are

not considered substantial and the proposed structure is typical to the neighborhood. This is a Type II SEQR determination. 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 Codes 125-53G(7) for a variance to not pave their parking lot and 125-53D(1)(g)(2) to reduce the number of required parking spaces from 25 to 17 paved spaces for the business located at 1431 Lake Road. Mr. O'Toole explained that they are requesting two variances. They revised the application to reduce the number of required parking spaces from 25 to 17. They are prepared to pave all 17 parking spaces. If this variance was granted it would make the other variance moot. If this variance was denied then the second variance would become very important. The benefit to his client would be the money savings. There would be no harm to the community.

Chairperson Norman Baase questioned if they agreed to pave the entire 17 spaces. Mr. O'Toole stated yes they would. Mr. Baase questioned if 17 spaces were adequate for the business. Mr. O'Toole yes from experience 10 parking spaces is enough. In the future if new businesses are added then they would require additional parking per the code.

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.

Ed Haight questioned if the 17 spaces included the required handicap spaces. Mr. O'Toole stated yes they do. A new business and additional parking spaces was discussed. Mr. O'Toole stated that a new business would require a new Site Plan and parking per code.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant relief to Keller International from Town Code 125-53D to reduce the number of required parking spaces from 25 to 17 paved parking spaces for the business located at 1431 Lake Road. The parking lot and all of the 17 spaces will be paved and include the required handicap spaces. 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.

A motion was made by Ed Haight, seconded by Jerry Hoffman to deny relief to Keller International from Town Code 125-53G(7) for the business located at 1431 Lake Road. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**PUBLIC HEARING**  
**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 18% Impervious Surface variance to re-construct a single family house located at 7658 Newco Drive. Mr. Maier explained that there were some soil issues previously with this property. They will be taken care of per the DEC regulations. The owners want to re-construct a new single family house in basically the same location. The lot is existing and requires variances.

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 Klaus Pohl to grant relief to Elizabeth Henner 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 re-construct a single family house located at 7658 Newco Drive. This is the minimum to provide relief. This won't change the character of the neighborhood. This is a pre-existing lot. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**PUBLIC HEARING**  
**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 purchased a strip of land. Ms. Foy lives on the north side and wants to combine a 19' strip with her property. The lot requires variances.

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 Kathleen Foy 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. This is a Type II SEQR

determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**PUBLIC HEARING**  
**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.

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, dually seconded by Klaus Pohl and Jerry Hoffman to grant relief to Deborah Lee 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. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**MARK GLOGOWSKI**  
**1498 LAKE ROAD**

Mark Glogowski was present seeking relief from Town Code 125-50C(1)(a)(d) to have turkeys on his property located at 1498 Lake Road zoned C-GB. Mr. Glogowski explained that he would like to raise turkeys to research a product used to feed turkeys. He got a violation notice. He doesn't have enough land to raise turkeys. He didn't know that was in the code. He would like to raise various types of poultry in the future for research and experiments.

Rocky Ellsworth questioned the number of turkeys he wanted. Mr. Glogowski stated about 16 turkeys. Chairman Norman Baase questioned the time frame for the research. Mr. Glogowski stated about 2-3 years is needed for the experiment. Ed Haight questioned if he would only have them from chicks to adults each year. Mr. Glogowski stated yes the experiment ends when they reach maturity. Jerry Hoffman questioned the size of the lot. Mr. Glogowski stated its .39 acres. Rocky Ellsworth questioned if he looked into having a community grower run the experiments or a university. Mr. Glogowski stated that community growers aren't interested because it involves a lot of labor, measuring and monitoring and if a university ran the experiment he would miss the interaction and they would want to patent the product.

Mr. Glogowski stated that Hamlin is a rural area and you should be able to have chickens or turkeys any place. Changing the application to say poultry and adding a specific number is needed on the application.

This experiment showed that the turkeys grew faster and developed quicker on less food when they were given the experimental product.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to schedule a Public Hearing for Mark Glogowski for July 18, 2011 at 7:30pm seeking relief from Town Code 125-50C(1)(a)(d) to have poultry on his property located at 1498 Lake Road zoned C-GB. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**NANCY BUTCHER  
12 LAKE ROAD EAST FORK**

Bruce Butcher was present representing Nancy Butcher seeking relief from Town Code 125-74B(4) to have a commercial sign on their property located at 12 Lake Road East fork. Mr. Butcher explained that they want to replace the existing marina sign on the channel going into the marina. It is actually owned by the residence property along the channel. Klaus Pohl asked if the sign would be lit. Mr. Butcher stated no.

A motion was made by Jerry Hoffman, seconded by Ed Haight to schedule a Public Hearing for Nancy Butcher for July 18, 2011 at 7:30pm seeking relief from Town Code 125-47B(4) to have a commercial sign on their property located at 12 Lake Road East Fork. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**LORRAINE VYVERBERG  
811 CHASE ROAD**

Lorraine Vyverberg was not present at the meeting.

Building Inspector Lee Nettin explained that Ag and Markets is doing an investigation to determine whether or not this property can be classified as a farm. So she might not need some of the variances requested. The puppies more than likely wouldn't be included in the farm. It was noted that page 3 of the application was missing.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing for Lorraine Vyverberg for July 18, 2011 at 7:30pm seeking relief from Town Codes 125-50C(1)(c) for a 6' variance to store manure 94' from side property line, 125-50C(1)(c) to have a total of 12 alpacas and 125-42D to have puppies in the existing 16' x 16' shed located at 811 Chase Rd. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**DISCUSSION**

Chairperson Norman Baase stated that Attorney Ken Licht was not here tonight due to having surgery this morning.

Chairperson Norman Baase would like the Town Board to look at the blacktop code.

Town Board Liaison Craig Goodrich stated that the Ambulance had a fund raiser at the Wheelfest but it got rained out. They will try to raise money at the carnival. The Hilton Parma Hamlin Chamber of Commerce helped out with the Ambulance fund drive also. The dog catcher is busy licensing dogs and he is finding dead dogs and cats in the woods.

Chairperson Norman Baase thanked the Board for the work they did on the Smith application.

**ADJOURNMENT**

A motion was made by Ed Haight, seconded by 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, July 18, 2011 at 7:30pm. Deadline for all fees is July 1, 2011 at 12:00 noon.