

Hamlin Zoning Board of Appeals *Minutes*
Monday, November 21, 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, Ed Haight, Jerry Hoffman and Klaus Pohl.

Excused: Rocky Ellsworth

Also present: Town Board Liaison Craig Goodrich, Support Boards Attorney Ken Licht, Building Inspector Lee Nettin, Planning Board member Tom Jensen, Conservation Board members Nick Kramer and Ed Evans and residents Lorraine Vyverberg, Kristin Runyon, Jay Kurtz, James Cobia, Judy Hazen, Marty Maier, Levi Powell, Art and Shirley Holcomb, Richard and Susan Sullivan and Michael and Emilie Schue.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the October 17, 2011 meeting as recorded. Members polled Baase aye, Hoffman aye, Haight aye, Pohl aye. Motion carried.

The Clerk showed the Proof of Publication

**PUBLIC HEARING
LORRAINE VYVERBERG
811 CHASE ROAD**

Lorraine Vyverberg was present seeking several variances for her Alpaca farm located at 811 Chase Road. She stated that about a year ago she started raising alpacas. NYS Ag. And Markets has determined that she is a farm and suggested that she applies for the variances. She is also applying for a variance to keep dogs in a shed which isn't allowed per the code. The dog breeding is not included in the farm.

Chairperson Norman Baase stated that in the letter from Ag and Markets they recommend that she applies for the variances for the farm. Ms. Vyverberg agreed.

At this time Chairperson Norman Baase 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 has concerns because there is a lot of stuff going on at this property. He is not in favor of the fence for animals and manure pile being closer to his lot line. He is not even sure of where the lot line is. He isn't in favor of having animals and manure closer to his property than is allowed per the code.

Kristin Runyon of 825 Chase Road is opposed to the variances. She feels that there are too many animals there already. There are wetlands on the rear of the property. Currently there is a large pile of manure on the lot. She is concerned because this lot is between two residential lots. The dogs have been a constant problem. They continually get out and are in her property and they bark constantly. The shed that she is asking to put them in would be even closer to Ms. Runyon's property. She can hear them inside of her house now and the noise is constant. She wouldn't want them to be any closer to her home.

Levi Powell of 848 Chase Road is concerned for his neighbors. He feels that this is not a good situation. He is concerned that this will affect his property value.

Arthur Holcomb of 791 Chase Road feels that the manure pile location is too close to the wetlands on the property. He feels that the fence is too close to the property line and is concerned for his neighbor too. He would like to ensure that the fence is located on her property. He can also hear the dogs barking at his house. The dogs do get out but they are making progress on keeping them in their own yard but they still make lots of noise.

Jay Kurtz of 838 Chase Road supports the code. He feels that the neighbors shouldn't be affected negatively for variances. The rules are there for a reason.

Michael Schue of 872 Chase Road questioned the lot size and stated that it is not 10 acres. It was explained that Ms. Vyverberg owns two separate lots that total 10 acres. According to Ag and Markets they do not have to be adjoining lots.

Ms. Runyon stated that she has talked to Ag and Markets and the farm doesn't include the horses and dogs. It is only for the Alpacas.

Ms. Vyverberg stated that this is the first time she has heard any complaints. All of a sudden the neighbors are now protesting.

Some discussion took place on the property lines and survey maps.

Attorney Licht stated that it is the landowner's responsibility to provide a survey to show lot line location. He suggested having the property staked out to show the lot line location.

At this time Chairperson Norman Baase closed the Public Hearing.

Ms. Vyverberg stated that she does have a license and is registered with Ag and Markets to breed dogs.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule to table the decision for Lorraine Vyverberg until the December 19, 2011 meeting in order for the Board to gather more facts. Members polled Baase aye, Hoffman aye, Haight aye, Pohl aye. Motion carried.

JUDITH HAZEN
3344 BRICK SCHOOLHOUSE ROAD

Judith Hazen was present seeking relief from Town Codes 520-41C(1)(b) for a 35' side setback variance for barn #2 to keep animals, 520-27C for a 43' front setback variance for a barn in front of the front foundation of the house, 520-41C(1)(a)(1) for a 0.1 acre variance to have animals on a lot less than 5 acres and 520-41C(1)(a)(1)(a) for a variance to have two additional adult animals on the lot for a total of 4 adult animals allowed located at 3344 Brick Schoolhouse Rd. Judy Hazen explained that the house was built in 1970 and is pre-existing non-conforming. When they purchased the property it was 5 acres and now the rules changed and it is measured from the right-of-way so the lot is less than 5 acres. The barn is only 15' from the property line and to have animals it needs to be 50' from the lot line. The front barn also needs a variance because it is in front of the house. They always had animals there but they had to sell them when her husband got sick so now the property requires variances in order to have animals. She is trying to sell and potential buyers are interested in having animals on the lot.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for Judy Hazen seeking relief from Town Codes 520-41C(1)(b) for a 35' side setback variance for barn #2 to keep animals, 520-27C for a 43' front setback variance for a barn in front of the front foundation of the house, 520-41C(1)(a)(1) for a 0.1 acre variance to have animals on a lot less than 5 acres and 520-41C(1)(a)(1)(a) for a variance to have two additional adult animals on the lot for a total of 4 adult animals allowed located at 3344 Brick Schoolhouse Rd for December 19, 2011 at 7:30pm. Members polled Baase aye, Hoffman aye, Haight aye, Pohl aye. Motion carried.

DISCUSSION

Town Board Liaison Craig Goodrich stated that this Saturday is Shopping Day at the local stores. He wished everyone a Happy Thanksgiving.

Chairperson Norman Baase stated that Rocky is doing better. He is still at Re-Hab. and has a small infection that they are watching. He wished his wife a Happy 47th Wedding Anniversary and everyone a Happy Thanksgiving.

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, 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, December 19, 2011 at 7:30pm. Deadline for all fees is December 5, 2011 at 12:00 noon.