

Hamlin Zoning Board of Appeals Minutes

Monday, January 21, 2013

7:30 pm

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 7:30 pm 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, Support Boards Attorney Ken Licht, Building Inspector Chad Fabry, Highway Superintendent Steve Baase, Conservation Board members Ed Evans and Walt Fisher, Library Director Kay Hughes-Dennett, Library Board President Sue Evans, Maria Mazurek from Clark Patterson Lee, Robert Jones, Eric Peter, Todd Stone, and Matt Tomlinson.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the minutes of the December 17, 2012 meeting with a correction made to Page 2 as follows: A motion was made by Ed Haight (not Ed Evans). Members polled: Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Clerk showed the Proof of Publication.

PUBLIC HEARING

ERIC PETER

101 KETCHUM ROAD

Eric Peter was present seeking relief from Town Code 520-27C to construct a 64' x 72' barn for storage prior to constructing a house located at 101 Ketchum Road. There is no home on the property at this time. It will be a pole barn with steel siding, steel roof and concrete floor. The barn would be used for storing equipment and for light mechanical work.

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.

Chairperson Norman Baase closed the Public Hearing.

A Motion was made by Klaus Pohl, seconded by Rocky Ellsworth to approve the application for Eric Peter seeking relief from Town Code 520-27C to construct a 64' x 72' barn for storage prior to constructing his home located at 101 Ketchum Road. This is a Type II SEQR.

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

Eric Peter asked if it would be an issue if he went a little farther than 72'. Building Inspector Chad Fabry stated that it was a building permit issue so he should have his plans in place before he applies for his building permit.

A Motion was made by Klaus Pohl, seconded by Rocky Ellsworth amending the previous motion to approve the application for Eric Peter seeking relief from Town Code 520-27C to construct a barn for storage prior to constructing his home located at 101 Ketchum Road. This is a Type II SEQR.

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

**PUBLIC HEARING
ROBERT AND JUDITH JONES
7561 SANDY HARBOR DR.**

Robert Jones was present seeking relief from Town Code 520-31B for a 3.34' side setback variance and Town Code 520-31B for a 3.67' distance between structures variance to relocate a 12' x 16' shed to 7561 Sandy Harbor Drive from 7560 Sandy Harbor Drive and to construct an 8' x 20' front porch located at 7560 Sandy Harbor Drive..

Mr. Jones explained that the reason he wants to relocate the shed is to have more of a back yard on the 7560 Sandy Harbor Drive lot.

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.

Chairperson Norman Baase closed the Public Hearing.

A Motion was made by Ed Haight, seconded by Jerry Hoffman to approve the application for Robert and Judith Jones seeking relief from Town Code 520-31B for a 3.34' side setback variance and Town Code 520-31B for a 3.67' distance between structures variance to relocate a 12' x 16' shed to 7561 Sandy Harbor Drive from 7560 Sandy Harbor Drive. A DEC permit is on file; it's the minimum relief; it's a Type II SEQR. It's not affecting the neighborhood, and there have been no negative remarks. Members polled: Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**PUBLIC HEARING
TODD STONE
1780 ROOSEVELT HIGHWAY**

Matt Tomlinson from Marathon Engineering was present representing Todd Stone seeking relief from Town Code 520-27C for an existing 40' x 46' garage without a primary structure variance located at 1780 Roosevelt Highway.

Mr. Tomlinson explained that his client purchased the property with an existing garage on the property. They are before the Planning Board proposing to construct a bridge over Moorman Creek so he can access the rear of his property. The Planning Board referred the application to the Zoning Board for a variance for the existing garage.

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.

Chairperson Norman Baase closed the Public Hearing.

A Motion was made by Jerry Hoffman, seconded by Ed Haight to grant a variance for Todd Stone seeking relief from Town Code 520-27C for an existing 40' x 46' garage without a primary structure variance located at 1780 Roosevelt Highway. It's a Type II SEQR and will not change the character of the neighborhood. Members polled: Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**HAMLIN PUBLIC LIBRARY
422 HAMLIN CLARKSON TOWNLINE ROAD**

Hamlin Public Library was present seeking relief from Town Code 520-14B(2)(a)(1) for a 20' front setback variance to construct a proposed 60'x 99' new library facility located at 1658 Lake Road.

Sue Evans gave a presentation on the Library and the numerous problems with their current location. The Board then reviewed the site plan.

Chairperson Norman Baase asked if they had considered the possibility of future expansion to the Library, because there doesn't appear to be room for it. Sue Evans stated that it is twice the size of the current Library and would be sufficient in size for the future.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing for the Hamlin Public Library seeking relief from Town Code 520-14B(2)(a)(1) for a 20' front setback variance to construct a proposed 60'x 99' new library facility located at 1658 Lake Road on February 18, 2013 at 7:30 pm. Members polled: Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

DISCUSSION

At last month's meeting, they discussed changing the procedures to permit filings of Zoning Board applications by noon 12 days prior to the meeting day rather than noon 2 weeks before the meeting day. The driving force for that is that sometimes at the Planning Board Meetings, which is about 7 ½ hours after the cutoff, the need for an initial variance cropped up. Secondly from our discussion a month ago, it didn't seem to pose any procedural problem for the Zoning Board in terms of notice if the applications were in by noon on the Wednesday rather than noon on Monday two weeks before, because the first Zoning Board meeting is generally a brief discussion and then scheduling a Public Hearing. If the board wished to change that procedural rule, the Hamlin Zoning Code provides that they can do that on their own initiative after a Public Hearing. So a Public Hearing would be required before that rule change could be adopted.

A motion was made by Rocky Ellsworth, dually seconded by Klaus Pohl and Ed Haight to schedule a Public Hearing on February 18, 2013 at 7:30 pm for the Town of Hamlin Zoning Board of Appeals to consider changing the application procedures to allow filing applications by noon on the twelfth day prior to the Zoning Board meeting.

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

Chairperson Norman Baase commented, as you know, we are shy a secretary. Until someone is appointed, hopefully we can work things out.

Councilperson Craig Goodrich stated the dog kennel is now up and running. Lost dogs have a nice home now and are being well cared for. For the dogs that aren't claimed, we do try to find a home for them. So far we have had 100% success; we haven't had to turn any over to Lollypop yet.

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.

Respectfully submitted,

Mary Ann Knapp
Deputy Town Clerk

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, February 18, 2013 at 7:30 pm. Deadline for all fees is February 4, 2013 at 12:00 noon.