

Hamlin Zoning Board of Appeals Special Meeting *Minutes*  
**Wednesday, February 27, 2013**  
7:30pm

The Special Meeting of the Hamlin Zoning Board of Appeals was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairperson, Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present. Please turn off all cell phones and pagers.

Roll call: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman and Klaus Pohl.

Additions, deletions or corrections to tonight's agenda.

**PUBLIC HEARING**

Closed

**AGENDA**

It was explained that this meeting is strictly about the Library location. The Public Hearing was held nine days ago. Approximately 112 people were in attendance. Everybody had a chance to speak. The Public Hearing has been closed. This meeting is strictly decision time.

Any member of the Board have any questions?

Rocky Ellsworth made the following motion:

The Hamlin Public Library proposes to construct a new library building on a parcel located at 1658 Lake Road, which parcel is adjacent to the Hamlin Town Hall, is now owned by the Town of Hamlin, and which is part of the municipal campus. This parcel is in the R-M zoning district (Residential/Medium Density). Section 520-14(B)(2)(a)(1) of the Zoning Code requires a minimum setback of 70 feet. The applicant proposes to locate the building 48 feet from the right-of-way of Lake Road and has requested a 22 foot front setback variance. The Town of Hamlin, the fee owner of the parcel, has signed the application to consent to the variance request.

In making its determination, the Board must consider the benefit to the library if the variance is granted as weighted against the detriment to the health, safety and welfare of the neighborhood or community if the variance is granted. The Board has considered the following factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties.

An aerial map of the neighborhood which was submitted by the applicant shows there is no uniform setback of buildings along Lake Road. Several existing buildings are significantly closer to the road than the proposed library. Accordingly, the requested setback conforms to the developed character of the neighborhood.

At the public hearing, several residents expressed concern that a setback of only 48 feet from Lake Road would constitute a safety hazard. We find no merit to this argument. There is adequate sight distance in both directions along the frontage of Lake Road. Additionally, there will be no parking in the area between Lake Road and the front of the building. Parking will be to the rear of the

building. A sidewalk will separate the driveway to the parking area from the main entrance to the library on the north side of the building.

The library would be keeping with the character of the neighborhood. It is a public facility located immediately adjacent to the existing town hall and town recreational facilities to the north and east. To the south there is a mix of commercial uses on both sides of Lake Road to and beyond the intersection of Lake Road and Route 18.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.

It is not practical for the library to remain in its current location. The existing lease is terminating, and testimony that the building that the library now occupies is seriously deteriorated with a leaking roof was not challenged. Library officials expressed concern that the existing facility is next to a bar and is serviced by a parking area with inadequate lighting. Several residents testified that the present location is undesirable. The library has also outgrown its present facility.

Both the library and the Town Board desire that the library be located on the town campus. There was some testimony that the library could be located on other parts of the town campus where a front setback variance would not be required. However, the Town Board advised this Board that the proposed site "is the only place on Town property that does not already have a purpose" and that the Town Board will not permit the library to be constructed in any other area of town property. Accordingly it is not feasible for the library to locate in any other location on the town campus.

Library officials also stated that, in fact, they had considered relocating to several other existing buildings, but that all such buildings were not suitable for conversion to library use.

The site in question has sufficient depth to permit construction of a library building which would meet the required 70 foot setback. However, such construction is not possible without constructing the building over existing sewer lines. It is not practical or feasible for a library to bear the very considerable expense of relocating the sewers. Accordingly, it is not feasible to construct the building in any location on the site which would not require a front setback variance. We find there is no reasonable alternative which would not require the variance.

3. Whether the requested area variance is substantial.

The requested setback represents over 68% of the setback which is required. It is in keeping with the varying setbacks of other buildings in the surrounding vicinity. The requested variance is not considered substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district.

No adverse impacts on the physical or environmental conditions in the neighborhood have been identified. The Town Board has previously issued a negative declaration under SEQR for this project. The library is a public building. The visibility of the library from Lake Road is desirable and is not detrimental to the image of the neighborhood. Many residents spoke in favor of locating the library on the town campus adjacent to the town hall and to the municipal recreational facilities.

5. Whether the alleged difficulty was self-created (which doesn't necessarily preclude the granting of the variance).

The Town and library did select a site in which existence of underground utilities require location of the building between Lake Road and these utilities. To that extent, the difficulty is self-created. However, there is no means by which the library can construct a building to provide library services on this site. The parcel is the only parcel on the town campus available to the library.

The Zoning Board of Appeals, taking into consideration the above five factors, finds that the benefit to the applicant does outweigh any detriment to the neighborhood or community. There is no detriment to the neighborhood or community for the reasons set forth herein.

The Zoning Board of Appeals finds that a variance of 22 feet from Section 520-14(B)(2)(a)(1) of the Town of Hamlin Code is the minimum variance that is necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The proposed building is setback as far as site conditions permit, and the size of the library is the size the library has determined is necessary to serve its mission. For the reasons set forth herein, there is no detriment to the character of the neighborhood. Our determination is site dependent; a similar setback in a different neighborhood may be found to be detrimental to the character of that neighborhood.

Now, therefore, be it resolved that the application for a 22 foot front setback variance for the Hamlin Public Library at 1658 Lake Road be granted.

Rocky Ellsworth motioned and Ed Haight seconded, to approve application for the Hamlin Public Library seeking relief from Town Code §520-14B(2)(a)(1) for a 22' variance for a front setback. Members polled: Norman Baase, nay, Rocky Ellsworth, aye, Ed Haight, aye, Jerry Hoffman, aye, and Klaus Pohl, Nay. Motion carried.

## **DISCUSSION**

## **ADJOURNMENT**

Motion made by Ed Haight, seconded by Jerry Hoffman to adjourn tonight's meeting. Members polled: Norman Baase, aye, Rocky Ellsworth, aye, Ed Haight, aye, Jerry Hoffman, aye, and Klaus Pohl, aye. Motion carried.

Minutes respectfully submitted by:

Deborah Rath  
Clerk to the Support Boards

**The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, March 18, 2013 at 7:30pm. Deadline for all applications is March 6, 2013 at 12:00 noon.**