

Hamlin Zoning Board of Appeals *Minutes*  
Monday, April 15, 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 Vice Chairperson Rocky Ellsworth at 7:30 pm with the location of the fire exits and AED explained for those present.

Present: Norman Baase excused, Rocky Ellsworth, Ed Haight, Jerry Hoffman excused, and Klaus Pohl. Also present: Support Boards Attorney Ken Licht, Building Inspector Chad Fabry, Conservation Board member Ed Evans, Town Justice Paul S. Rath, Rich Maier of DDS Engineering, Duane and Cherie Rockow, Ken and Katherine Spohr, Dave Matt of Schultz Associates, and Matt Sommer.

*The clerk showed the Proof of Publication.*

**PUBLIC HEARING**

**DUANE AND CHERIE ROCKOW  
3947 BRICKSCHOOLHOUSE ROAD**

Duane and Cherie Rockow are seeking approval for a 11.3' east side setback variance at 3947 Brick Schoolhouse Road to build another bay onto an existing garage. They are planning to put an 11½' x 30' addition onto the east side of their present dwelling.

Chad Fabry stated that at the last meeting they discussed that they wanted to encroach on the property line to within 4'. They discussed making the garage 11½' wide instead of 14' so that the encroachment would not require fire rated construction. He needs a side setback variance of 9.8'.

At this time, Vice Chairperson Rocky Ellsworth opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Vice Chairperson Rocky Ellsworth closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the application of Duane and Cherie Rockow residing at 3947 Brick Schoolhouse Road seeking relief from Town Code §520-11B(2)(b) for a 9.8' east side setback variance for construction of a garage addition. This is a Type II SEQR. Members polled: Ellsworth aye, Haight aye, Pohl aye. Motion carried.

**PUBLIC HEARING**

**MARK AND ANDREW GREENWELL  
418 CHASE ROAD**

Rich Maier from DDS Engineering was present representing Mark and Andrew Greenwell seeking approval for the pre-existing, non-conforming residence located at 418 Chase Road. They are seeking relief from Town Code §520-11(B)(2)(a) for a front setback variance of 68.4'.

At this time, Vice Chairperson Rocky Ellsworth opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Vice Chairperson Rocky Ellsworth closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant Mark and Andrew Greenwell approval for a front setback variance of 68.4' for the property located at 418 Chase Road for a pre-existing, non-conforming residence.

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

**PUBLIC HEARING**  
**KATHERINE SPOHR**  
**1928 MOSCOW ROAD**

Rich Maier from DDS Engineering was present representing Katherine Spohr seeking approval to rebuild after a fire on the site of a pre-existing, non-conforming residence located at 1928 Moscow Road. She is seeking relief from Town Code §520-11B(1)(a) minimum lot size variance of .686 acres. A second variance is requested for relief from Town Code §520-27C for the pre-existing, non-conforming barn located on the property needing a side setback variance of .8' and a side setback variance of 2.2'.

At this time, Vice Chairperson Rocky Ellsworth opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Vice Chairperson Rocky Ellsworth closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Ed Haight to grant approval to Katherine Spohr of 1928 Moscow Road who is seeking relief from Town Code §520-11B(1)(a) ) for a minimum lot size variance of .686 acres to rebuild a home that had fire damage to it, and is also seeking relief from Town Code §520-27C for the pre-existing, non-conforming barn, which is seeking a rear setback variance of .8' and a side setback variance of 2.2'. This is a Type II SEQR.

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

**AGENDA**  
**KATHLEEN SPEER**  
**832 MOSCOW ROAD**

This hearing was canceled because it was not properly advertised.

Chad Fabry said that the applicant asked if a Special Meeting could be held because they are fairly time constrained on their application.

Rocky Ellsworth stated that since it was the Town's mistake, they would schedule a Special Meeting.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing at a Special Meeting on Monday, April 29, 2013 at 7:30 pm for Kathleen Speer for property located at 832 Moscow Road, seeking relief from Town Code §520-44G(7) regarding paved parking and a 22% expansion with crushed stone of an existing driveway and parking area.

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

**MATT SOMMER  
112 RAILROAD AVENUE**

Matt Sommer is seeking approval for a 5' addition to the residence located at 112 Railroad Avenue. He is seeking relief from Town Code §520-19B(2)(b) needing a side setback variance of 12'.

Chad Fabry stated that he would like to extend the east wall 5' to the rear. The house is situated on the lot a little skewed, so as the wall goes back in a straight line from his house, it gets a little close to the property line. It's going to bring him to 4.88' or so.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing on Monday, May 20, 2013 after 7:30 pm for Matt Sommer residing at 112 Railroad Avenue, who is seeking relief from Town Code §520-19B(2)(b) seeking a 12' side setback variance for the purpose of adding a 5' addition on this property. Members polled: Ellsworth aye, Haight aye, Pohl aye. Motion carried.

**DOUGLAS GLOFF  
WALKER ROAD**

Dave Matt from Schultz Associates was present representing Douglas Gloff who is purchasing a piece of property on Walker Road next door to 480 Walker Road. He wishes to put the house about 725' back with a 24'x24' pole barn. The house and the barn will be at the same setback from the road, but we are looking for a variance in order to build the barn first. His intention is to build the barn this summer and the house next year. The purpose of the barn is just to maintain the property and store a tractor; there will be no business on the property.

Chad Fabry clarified that he was requesting a setback variance for the barn being not behind the house. You will also need a variance for an accessory structure without a primary structure.

Ken Licht stated that it was discussed at the last Planning Board Meeting. It appeared to be the only variance in front required.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing for Douglas Gloff for property located at Walker Road for construction of a non-agricultural storage barn without a primary residence to be held on Monday, May 20, 2013 after 7:30 pm.

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

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to approve the minutes of the March 18, 2013 meeting as recorded.

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

Attorney Ken Licht pointed out that due to Ed Haight's absence at the March 18<sup>th</sup> meeting, a quorum was not available to approve the March minutes. A motion to approve the March 18, 2013 minutes was tabled until the April 29<sup>th</sup> meeting.

**DISCUSSION**

Chad Fabry stated that a new clerk will be announced on Thursday at a Special Town Board Meeting.

No comment from the Attorney, Ken Licht.

Conservation Board said that Earth day is on Saturday.

**ADJOURNMENT**

Motion made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting.  
Members polled: Ellsworth aye, Haight aye, Pohl aye. Motion carried.

Minutes respectfully submitted by:

Mary Ann Knapp  
Deputy Town Clerk

*The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, May 20, 2013 at 7:30 pm. Deadline for all applications is May 8, 2013 at 12:00 noon.*