

Hamlin Zoning Board *Minutes*
Monday, August 19, 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 the AED explained for those present. Please turn off all pagers and cell phones.

Present: Rocky Ellsworth, Klaus Pohl, and Ed Haight. Norman Baase excused, Jerry Hoffman absent. Also present: Ken Licht Attorney, Chad Fabry Building Inspector, Conservation Board members: Ed Evans and Steve Rutherford, Town Councilpersons Craig Goodrich and Jason Baxter. Residents: Eric Peters, Robert and June Berger.

Approval of the July 15, 2013 meeting minutes. A motion was made by Ed Haight, seconded by Klaus Pohl to table the approval until the September 16, 2013 meeting. Members polled: Rocky Ellsworth aye, Ed Haight aye, Klaus Pohl aye. All in favor. Motion carried.

PUBLIC HEARING

There were no applicants this month.

AGENDA

Robert and June Berger are seeking relief from Town Code §520-29. They are asking to install a six (6) foot high fence on the road side of their property located at 9678 Beachwood Park Road, Hamlin.

June Berger states that they reside approximately 100 feet from the lake. According to the Town of Hamlin zoning a six foot high fence is not allowed in a front yard. They have 2 children with special needs that are getting to the age and ability where they are trying to leave the house. Being in close proximity to lake they are in fear of them getting out and drowning. They would like to install a fence in the front yard to enclose their yard and have a gate with a lock as an extra measure of safety to keep the children in the front yard and so that they can play outside safely. They are looking for a safety fence more than just a decorative type fence. They are considering either wood or vinyl. They are not considering chain link as they want the fence to aesthetically appealing to the neighborhood. They have not yet applied for a fence permit.

Chad Fabry stated that a privacy fence can be installed behind the front setback of the home. June responded that they only have property on the road side.

Rocky Ellsworth commented that there is a special section in the Town of Hamlin Code for what they are looking for. A variance is permanent, it stays with the property. The applicants could apply for a renewable accessory permit for a fence for 1 year if they met the minimum public/child safety requirements. This code was written for your exact situation. It would require a onetime application and yearly renewal. They would only have to provide proof that they own the property and have the children residing on premises.

Ken Licht stated that they could renew annually – automatic renewal with an affidavit that conditions remained the same. The next owner would not have to maintain the fence unless they had the same situation. Mrs. Berger stated that they plan on staying in the home forever and after that their older children would move in and take over the care of the 2 special needs children. He asked if the children can get out of the home from any other way. Mrs. Berger responded that all other exits are locked and dead bolted. There is no access to the back yard for the children.

Chad added that this not unlike a SUP permit.

Ken Licht stated the Board can set forth with conditions with an affidavit of ownership and occupancy submitted to the Building Inspector. Considering the circumstances were the same the permit would be renewed for another year without a fee. Chad suggested getting a map of the fence before any action is started. The fence selection should be the least offensive to code as possible. Blocking views on the lake streets can be an issue for other residents. Rocky Ellsworth stated that the board will make an appt. to view the property and then schedule a public hearing. Mrs. Berger responds that they are open to the type of fence to be used. Chad states that he will help them fill out their variance request and that the fence selection should be the least offensive method possible so if a 4 foot chain link fence will do and it doesn't need to be the whole front yard then that is what you should ask for. They should figure out what the least intrusive or least offensive to code is and make that application. The blocking of views on the lake streets might be the most offensive thing to residents.

Chad Fabry stated that another option is that a 4 foot high chain link fence is allowed and allowable and permitted in the code. A 4 foot picket fence would also suffice. The Bergers were pleased with that option. They will be in to apply for a permit for the fence. The fence needs to be started within 90 days of permit approval and finish within one year.

DISCUSSION

Ken Licht had nothing legal to add.

Chad had no building concerns.

Conservation Board had no comments.

Councilperson Craig Goodrich reported that the Hamlin Ambulance sold tickets at the Hamlin Carnival in regards to purchasing a new ambulance.

There was a dog attack on 8-9-2013 on Rose Circle, Hamlin. A 6 year old boy was bitten. The dog owner was served a summons to appear in court on 9-16-2013. The dog is in the Hamlin Dog Kennel until then.

Rocky asked Craig and Jason for any updates about any new training becoming available. Craig deferred to the Support Clerk. The information concerning the online training was distributed via email to all Board members.

ADJOURNMENT

A motion to adjourn was made by Ed Haight, seconded by Klaus Pohl barring no further business. Members polled: Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Norman Baase excused and Jerry Hoffman absent. All in favor. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on September 16, 2013 at 7:30 pm. Deadline for applications is September 4, 2013 at 12 noon.