

Hamlin Zoning Board of Appeals *Minutes*  
**Monday, December 16, 2013**  
7:30 p.m.

The regular scheduled 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 Chairperson Norman Baase at 7:30 p.m. with the location of the fire exits and AED explained for those present. Please turn off all cell phones and pagers.

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

Also present: Ken Licht Town Attorney, Chad Fabry Building Inspector, Ed Evans and Steve Rutherford Conservation Advisory Board Members.

Residents: Diane E. Kilburn, John I. Kilburn, John DeRue, Linda DeRue, Eric Peters, and Cindy Lutwiller.

A motion to approve the November 18, 2013 meeting minutes as submitted was made by Jerry Hoffman, seconded by Klaus Pohl.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

***Proof of Publication***

The clerk showed the proof of publication.

Chairperson Norman Baase opened the ***Public Hearing***.

**PUBLIC HEARING**  
**FRONT SETBACK VARIANCE**  
**SIDE SETBACK VARIANCE**

**JOHN KILBURN**  
**628 WILER ROAD, HILTON**

Application for John Kilburn seeking relief from Town Code§520-12(2)(b) for an 8 foot side setback. The current zoning is R-L with a minimum required side setback of 15 feet. He is also seeking relief from Town Code§520-27C for a 22 foot variance in front of the front foundation for premises located at 628 Wiler Road, Hilton. A pole barn is proposed.

Mr. Kilburn represented himself before the Board.

The barn he is proposing will be 40 x 48 in size. It will be constructed of metal and have multi color sides. He will store equipment in the barn as well as classic vehicles. He has contacted Stockade Builders for an estimate.

Ed Haight asked if he could place it further back. Mr. Kilburn stated if he did then he would lose some trees and there is a pool in the back yard. The canvas sheds that he has on the property will be dismantled. There will be no use for them. He did have the 40 x 48 area staked out for the ***Zoning Board*** site visit.

Chairperson Norman Baase asked if there were any other questions.

Chairperson Norman Baase opened the ***Public Hearing***.

There was a comment from resident William Demunck of 670 Wiler Road, Hilton. He just had his property surveyed and asked if Mr. Kilburn was going to have his property surveyed. Mr. Kilburn responded that he was not planning to have his property surveyed unless it was required. Chad Fabry stated that it is up to the homeowner to determine the 8 feet from the property line.

Chairperson Norman Baase closed the **Public Hearing**.

Any other questions?

A motion as made by Jerry Hoffman, seconded by Klaus Pohl to grant the variance application for John Kilburn seeking relief from Town Code§520-12(2)(b) for a 8 foot side setback. The current zoning is R-L with a minimum required side setback of 15 feet. Also to grant relief from Town Code§520-27C for a 22 foot variance in front of the front foundation for premises located at 628 Wiler Road, Hilton. This is a Type II Negative SEQR with no county comments needed.

Members polled: Norman Baase aye, Klaus Pohl aye, Ed Haight aye, Rocky Ellsworth aye, and Jerry Hoffman aye. All in Favor. Motion carried.

## **AGENDA**

### **PUBLIC HEARING CONTINUATION**

**JOHN AND LINDA DERUE  
317 REDMAN ROAD, HAMLIN**

The Application for John and Linda DeRue seeking relief from Town Code§520-11B(1)(a). The current zoning is R-VL with a required minimum lot size of 5 acres. They are seeking relief for a 3 acre variance for a 2 acre parcel located at 317 Redman Road, Hamlin. The county comments were not back and also a new stamped map is needed showing all easements. The **Public Hearing** was postponed and kept open and any decisions were postponed until this month when the requested information is received.

Mr. DeRue represented himself before the Board.

Mr. DeRue brought in new maps for the Board with the required changes addressed. Concerning the easements, He and Mr. Burch went over the map and decided where the easements are and both are in agreement as to the placement on the map.

Chairperson Norman Baase stated that the **Public Hearing** is still open and asked for any comments concerning the application. There were no comments.

Chairperson Norman Baase closed the **Public Hearing**.

The county comments are still not back, so the application will be on the **Agenda** for the January 6, 2014 meeting.

Rocky Ellsworth asked if the leach field was correct in size for the lot. Mr. DeRue responded that even if they had to move the position of the house there is plenty of room for the leach field.

A motion was made by Ed Haight, seconded by Jerry Hoffman to table the application of John DeRue to the January 21, 2014 meeting until the county comments are back.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

The clerk brought before the Board the calendar for the 2014. She asked if the January 20, 2014 and the February 17, 2014 meetings could be changed to January 21, 2014 and to February 18, 2014.

A motion was made by Ed Haight, seconded by Klaus Pohl to change the January 2014 monthly meeting to January 21, 2014, and change the February 2014 monthly meeting to February 18, 2014.

Members polled; Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

## **DISCUSSION**

A motion was made by Ed Haight, seconded by Jerry Hoffman to appoint Norman Baase to be the Chairperson of the Zoning Board of Appeals for 2014. It will be brought before the Town Board Organizational Meeting on January 2, 2014.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

Norman Baase said he is looking forward to 2014 and hopes that everyone can work together and make the needed adjustments smoothly.

Ken Licht had no information at this time.

Chad Fabry Building Inspector reported that things are slowing down. He has been busy with Fire Inspections. Steve Rutherford stated that it is quiet with the Conservation Advisory Board.

Eric Peters Supervisor Elect agrees with Norman Baase that we need to bring the Town together.

## **ADJOURNMENT**

A motion to adjourn tonight's meeting was made by Ed Haight, seconded by Rocky Ellsworth and Klaus Pohl barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in Favor. Motion carried.

Minutes respectfully submitted

Cheryl J. Pacelli  
Clerk to the Support Boards

**The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Tuesday, January 21, 2014 at 7:30 p.m. The deadline for all applications and fees is 12 noon.**

DRAFT