

Hamlin Zoning Board of Appeals *Minutes*
Monday, June 15, 2015
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. It was asked that all cell phones and pagers be turned off for the duration of the meeting.

Present: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman (excused), and Klaus Pohl
Also present: Attorney Licht, Conservation Advisory Board Members Jeanine Klopp & Christine Yager, Town Councilperson Dave Rose.

Residents present: Sara La, Carmen Collini, Linda Collini, Andrew Collini, Elizabeth Brightly, Dean Brightly, Paula Reis, Joe Heberle, Kenny Podgers, Chris Callery, Adria Callery, Donna Benwitz, Jerold Benwitz, Lisa Montanus, Ernie Mellas, Lynn Mellas, Pat Young, Shannon Young, Bruce Proctor, Donna Proctor, Jessica Hogg, Virginia Truelson.

A motion was made by Ed Haight, seconded by Klaus Pohl to approve the meeting minutes of May 18, 2015 with an addition that the application for Timothy & Cynthia Hervey was withdrawn by the applicants. Additions, deletions, or corrections to tonight's meeting. The addition of the application of Jerold & Donna Benwitz.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

Proof of Publication

The clerk showed the *Proof of Publication* to those present.

PUBLIC HEARING
AREA VARIANCE

CARMEN & LINDA COLLINI
7956 NEWCO DRIVE, HAMLIN

Application of Carmen & Linda Collini; owners; seeking relief from Town Code§520-21C(2)(c) for a front (waterside) setback of 30' where the code requires a 35' front(waterside) setback; Town Code§520-21C(1)(a) for a .35 acre parcel where the code requires a 2 acre parcel; Town Code§520-21(C)(5) for a proposed 34.6% lot coverage with impervious surface where the code requires a 15% maximum lot coverage with impervious surface; Town Code§520-21C(2)(b)[1] for a west side setback of 10' on a lot that is 101' wide where the code requires 10% of lot width but not less than 6 feet or greater than 15 feet; Town Code§520-21C(2)(a)for an 18 foot rear setback for the house/garage that is less than the 35' required setback to be measured from the edge of the ROW rather than the payment for a one story residence to be built located at **7956 Newco Drive, Hamlin** in an S/R zoning district.

Andrew & Carmen Collini presented an overview of the project before the board. The proposed variances requested were discussed. Rocky Ellsworth and Ed Haight stated that they were concerned about the drainage issue. Attorney Licht stated that the site plan will be reviewed by the Planning Board. Norman Baase stated that is has been reviewed by the LWRP and has been deemed consistent with the policies of the LWRP.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address.

Resident Patricia Young of 7964 Newco Drive stated that she lives next door and is concerned about the drainage that may run off into her yard. She brought a picture of the runoff from the latest rain and how it puddles on her property.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant the application of Carmen & Linda Collini; owners; seeking relief from Town Code§520-21C(2)(c) for a front (waterside) setback of 30' where the code requires a 35' front(waterside) setback; Town Code§520-21C(1)(a) for a .35 acre parcel where the code requires a 2 acre parcel; Town Code§520-21(C)(5) for a proposed 34.6% lot coverage with impervious surface where the code requires a 15% maximum lot coverage with impervious surface; Town Code§520-21C(2)(b)[1] for a west side setback of 10' on a lot that is 101' wide where the code requires 10% of lot width but not less than 6 feet or greater than 15 feet; Town Code§520-21C(2)(a)for an 18 foot rear setback for the house/garage that is less than the 35' required setback to be measured from the edge of the ROW rather than the payment for a one story residence to be built located at **7956 Newco Drive, Hamlin** in an S/R zoning district.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

PUBLIC HEARING
AREA VARIANCE

LISA MONTANUS

5785 WEST WAUTOMA BEACH ROAD, HAMLIN

Application of Lisa Montanus; owner; seeking relief from Town Code§520-27C for a 10 foot side setback variance for a detached 12' x 20' garage where the code states that the required side setback is 15 feet in an S/R zoning district for property located at 5785 West Wautoma Beach Road, Hamlin.

Lisa Montanus represented herself and gave an overview of her proposal before the board. She would like to have an Amish built garage placed on her property for her car and lawn equipment.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address. There were no comments from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Ed Haight to grant the application of Lisa Montanus; owner; seeking relief from Town Code§520-27C for a 10 foot side setback variance for a detached 12' x 20' garage where the code states that the required side setback is 15 feet in an S/R zoning district for property located at 5785 West Wautoma Beach Road, Hamlin.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

PUBLIC HEARING
USE VARIANCE

WILLIAM JOLLY

1178 COUNTY LINE ROAD, HAMLIN

Application for William & Cheryl Jolly; owners; seeking relief from Town Code§520-41C(1)(a)[1] to have chickens on .64 acre of land where the code states that 1 acre of land is required to have chickens; for property located 1178 County Line Road, Hamlin in an R-VL zone.

Jessica Hogg represented the applicants before the board. Her In-laws have 28 chickens on their property where the code 10 chickens are allowed per 1 acre of land. It was asked about the disposal of the chicken waste. Jessica stated she was not sure but added that Cheryl is very good at taking care of the chickens.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address. There were no comments from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant the application for William & Cheryl Jolly; owners; seeking relief from Town Code§520-41C(1)(a)[1] to have chickens on .64 acre of land where the code states that 1 acre of land is required to have chickens; for property located 1178 County Line Road, Hamlin in an R-VL zone with following condition: They may have the maximum of 28 chickens on the property; no roosters; This variance will be in effect for 5 years. At the point of 5 years the number of chickens will be reduced to 10 chickens allowed on the property or renew in 5 years. This is a Type II Neg SEQR. This is the minimum variance the board will allow.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

PUBLIC HEARING

AREA VARIANCE

RICHARD & WINNIE FRANKLIN

1583 HAMLIN PARMA TOWN LINE ROAD, HAMLIN

Application for Richard & Winnie Franklin; owners; seeking relief from Town Code§520-29B to install an 8 foot high fence where the code states that no fence shall be erected in any rear yard higher than 6 feet above the highest point of ground directly below the fence for property located at 1583 Hamlin Parma Town Line Road, Hamlin in an R-VL zone.

Richard & Winnie Franklin represented themselves before the board. The fence they would like is an 8 foot high dog eared model. Klaus Pohl asked if the fence would be a special order as most ready- made fences available are 6 foot high. The owners haven't started the process of looking at fences as of yet.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address. There were no comments from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant the application for Richard & Winnie Franklin; owners; seeking relief from Town Code§520-29B to install an 8 foot high fence where the code states that no fence shall be erected in any rear yard higher than 6 feet above the highest point of ground directly below the fence for property located at 1583 Hamlin Parma Town Line Road, Hamlin in an R-VL zone. This is a Type II Neg SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

PUBLIC HEARING

AREA VARIANCE

JOSEPH BRIGHTLY

525 DRAKE ROAD, HAMLIN

Application for Joseph Brightly; owner; seeking relief from Town Code§520-31C for a similar accessory recreational structure to be placed in front of the rear foundation line where the code states that if erected on a corner lot, a shed, cabana or similar accessory structure must be located behind the rear and street side main foundation lines of the principal dwelling or building on the lot for property located at 525 Drake Road, Hamlin in an R-L zone.

Dean & Elizabeth Brightly represented the applicant before the board. They gave an overview of the playground/recreational structure. It is already on the property.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address.

Ernie & Lynn Mellas 575 Drake Road commented that they do not feel that it is a seasonal display such as cornstalks, pumpkins, etc. that was discussed in meetings concerning the farm market. They do not want to see it enlarged. They are also concerned about the safety of the children using the “playset” and the proximity of the parking area.

Norman Baase asked if the applicants ever expect to enlarge the recreational area. They stated no.

Chairperson Norman Baase closed the Public Hearing.

The Planning Board & Zoning Board counsels concurred that Zoning can precede Planning but the project cannot be granted until the site plan is modified.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to grant application for Joseph Brightly; owner; seeking relief from Town Code§520-31C for a similar accessory recreational structure to be placed in front of the rear foundation line where the code states that if erected on a corner lot, a shed, cabana or similar accessory structure must be located behind the rear and street side main foundation lines of the principal dwelling or building on the lot for property located at 525 Drake Road, Hamlin in an R-L zone. With the following condition: This will be for a maximum 400 sq. ft. playground as it currently exists. This is subject to a site plan modification approval by the Planning Board to stay at the location where it currently exists. This is a Type II Neg SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

PUBLIC HEARING **AREA VARIANCE**

VIRGINIA TRUELSON **7898 NEWCO DRIVE, HAMLIN**

Application of Virginia Truelson; owners; Richard & Viola Mattle LU; seeking relief from Town Code§520-21C(2)c for a 31’ front setback variance for a 14 ‘ deep x 30 ‘ wide deck to be built 4’ from the front (water side) of the existing home where the code states the minimum front (waterside) setback is 35’ for property located at 7898 Newco Drive, Hamlin in an S/R zone.

Virginia Truelson represented herself before the board. Her mom is getting up in age and she would like a safe way for her to enjoy the outside and the lake without a step down to the existing patio. The new deck will be in the same place as the existing patio.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name & address. There were no comments from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to grant the application of Virginia Truelson; owners; Richard & Viola Mattle LU; seeking relief from Town Code§520-21C(2)c for a 31’ front setback variance for a 14 ‘ deep x 30 ‘ wide deck to be built 4’ from the front (water side) of the existing home where the code states the minimum front (waterside) setback is 35’ for property located at 7898 Newco Drive, Hamlin in an S/R zone. This is a type II Neg SEQR. The applicant will apply to the Planning Board for a Conservation Corridor Development Permit for any development within 100 feet of the lake.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

AGENDA

AREA VARIANCE

**JOSEPH E. HEBERLE
1725 LAKESHORE ROAD, HAMLIN**

Application of Joseph E. Heberle; owner; seeking relief from Town Code§520-45C(2) to remove and excavate topsoil from the location site and per the DEC reclaim the soil back to its original location to be used for future agricultural use for property located at Cook Road, Hamlin in an R-VL zone;SBL#004.02-1-8-8.2.

Joe Heberle & Kenneth Podgers represented themselves before the board. They plan to mine an existing location and remove the topsoil, place it in an area on the property for replacement when the mining operation is completed. The DEC has been contacted on the proposed operation. The mining permit of Kenneth Podgers will be used for this location. They will need to provide a site map to the board. The LWRP will need to review the application with a site visit.

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing on August 17, 2015 at 7:30 p.m. for the application of Joseph E. Heberle; owner; seeking relief from Town Code§520-45C(2) to remove and excavate topsoil from the location site and per the DEC reclaim the soil back to its original location to be used for future agricultural use for property located at Cook Road, Hamlin in an R-VL zone;SBL#004.02-1-8-8.2.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

AGENDA

AREA VARIANCE

**CHRISTOPHER & ADRIA CALLERY
2289 CHURCH ROAD, HAMLIN**

Application of Christopher & Adria Callery; owners; seeking relief from Town Code§520-41C(1)(a)[1]to keep their existing rooster on their property that consists of 1.2 acres where the code states that no roosters are allowed on any lot less than 5 acres for property located at 2289 Church Road, Hamlin in an R-M zone.

The applicants represented themselves before the board. They bought the chicks as a group and were assured that they were all hens. When one appeared to be a rooster they were already attached to him. They have all of the hens and the rooster in a hen house with separation.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing on July 20, 2015 at 7:30 p.m. for the application of Christopher & Adria Callery; owners; seeking relief from Town Code§520-41C(1)(a)[1]to keep their existing rooster on their property that consists of 1.2 acres where the code states that no roosters are allowed on any lot less than 5 acres for property located at 2289 Church Road, Hamlin in an R-M zone.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried

AGENDA

AREA VARIANCE

**JEROLD & DONNA BENWITZ
4212 ROOSEVELT HIGHWAY, HOLLEY**

Application of Jerold & Donna Benwitz; owners; seeking relief from Town Code§520-27C to build a barn without plans to build a home on the property located at 4218 Roosevelt Highway, Holley consisting of 11.8 acres in an R-L zone.

The applicants represented themselves before the board. They live on property next to this lot where there is no room to build a barn. They are proposing a 28' x 32' barn with a 50' side setback with a 350' setback from the road.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing on July 20, 2015 at 7:30 p.m. for the application of Jerold & Donna Benwitz; owners; seeking relief from Town Code§520-27C to build a barn without plans to build a home on the property located at 4218 Roosevelt Highway, Holley consisting of 11.8 acres in an R-L zone.

DISCUSSION

ADJOURNMENT

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

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, and Klaus Pohl aye. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Board

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on July 20, 2015 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is July 7, 2015 at 12 noon.