

Hamlin Zoning Board of Appeals *Minutes*  
 Monday, July 20, 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 (excused), Jerry Hoffman, and Klaus Pohl  
 Also present: Attorney Ken Licht, Town Councilperson Jennifer Goodrich, and Conservation Board Member Merritt Ackles.

Residents present: Glenn Jackling, Chris Callery, Adria Callery, Donna Benwitz, Jerold Benwitz, Linda Collini, Carm Collini, and Andrew Collini.

Approval of the June 22, 2015 meeting minutes. Additions, deletions, or corrections to tonight's meeting. A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to approve the meeting minutes of June 15, 2015. Additions, deletions, or corrections to tonight's meeting.  
 Members polled: Norman Baase aye, Rocky Ellsworth aye, Klaus Pohl aye, and Jerry Hoffman (abstain).  
 Motion carried.

**Proof of Publication**

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

**PUBLIC HEARING**  
**AREA VARIANCE**

**CARMEN & LINDA COLLINI**  
**3 SWEDEN LANE UNIT #34, BROCKPORT**

Application of Carmen & Linda Collini; owners; seeking relief from Town Code§520-24D(b)[15] to install a septic system 100' from Lake Ontario where the code states that all septic systems on the lake are required to be 150' from the lake on property located at 7956 Newco Drive in an S/R zone.

Andrew & Carmen Collini represented themselves before the board. They gave an overview of the new home project. The septic system design is in the possession of the Monroe County Department of Health. There were no questions from the board.

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 Rocky Ellsworth to grant the application of Carmen & Linda Collini; owners; seeking relief from Town Code§520-24D(b)[15] to install a septic system 100' from Lake Ontario where the code states that all septic systems on the lake are required to be 150' from the lake on property located at 7956 Newco Drive in an S/R zone. This is a Type II SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Klaus Pohl aye, and Jerry Hoffman aye. Motion carried.

**PUBLIC HEARING**  
**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.

Christopher & Adria Callery represented themselves before the board. They gave an overview of their application and their reasons why they would like to keep their rooster. There was discussion on the life span of a rooster.

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 Jerry Hoffman to grant 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 with the following condition: That the variance will last for no longer than 5 years commencing on July 20, 2015. There have been no complaints registered. This is a practical solution.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Klaus Pohl aye, and Jerry Hoffman aye. Motion carried.

**PUBLIC HEARING**  
**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 non-agricultural barn without plans to build a home on property located at 4218 Roosevelt Highway, Holley consisting of 11.8 acres in an R-L zone.

Jerold & Donna Benwitz represented themselves before the board. They explained that they would like to build a 28' x 32' pole barn on property at 4218 Roosevelt Highway which is next to 4212 Roosevelt where they reside. There is not enough room to build the barn on the property that the house sits on. There was discussion between the board and the owners that they could merge the 2 lots together and then a variance would not be required. The owners stated that they wish to proceed with the current plan.

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 Jerry Hoffman to grant the application of Jerold & Donna Benwitz; owners; seeking relief from Town Code§520-27C to build a non-agricultural barn without plans to build a home on property located at 4218 Roosevelt Highway, Holley consisting of 11.8 acres in an R-L zone. This is a Type II SEQR.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Klaus Pohl aye, and Jerry Hoffman aye. Motion carried.

### **AGENDA**

#### **AREA VARIANCE**

**LEE KELSEY**

**74 HIDDEN CREEK LANE**

Application of Lee Kelsey, owner; Melanie Kelsey, seeking relief from Town Code§520-41C(1)(a)[1] to have chickens on .44 acre of land where the code states that chickens are not allowed on less than one acre of land for property located at 74 Hidden Creek Lane in an R-M zone.

The applicant did not attend the meeting or appear before the board.

### **AGENDA ADDITION**

#### **AREA VARIANCE**

**JAMES F. & JOAN G. JACKLING**

**2374 BRICK SCHOOLHOUSE ROAD**

Application of James F. & Joan G. Jackling; owners; seeking relief from Town Code§520-11B(2)(a) for a front setback of 27.9 feet from the main portion of the house where the code states that the minimum front setback is 100 feet; Also, seeking relief from Town Code§520-11B(2)(a) for a front setback of 19.9 feet from the main front porch of the house where the code states that the minimum front setback is 100 feet; Relief from Town Code§520-11 B (2)(d) for a side yard (not front yard) setback on a corner lot of 39.3 feet and 41.3 feet where the code states that the minimum side yard (not front yard) on corner lot to be 75 feet; Relief from Town Code§520-11 B (1)(a) for a lot size of 2.634 acres where the code requires a minimum lot size of 5 acres for property located at 2374 Brick Schoolhouse Road in an R-VL zone.

Glenn Jackling represented the applicants before the board. His parents have already moved into a smaller residence in Greece. There are 4 proposed lots to be auctioned off. #1 – 2.6 acres; #2 – 5.6 acres; #3 – 24 acres; and #4 – 31 acres. Lot #2 will not be sold as a standalone parcel; it may be also purchased along with either Lot #1 or Lot #3. In the case that Lot #1 sells alone; a variance is requested.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to schedule a Public Hearing on August 17, 2015 at 7:30 p.m. for the application of James F. & Joan G. Jackling; owners; seeking relief from Town Code§520-11B(2)(a) for a front setback of 19.9 feet from the main front porch of the house where the code states that the minimum front setback is 100 feet; Relief from Town Code§520-11 B (2)(d) for a side yard (not front yard) setback on a corner lot of 39.3 feet where the code states that the minimum side yard (not front yard) on corner lot to be 75 feet; Relief from Town Code§520-11 B (1)(a) for a lot size of 2.634 acres where the

code requires a minimum lot size of 5 acres for property located at 2374 Brick Schoolhouse Road in an R-VL zone.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Klaus Pohl aye, and Jerry Hoffman aye. Motion carried.

## **DISCUSSION**

Attorney Licht had no news.

Conservation Advisory Board Member Merritt Ackles mentioned that the bridge on Rte. 19 will be out 1 -2 years for repair/replacement.

Town Councilperson Jennifer Goodrich had the following reports:

1. There was a resolution to permit kennels in the R-L, R-VL, and Commercial zones with an SUP with conditions to be met by the Planning Board.
2. At the previous Zoning Board Workshop the need for new verbiage was discussed for vacant homes and buildings.
3. There are IT upgrades being installed in the Town Hall to unify the computer systems. All new hardware will go to a main box and all computers in the building will be accessible.
4. The Zoning Board Workshop will re-convene in September of 2015.
5. The Dog Shelter is in need of volunteers.
6. The Recreation Department is busy with the Summer Sports Program.

There was discussion by the Board and those present; to possibly look into legislation concerning chickens in the Town of Hamlin as there have been a few cases that have come before the Zoning Board of Appeals for variances in the past months. Town Councilperson Jennifer Goodrich commented that the Zoning Workshop did begin a discussion concerning chickens at their last meeting that will be continued when the Zoning Workshop re-convenes in September of 2015.

## **ADJOURNMENT**

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

Members polled: Norman Baase aye, Rocky Ellsworth aye, Jerry Hoffman 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 August 17, 2015 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is August 4, 2015 at 12 noon.**

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