

**HAMLIN ZONING BOARD OF APPEALS MINUTES
MONDAY, July 18, 2016
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 the 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.

Roll call: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, Phillip Hurlbutt.

Present: Attorney Licht, Town Councilperson Jennifer Voelkl, Ryan Pozzuolo, Darryl Mosher and Dave Matt - Schultz Associates, Sue Dingee, Terry Dingee, Michael Rowntree, Aaron Kelly, Jena Truelson, Virginia Truelson, David Rodriguez, Mark Thomas, Michelle Thomas.

Approval of the June 20, 2016 meeting minutes. Additions, deletions, or corrections to tonight’s meeting. A motion was made by Ed Haight, seconded by Rocky Ellsworth to approve the minutes of June 20, 2016 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye. Motion carried.

Chairperson Norman Baase welcomed Phillip Hurlbutt as a new member of the Zoning Board of Appeals.

Proof of Publication:

The clerk showed the proof of publication to those present.

PUBLIC HEARING
AREA VARIANCE

AARON KELLY
511 WILER ROAD

Application of Aaron Kelly; owner; Aaron Kelly seeking variance from Town Code§520-41B(1)(a)[1] to have chickens on less than one acre for property located at 511 Wiler Road in an R-L zone. Tax account# 021.040-01-017.

Aaron Kelly represented himself before the board. He already has 10 chickens and is seeking a variance to have 20 chickens. The parcel is .79 acres.

Chairperson Norman Baase opened the Public Hearing.

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

There was no response from those present.

Chairperson Norman Baase closed the Public Hearing.

Jerry Hoffman asked about the extra chicks. Aaron responded that it takes 9 months before they are able to lay eggs. They will be in a brood box in the garage.

Ed Haight stated that there could be conditions added to the variance.

Rocky Ellsworth added that the board has never had that amount of requested chickens.

A motion was made by Jerry Hoffman, seconded by Ed Haight to grant the variance for the Application of Aaron Kelly; owner; Aaron Kelly seeking variance from Town Code§520-41B(1)(a)[1] to have chickens on less than one acre for property located at 511 Wiler Road in an R-L zone. Tax account# 021.040-01-017. With the following conditions: There will be no more than 20 chickens; which will include 10 grown hens and 10 chicks. The building inspector may

occasionally from time to time stop by to inspect for compliance; owner must maintain a waste management program; and this variance is valid for 5 years with an expiration date of July 18, 2021.

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

PUBLIC HEARING
AREA VARIANCE

MICHELLE DIMARTINO AND MICHAEL ROWNTREE
6314 SHORE ACRES DRIVE

Application of Michelle DiMartino and Michael Rowntree; owner; Michelle DiMartino, seeking variance from Town Code§520-21C (5) Maximum lot coverage with impervious surface: 15%; lot coverage with the proposed barn/garage is 24%; seeking Coastal Erosion Management Permit from Town Code§259-10B to build a barn/garage (with a small portion of proposed structure attached to existing dwelling in the CEHA area) on property located at 6314 Shore Acres Drive in an S/R zone. Tax account# 008.45-1-28.1 Other variances have already been granted for this property.

Michael Rowntree represented he and Michelle DiMartino before the board. He gave an overview from last month's meeting. A 24' x 32' three (3) car garage is proposed to be attached to the existing dwelling. The existing shed will remain on the property. The existing storage POD will be removed once the garage is completed.

Chairperson Norman Baase opened the Public Hearing.

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

There was no response from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant the variance for the application of Michelle DiMartino and Michael Rowntree; owner; Michelle DiMartino, seeking variance from Town Code§520-21C (5) Maximum lot coverage with impervious surface: 15%; lot coverage with the proposed barn/garage is 24%; seeking Coastal Erosion Management Permit from Town Code§259-10B to build a barn/garage (with a small portion of proposed structure attached to existing dwelling in the CEHA area) on property located at 6314 Shore Acres Drive in an S/R zone. Tax account# 008.45-1-28.1. Other variances have already been granted for this property. This is the maximum amount allowed with this variance. It is a Type II SEQR.

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

A motion was made by Ed Haight, seconded by Rocky Ellsworth and Jerry Hoffman to grant the Coastal Erosion Management Permit per Town Code §259-15 to construct a three (3) car garage with a portion of the said garage in the coastal and structural area. This is also in compliance with the DEC. No other reasonable method is available to achieve the proposed result.

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

PUBLIC HEARING
AREA VARIANCE

JENA & VIRGINIA TRUELSON
113 ROTHS COVE

Application of Jena Truelson; owner; Virginia Truelson; seeking variance from Town Code§520-21C(2)(a) to place a garage 29' from the road where the code states a minimum road setback of 35' in an S/R zone. Tax account# 006.12-2-14.

Virginia and Jena Truelson represented themselves before the board. They propose to build a house on an existing foundation. They are asking for a 6' variance to place a garage 29' from the road. They might alter the design to accommodate a tree they would like to keep. They plan to build in 2017.

Chairperson Norman Baase opened the Public Hearing.

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

There was no response from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to grant the 6' variance for the application of Jena Truelson; owner; Virginia Truelson; seeking variance from Town Code§520-21C(2)(a) to place a garage 29' from the road where the code states a minimum road setback of 35' in an S/R zone. Tax account# 006.12-2-14. This is a Type II SEQ. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. All in favor. Motion carried

PUBLIC HEARING
AREA VARIANCE

JEAN MATTLE HITNER
13 ROTHS COVE

Application of Jean Mattle Hitner; owner; Jean Mattle Hitner; seeking variance to place a shed on the property without a principal dwelling per Town Code§520-31B which states a shed, cabana, or similar accessory structure must be erected behind the front main foundation line of the principal building on any lot for property located at 12 Roths Cove in a S/R zone. Tax account# 006.12-2-16.12.

Jean and Steve Hitner represented themselves before the board. They propose to place a shed on property without a primary structure. There will be no primary structure built 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 and address.

There was no response from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to grant the variance for the application of Jean Mattle Hitner; owner; Jean Mattle Hitner; seeking variance to place a shed on the property without a principal dwelling per Town Code§520-31B which states a shed, cabana, or similar accessory structure must be erected behind the front main foundation line of the principal building on any lot for property located at 12 Roths Cove in a S/R zone. Tax account# 006.12-2-16.12. This is a Type II SEQ. There will be no change to the character of the neighborhood. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. All in favor. Motion carried.

PUBLIC HEARING
AREA VARIANCE

MICHELLE THOMAS
60 KETCHUM ROAD

Application of Michelle Thomas; owner; Michelle Thomas; seeking relief for the construction of a non- agricultural storage barn before the house from Town Code§520-27 which states a detached private garage or carport or nonagricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15 feet to any rear or side property lines, nor closer than 10 feet to any other building on the lot for property located on 60 Ketchum Road in an R-VL zone. Tax account# 014.020-01-013.3.

Dave Matt of Schultz Assoc. represented the applicant before the board. They would like to build a 40' x 80' maximum pole barn within one year and propose to build the home within 1-2 years.

Chairperson Norman Baase opened the Public Hearing.

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

There was no response from those present.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant the variance for the application of Michelle Thomas; owner; Michelle Thomas; seeking relief for the construction of a non- agricultural storage barn before the house from Town Code§520-27 which states a detached private garage or carport or nonagricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15 feet to any rear or side property lines, nor closer than 10 feet to any other building on the lot for property located on 60 Ketchum Road in an R-VL zone. Tax account# 014.020-01-013.3. This is a Type II SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. All in favor. Motion carried

AGENDA

AREA VARIANCE

RYAN POZZUOLO

528 LEONA LANE

Application of Ryan Pozzuolo; owner; Ryan Pozzuolo; seeking variance from Town Code§520-41B(a) which states that 10 chickens or hens are allowed on a lot of one acre. The property is in an R-M zone and is .35 acres. Tax account# 021.01-6-46.

Ryan Pozzuolo represented himself before the board. He would like to have 6 chickens on his property. This will be experimental and will see how the process and maintenance of having chickens goes. The eggs will be for personal use. They will have a plan in place for the maintenance of smell and waste. It was asked that he stake out the area for the members site visit.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing on August 15, 2016 at 7:30 pm for the Application of Ryan Pozzuolo; owner; Ryan Pozzuolo; seeking variance from Town Code§520-41B(a) which states that 10 chickens or hens are allowed on a lot of one acre. The property is in an R-M zone and is .35 acres. Tax account# 021.01-6-46. A site visit by the board will take place on August 13, 2016 after 10:30 am. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Phil Hurlbutt aye. All in favor. Motion carried

AGENDA

AREA VARIANCE

NAOMI J. NUNDY

863 HAMLIN PARMA TOWN LINE ROAD

Application of Naomi J. Nundy; owner; Naomi J. Nundy; seeking relief from Town Code§520-11B(1)(a) for a lot containing the existing barn to be 1.5 +/- acres in area where 5.0 acres is the minimum allowed by Town Code. This property is in an R-VL zone. Tax account# 015.04-01-27.

Darryl Mosher of Schultz Assoc. represented the applicant before the board. They propose to split off the house and barn which is approximately 1.5 +/- acres from the original acreage to keep as much land as possible for farming. The owner will be residing in the home. Attorney Licht asked that the septic and public water be showed in the plan.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to schedule a Public Hearing on August 15, 2016 at 7:30 pm for the application of Naomi J. Nundy; owner; Naomi J. Nundy; seeking relief from Town Code§520-11B(1)(a) for a

lot containing the existing barn to be 1.5 +/- acres in area where 5.0 acres is the minimum allowed by Town Code. This property is in an R-VL zone. Tax account# 015.04-01-27. A site visit by the board will take place on August 13, 2016 after 10:30 am.

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

AGENDA

AREA VARIANCE

DAVID RODRIQUEZ

20 SETTLERS LANE

Application of David Rodriquez; owner; David Rodriquez; seeking relief from the following Town Codes: §520-31E for wall height of 9' for a play structure where the code states a maximum wall height of 6' or less, §520-31B for side setback of two feet where the code states no less than 5 feet for a side setback, §520-31E for an overall size and deck of 144 sq. ft. where the code maximum is 64 sq. ft. Tax account# 029.07-1-61 in an R-H zone.

David Rodriquez represented himself before the board. He has built a structure on the property that is larger in size and closer to the side setback than is allowed.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to schedule a Public Hearing on August 15, 2016 at 7:30 pm. For the Application of David Rodriquez; owner; David Rodriquez; seeking relief from the following Town Codes: §520-31E for wall height of 9' for a play structure where the code states a maximum wall height of 6' or less, §520-31B for side setback of two feet where the code states no less than 5 feet for a side setback, §520-31E for an overall size and deck of 144 sq. ft. where the code maximum is 64 sq. ft. Tax account# 029.07-1-61 in an R-H zone. A site visit by the board will take place on August 13, 2016 after 10:30 am.

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

DISCUSSION

Attorney Licht had no legal issues to discuss.

Building Inspector had no comments.

Town Councilperson Jennifer Voelkl reported that the process for the demolition of 1396 Lake Road is near completion. The Building Inspector has deemed 1420 Lake Road West Fork an unsafe structure and has recommended demolition. The Town Board has issued a moratorium on the construction and placement of Solar Farms which meeting had no attendance.

ADJOURNMENT

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

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

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on August 15, 2016 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is August 2, 2016 at 12 noon.