

**HAMLIN ZONING BOARD OF APPEALS MINUTES
MONDAY, August 15, 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, and Phil Hurlbutt.

Present: Sherry Dobson, Kathy & Robert Crandell, Ryan & Erica Pozzuolo, David Rodriquez, Mark Greenwell.

Approval of the July 18, 2016 meeting minutes. Additions, deletion, or corrections to tonight’s meeting.

Proof of Publication

The clerk showed the Proof of Publication.

**PUBLIC HEARING
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 up to 6 chickens to be used for eggs. The coop will be located in the back rear corner. It will be an enclosed shelter not free range. He will use straw for the bedding and has a waste management program in place.

Chairperson Norman Baase opened the Public Hearing.

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

No one present wished to speak.

Chairperson Norman Baase closed the Public Hearing.

54 notices were sent out.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant 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, with the following conditions: There will be a maximum of 6 chickens allowed with no roosters, the coop placement will be compliant with required setbacks of 15’ from lot lines, the building inspector will occasionally visit to determine compliance, also have a waste management plan in place. This variance is valid until 8-16-2021.

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

**PUBLIC HEARING
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.

Mark Greenwell represented the applicant before the board. Greenwell Farms is purchasing the farm from Mrs. Nundy and would like to separate a parcel to be 1 ½ acres off the parcel for Mrs. Nundy to retain. There is a barn and a home on the small parcel. This is consistent with existing lot sizes in the area.

Chairperson Norman Baase opened the Public Hearing.

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

No one present wished to speak.

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Phil Hurlbutt, seconded by Ed Haight to grant 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 house and 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. The septic system should be added to the map. This is a Type II SEQR.

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

PUBLIC HEARING
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 constructed a structure without consulting the code for setbacks and size. It was built by he and his father for their 2 children who are home schooled. There is also a pool and a trampoline on the property which along with the treehouse help to keep them active. The board completed a site visit of the structure. It is placed on a tree that was cut down 2 ½ years ago. Usually after a tree has been cut down the stump can last up to 10 years.

Norman Baase asked how many kids use the back yard. David Rodriquez responded their 2 children and a lot of cousins. There may be up to 8 children over at a time.

The building inspector added that 48" high railings would be required and spindles of 2 ¾" apart. The tube slide will be placed to exit the rear of the structure.

Chairperson Norman Baase opened the Public Hearing.

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

Sherry Dobson of 19 Settlers Lane responded with concerns in the following letter:

*August 15, 2016

Zoning Board of Appeals Board Members:

Our family has been a resident for 41 years at 19 Settlers Lane. We built our house in what was then known as the Ryan Tract a Planning Unit Development, Phase 2. This type of development had various size lots, setbacks, per town codes. We had covenants/restrictions and a home association to help with the enforcement. The average cost of a home was \$35,000.00 for these starter homes. There is a line item on our town taxes which helps with maintaining the private parks. There are still several original homeowners on our street.

We have reviewed the application for 20 Settlers Lane which stated by the applicant it was self-created. Being no instrument survey attached I did a visual of the property which has a pool, trampoline, and often commercial size/portable/inflatable bounce houses or water slides there. These small lots only give you so much room and they are making do with most of it as we all have. This request is for large variances. The letters attached to the application also had no objections from a neighbor to the south (18 Settlers) with a Town bike path separation as well as a neighbor (22 Settlers) to the north. I wonder if the owner of 22 Settlers realizes the possible restrictions if side setbacks are granted to 20 Settlers, your privacy and possible issues for later sale of the property. When the applicant removed 90% of the tree when they first bought the house, they left only a trunk and no other signs of foliage which normally would obscure one's view of a tree house. Structures can be moved and we see this as no more than an elevated large children's playhouse and large deck built over a stump near a pool. Our neighbor at 21 Settlers has a portable store bought playhouse/swing set. Similar ones are located on our area but nothing like this plan. The main park located behind our house lacks equipment that once served the whole community for children of all ages to play on.

Our concern is what precedent do these variances start to set even though each request is on a case by case basis. Where is the practical difficulty and as the applicant stated it was self-created and started without a permit. Will there be a Town of Hamlin liability and has the applicant's homeowner's insurance company been made aware of this plan.

We state the last concern of insurance based on our own experience as a homeowner when our dog who was tied up on his bed in our garage while the rear grass was being cut. This happened many years ago. A child came with his friend on bikes from Greenridge up from the bike path entered our garage and decided they could pet the dog. One did and the other was bite while trying. These children were unknown to us but on their bikes to play ball in the park located behind our house. Our insurance company took our statements and paid an unknown amount to the child's parents as we did not have a dog warning sign on our property or our garage. Our dog never did that to anyone else, before or after. Who would have thought? We posted our fence/house until the dog died. This was an unforeseeable accident. You think you have everything covered when you own property. This is a very difficult decision for the board and may need further review/discussion and

We wish the couple best wishes. Hamlin is a wonderful place to live and since we moved here from Philadelphia we called this home and raised our three children. We hope you enjoy it here also.

Chares and Sherry Dobson

19 Settlers Lane., Hamlin, New York 14464

* The original letter with signatures is on file in the ZBA meeting folder for August 15, 2016

Chairperson Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to grant the Application of David Rodriguez; owner; David Rodriguez; 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. This is a Type II SEQR and is the maximum allowed variance allowed. With the following conditions: that all railings be 48" high, all spindles have 2 3/4" spacing, and the tube slide to be placed to exit the rear of the structure. One neighbor attended the meeting and spoke. 64 notices were sent out. Members polled: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, and Phil Hurlbutt. All in favor. Motion carried.

AGENDA
AREA VARIANCE

ROBERT & KATHLEEN CRANDELL

6319 SHORE ACRES DRIVE

Application of Robert & Kathleen Crandell; owner(s) Robert & Kathleen Crandell; seeking relief to add a second accessory structure to their road side property located at 6319 Shore Acres Drive where the Town Code §520-31A states Any shed, cabana or similar accessory structure shall not exceed 256 square feet in area, no one side shall exceed 16 feet in length, and all walls shall have a maximum height of eight feet. One of each type of structure shall be permitted per lot except for R-L District (two) and R-VL District (three) as determined by the Building Inspector.

Robert Crandell represented himself before the board. He would like to add a shed to a property that already has an existing garage. He would like to place it behind the existing garage and behind a tree.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to schedule a Public Hearing on September 19, 2016 at 7:30 pm for the Application of Robert & Kathleen Crandell; owner(s) Robert & Kathleen Crandell; seeking relief to add a second accessory structure to their road side property located at 6319 Shore Acres Drive where the Town Code §520-31A states Any shed, cabana or similar accessory structure shall not exceed 256 square feet in area, no one side shall exceed 16 feet in length, and all walls shall have a maximum height of eight feet. One of each type of structure shall be permitted per lot except for R-L District (two) and R-VL District (three) as determined by the Building Inspector. Members polled: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, and Phil Hurlbutt. All in favor. Motion carried.

DISCUSSION

ADJOURNMENT

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

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

Minutes respectfully submitted,

Cheryl J. Pacelli
Clerk to the Support Board

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on September 19, 2016 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is September 6, 2016 at 12 noon.