

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
October 8, 2015

The meeting opened at 6:32 PM with a roll call of the members.

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS: Bill Feinstein, Acting Chair	<u>X</u>	—	—
Greg Blessing	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—
Wayne Hand	<u>X</u>	—	—

ALSO PRESENT: Gill Harrop, Code Enforcement Officer  
Don Jefferds                      Peg Jefferds  
Jon Serdula                      Autumn Serdula  
David Sonner

**MINUTES:**

Ms. Dietrich made a motion to approve the August 3, 2015 minutes as presented, seconded by Mr. Hand.

A roll call vote was taken.

<u>VOTE RECORD</u>	<u>AYES</u>	<u>NAYS</u>	<u>RECUSED</u>	<u>ABSENT</u>
Bill Feinstein	—	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand	<u>X</u>	—	—	—
Greg Blessing	—	—	—	<u>X</u>

2-Ayes 0-Nays 1-Recused 1-Absent

**NEW BUSINESS:**

**VARIANCE APPLICATION NO. 07V15:** David Sonner and Diane Sonner. Property located across 4166 Shorewood Dr., Town of Wayne. Request lot line adjustment in AG-R for an undersized lot. Subdivision Section 1.8(Variances) and 6.3

Mr. Serdula was present to represent the application as he was the potential purchaser and stated the following:

- He owned the property directly across from the proposed subdivision.
- When he bought his current home, the garage was found to be located on part of the absorption system.
- The existing drilled well is located down from the septic system.

- If the subdivision is allowed, he would like to move the well and garage on the proposed lot.

Mr. Feinstein stated that the proposed lot would create a 14,450 sq. ft. in an AG-R district whose minimum allowable sq. ft. is 40,000.

Mr. Sonner stated the property is unique due to the 1950's agreement between Schuyler and Steuben Counties that created split zones along Shorewood Drive.

Mr. Harrop stated the property had its own characteristics and was not a zoning issue.

Mr. Feinstein opened the public hearing.

Mr. and Mrs. Jefferds were present to state their agreement to the proposed subdivision.

Ms. Kurtz stated 15 letters were sent out and no responses were received back at this time.

Mr. Feinstein stated the Zoning Board couldn't make a determination about this variance until the Planning Board provided a written recommendation concerning the proposed variance as cited in Section 1.8 of the Subdivision Regulations.

Mr. Feinstein further noted it would be easier if the applicant sought a lease or easement agreement from Mr. Sonner, due to the need to prove a high burden of proof for a hardship; since the applicant bought the property knowing about the septic system and well location prior to purchase.

Mr. Hand stated if a lease agreement was agreed upon by both Mr. Sonner and Mr. Serdula, the applicant would only need to come back for an area variance, seeking front and rear setback relief for the proposed garage which would be easier to approve.

Upon discussion, the following three recommendations were given to the applicant:

- Go back to the Planning Board and get their recommendation for a minor subdivision in writing to support the variance.
- Go to the Town Board to amend the Zoning ordinance.
- Either lease or have an easement between himself and Mr. Sonner.

Mr. Feinstein made a motion that the Zoning Board of Appeals formally request from the Planning Board a written recommendation regarding this proposed variance application pursuant to section 1.8 of the Subdivision ordinance of the Town of Wayne, seconded by Mr. Hand.

A roll call vote was taken. Ayes-3. Nays-0. Absent-1.

The variance will be tabled until the Zoning Board gets the recommendation from the Planning Board or if Mr. Sedula withdrawal's his request for variance.

Mr. Harrop stated the applicant would need to address the items the Planning Board requested at the August 18, 2015 meeting.

Ms. Dietrich reviewed the requested items with those present.

Mr. Serdula was requested to let the Zoning Board of Appeals know of his decision on which way he would like to proceed.

As there was no further business, Ms. Dietrich made a motion to adjourn, seconded by Mr. Feinstein. Ayes-3. Nays-0. The meeting was adjourned at 7:20PM.

Sincerely,

Maureen Kurtz