

MINUTES OF THE TOWN OF WAYNE  
PLANNING BOARD  
May 2, 2016

Mr. Neu opened the public hearing at 6:30PM for John and Linda Vang: Special Permit No. 02SP16. Request for a business sign less than 40 sq. ft. 7.6.3

Mrs. Vang stated the following:

- They were planning on opening their used furniture shop located in the farmhouse and wanted to put up a wooden business sign.
- The proposed sign would be illuminated on both sides while the shop was open.
- Eventually they hope to move the business either into the existing barn or construct a new structure, whichever was economically feasible.

Mr. Witkowski read section 7.6.4(2) of the Land Use Regulations regarding the requirements for an Illuminated Sign.

Ms. Kurtz stated 14 letters were sent out to the neighboring properties, with no responses received back at the time of this meeting.

Mr. and Mrs. Doherty were present to state they had no objection to the sign.

Ms. Gabel made a motion to close the public hearing at 6:40PM, seconded by Ms. Kerrick.

Mr. Harrop stated that the Vang's came to the Planning Board stating their intentions about operating a business out the farmhouse they were currently renovating and that it is located in the AG-R district. According to 7.8.5(c) only a 2 sq. ft. is allowed for a home occupation.

Mr. Neu stated the following:

- At the October 2015 meeting, the Vang's stated they wanted to operate a business out of the farmhouse.
- Upon review of the current Land Use Regulations, the Board stated they were able to operate a "home occupation" and read the requirements to the Vang's.
- If the Vang's moved their home occupation into another building, it would cease being a "home occupation" and would need a use variance to operate as a business under "retail sales".
- Upon review of the current Comprehensive Plan, the Board stated the Vang's request fell under a "cottage industry" that was encouraged in the AG-R district, but not listed within the existing Land Use Regulations.
- The Planning Board stated the Vang's would need to seek a use variance when they are ready and to reference the Comprehensive Plan when making their request.

The May 2, 2016 Planning Board meeting started with a roll call of the members.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE ARRIVAL</u>
<u>MEMBERS PRESENT:</u> Glenn Neu, Chair	<u>X</u>	<u>      </u>	<u>      </u>
Nancy Gabel	<u>X</u>	<u>      </u>	<u>      </u>
James Hancock	<u>      </u>	<u>X</u>	<u>      </u>
Chris Mooney	<u>X</u>	<u>      </u>	<u>      </u>
Jon Serdula	<u>      </u>	<u>X</u>	<u>      </u>

Stan Witkowski, Vice-Chair	<u>X</u>	—	—
Donna Sue Kerrick	<u>X</u>	—	—
Dennis Carlson, liaison	<u>X</u>	—	—
Gill Harrop, CEO	<u>X</u>	—	—

ALSO PRESENT: Mr. and Mrs. Duane Doherty, 9262 Alderman Rd.  
Mr. and Mrs. John Vang, 9685 Crystal Beach.  
Mr. James Hoover, 9752 Ste. Rte. 230.

### **MINUTES:**

Mr. Witkowski made a motion to approve the April 4, 2016 minutes as presented, seconded by Mr. Mooney.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Glenn Neu	<u>X</u>	—	—	—
Nancy Gabel	—	—	<u>X</u>	—
James Hancock	—	—	—	<u>X</u>
Donna Sue Kerrick	<u>X</u>	—	—	—
Chris Mooney	<u>X</u>	—	—	—
Jon Serdula	—	—	—	<u>X</u>
Stan Witkowski	<u>X</u>	—	—	—

Ayes-4. Nays-0. Abstain-1. Absent-2.

### **NEW BUSINESS:**

**SPECIAL PERMIT NO. 02SP16:** John and Linda Vang. Property located at 9425 County Route 95/Day Rd. Request to place a business sign less than 40 sq. ft.

Ms. Gabel made a motion to accept Special Permit No. 02SP16 as submitted, seconded by Mr. Witkowski.

Upon review of the application and discussion, Mr. Neu made a motion that this was a Type II action and wouldn't need a SEQR, seconded by Ms. Gabel.

An "Aye" vote was taken. 5-Ayes. 0-Nays.

Upon further review and discussion, Special Permit No. 02SP16 was approved with following condition(s):

- 1)The applicant needed to follow the requirements for an illuminated sign per section 7.6.4(2) of the current Land Use Regulations.
- 2)Before placing the proposed illuminated business sign; the applicant would need to seek and receive a use variance from the Zoning board of Appeals allowing them to operate a "retail sale and service" under section 6.2.4.

A roll call vote was taken. Ayes-5. Nays-0.



The Applicant signed the "Responsibilities and Conditions" agreement.

**SITE PLAN APPLICATION(s):**

Mr. Harrop provided a map showing the Agricultural District as recognized by Steuben County.

Upon discussion, it was noted that lands recognized by Steuben County as located in an Agricultural District fell to Ag and Market requirements. It was further noted that no site plan application was needed for those requesting building permits if they met those requirements.

**James and Jason Hoover:** Property located at along Ridge Rd., Town of Wayne. Request to construct a pole barn and silo for a working dairy farm.

After some discussion, it was noted that the property in question was recognized on the Steuben County Map as located in an "Agricultural District" and as such is regulated by Ag and Markets and no site plan application was needed by the Town.

**Jeffrey and Donna Sue Kerrick:** Property located at 9169 W. Waneta Lake Rd., Town of Wayne. Request to enclose wood boiler with wood storage, build two 3 sided, shed style, run-ins for livestock.

After some discussion, this application also was recognized on the Steuben County Map as located in an "Agricultural District" and as such was also regulated by Ag and Markets and no site plan application was needed by the Town.

Mr. Neu stated that an action item for the Planning Board would be to take a look at "working farms" within the Town of Wayne.

**TABLED SITE PLAN APPLICATION(S):**

Mr. Witkowski made a motion to re-open the tabled site plan application(s):

**Mark Salisbury:** Property located at 9531 Crystal Beach Rd.

This site plan application for Mark Salisbury that was tabled on April 4, 2016 due to lack of information on questions #1, #3, #9, #13 and #14 of the site plan requirements sheet.

Mr. Harrop forwarded the request to Mr. Salisbury and as yet to receive the requested information.

Mr. Neu stated the site plan application would be tabled indefinitely until the requested information was provided.

**Charles and Sharon Frysinger:** Property located at 9499 Crystal Beach Rd. Request to repair foundation, remodel second floor and add front porch.

This request was table after the April 4, 2016 meeting due to lack of information on questions #4, #9, #13 and #14.

Upon review of the email received from the Frysinger's dated April 6, 2016, the required information was provided. (On file)

Upon review of the requested information, a roll call vote was taken to approve the site plan application as submitted.

VOTE RECORD:      Ayes            Nays            Abstain    Absent

Glenn Neu	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Nancy Gabel	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
James Hancock	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
Donna Sue Kerrick	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Chris Mooney	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Jon Serdula	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
Stan Witkowski	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

Ayes-4. Nays-0. Abstain-1. Absent-2.

**COMMUNITICATIONS:**

Mr. Harrop stated the following:

- An individual came into the office an inquired about view shed concerning a site plan application that was approved by the Planning Board back in October of 2015.
- This site plan was approved for the applicant to construct a 40 ft. by 60 ft. by 28 ft. pole barn on their property.
- The individual was concern his view of the Lake was obstructed.

Ms. Kerrick cited page 36, section C. Land Use Recommendations concerning encouraging development which preserves open spaces and scenic view sheds. Further noting the primary premise was for the construction of a second level.

Mr. Neu stated that the applicant met all setback requirements and height restrictions as required in the Land Use Regulations. The real question is what a property owner owns and what can they do with their own property.

Mr. Harrop informed the Board about a variance that was being heard on May 12, 2016 on a property on which there is two dwellings located on one deeded lot. If the variance is approved, the applicant would then need to apply for a Special Use permit according to section 7.2.6 of the Land Use Regulations.

Ms. Gabel made a motion to adjourn the meeting at 9:15PM, seconded by Ms. Kerrick. Ayes-5. Nays-0. Absent-2.

Respectfully, Maureen Kurtz