

MINUTES OF THE TOWN OF WAYNE  
PLANNING BOARD  
June 6, 2016

Mr. Witkowski opened the **Public Hearing** at 6:33 p.m. for Mr. Lawrence G. Owens, **Special Permit No. 03SP16**. Request for 2 residences on 1 lot.

No comments were made by people present.

Mr. Owens stated the following:

- Wants to tear down main cottage and remodel small unit to make livable.
- While tearing down original cottage wants to replace existing porch with 8' x 30' porch addition on front with only 8' set back.

Mr. Carlson stated that the 8' x 30' porch addition (on west side of building) was not part of the original application presented to the ZBA on May 12, 2016. ZBA members present did not recall the porch addition on the application either.

Mr. Witkowski stated that he has an e-mail from Wayne Hand, Acting Zoning Board Chairman, to Glenn Neu, Planning Board Chairman.

Various comments were made by Mr. Owens showing the lot lines on both cottages and the Zoning Board members present going over the information presented to the ZBA.

At 6:48 p.m. Mr. Witkowski closed Public Hearing with the Board's approval: Donna Sue Kerrick - yes; Chris Mooney - yes; Stan Witkowski - yes; Jon Serdula - yes; Nancy Gabel - yes.

The June 6, 2016, Planning Board meeting started at 6:58 p.m. 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>
Nancy Gabel	<u>X</u>	_____	_____
James Hancock	_____	<u>X</u>	_____
Chris Mooney	<u>X</u>	_____	_____
Jon Serdula	<u>X</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>	_____	_____

<u>ALSO PRESENT:</u>	Larry Owens, Ithaca, NY	Kevin Para, Hammondsport, NY
	Ron Stanley, Dundee, NY	Gusta Carr
	Art & Kay Wilder, Hammondsport, NY	Wayne Hand, Hammondsport, NY
	Candy Dietrich, Hammondsport, NY	Leslie Mauro, Town Attorney
	Nona Kraus & Rich Shinena, Pittsford, NY	

Mr. Witkowski adjusted the **Agenda** items under **New Business** to: moved (d) Mark Salisbury's Site Plan to (c) Neil Johnson's Site Plan; since Mr. Johnson is not present. Mrs. Kerrick moved to approve with Mr. Serdula second.

**MINUTES:**

Mr. Witkowski made a motion to approve the May 2, 2016, minutes as presented, seconded by Mrs. Kerrick.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>	<u>Late</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-1. Late-1.

### **NEW BUSINESS:**

- **SPECIAL USE PERMIT NO. 03SP16:** Mr. Lawrence G. Owens. Property located at 12224 East Lake Road, Hammondsport, NY. A request for 2 residences on 1 lot. Replacing existing porch with 8' x 30' porch addition on front with only 10' set back was not part of the original application.

Mr. Harrop stated lot is large enough and the entire lot has 60' lake frontage. One property does not have enough lake frontage (50' required).

Mr. Witkowski stated that he has an e-mail from Wayne Hand, Acting Zoning Board Chairman, to Glenn Neu, Planning Board Chairman, which reads:

*The ZBA discussed the Lawrence Owens **variance 03V16** application in detail last night (5/12/16), and approved the following variances for their proposed project:*

1. *Per current LUR 7.2.6 (more than one principal building allowed), which restricts for all districts not more than one building for an allowed principle use per lot. Two dwellings have been on this lot since the 1950's, pre-existing non-conforming.*
2. *Per current LUR 7.3.3 (limited use of lake shores), which states "a shorefront lot shall include not less than fifty (50) feet of shoreline for each dwelling unit located on such lot".*
3. *Per current LUR section 7.2.3 d (non-conforming structures), which states that "when non-conforming premises are brought into conformity, they shall not be allowed to become non-conforming".*
4. *Per current LUR section 6.3 (allowable densities), which defines a minimum required side setback of 10 feet, provide a relief of approximately 3.5 feet for the existing cottage North lot boundary (pre-existing non-conforming).*

*Per current LUR section 7.2.6 (more than one principal building allowed), the ZBA recommends that the Planning Board provide a Special Permit for this project, if they deem this as being necessary (the LUR is not clear on this requirement for a non-development situation).*

Mr. Art Wilder, being the land owner to the south, encourages Mr. Owens to do this to his property.

Since the applicant did not originally apply for an 8' x 30' porch on the one building, he will need to reapply for a variance if they want this size porch.



Mr. Neu requested that Mr. Bauer, Highway Superintendent, be notified when starting application.

More than one dwelling is permissible as long as distances are met, then it is granted by Special Permit.

Fifteen letters sent out and no responses were received. Mr. Art Wilder (neighbor) approves.

A motion to accept and approve application was made by Mr. Witkowski and Ms. Kerrick second.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>	<u>Late</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-6. Nays-0. Abstain-0. Absent-1.

#### **SITE PLAN APPLICATION(s):**

**Mr. Lawrence Owens** Property at 12224 East Lake Road. A request for 2 residences on 1 lot.

Mr. Witkowski made the motion to approve the application with a second by Ms. Kerrick.

Mr. Ron Stanley, contractor, explained some of the plans for the drainage and equipment coming/going out of property.

View shed is not affected because of the trees and it is going back in same area. Drainage will be taken care of with silt fences. Large shrubs will be removed in front of cottage.

According to the septic plan there will be minor modifications involved.

Mr. Neu suggested Mr. Bauer, Highway Superintendent, be notified when starting application so he is aware of equipment and timing.

Type II action was approved with a negative impact. With the demolition permit and site plan approved (through Mr. Harrop) there will be a dumpster and removed. Building permit also approved.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>	<u>Late</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-6. Nays-0. Abstain-0. Absent-1.

**Mr. Gusta Carr** Property located on Treasure House Road. Request to construct a 25' x 26' pavilion.

Zoning board approved with all setbacks met. There will be a 5' x 8' bathroom. The pavilion will be located on a separate lot adjacent to present lot.

Mrs. Kerrick made the motion to approve the application with a second by Mr. Witkowski.

Type II action approved with a negative impact.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>	<u>Late</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-6. Nays-0. Abstain-0. Absent-1.

**Mr. Mark Salisbury** Property located at 9531 Crystal Beach Rd. requests a demolition of existing building and replace with a new home.

Mr. Kevin Para, builder/contractor, attended as Mr. Salisbury lives in Boston. Mr. Harrop states a survey was not necessary as the lot is a level site. The Zoning Board granted a variance with the condition that the survey be consistent with sketch.

Mr. Witkowski made motion to re-open application with Mrs. Kerrick second.

Lot size and set backs were sub-sized. Both were approved by Zoning Board. Drains will go towards lake along with downspouts and accurate drainage, not impacting neighbor. Overall height of building is 27'.

Mr. Witkowski approved application with a second by Mrs. Kerrick. Application approved with demolition permit through Mr. Harrop.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>	<u>Late</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-6. Nays-0. Abstain-0. Absent-1.

**Mr. Neil Johnson** Property located on Silsbee Road requests a 40' x 60' x 10' pole barn.

Mr. Harrop stated there is no other structure on property. This pole barn is a storage/work area with a concrete floor.

Type II action approved with a negative impact.

Mr. Witkowski made the motion to approve the application with a second by Ms. Gabel.

A roll call vote was taken.

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

Ayes-6. Nays-0. Abstain-0. Absent-1.

### **COMMUNICATIONS:**

Training is on the schedule. Leslie Mauro, Town Attorney, is present to help us better understand and interpret the Land Use Regulations. Mrs. Dietrich and Mr. Hand, Zoning Board members, were asked to attend this session. Ms. Mauro stated that Mr. Harrop help applicant's interpretation in the permit process.

Mr. Neu stated that "definitions" should be defined and not set up as a "regulation."

Ag buildings – active farm – Ag & Markets control - leave it to Mr. Harrop to determine .  
In our Ag district, accessory buildings maybe carried out without a permit with state regulations according to 6.3 and 7.8.1 of our LUR.

Mr. Harrop will determine interpretation of LUR.

A new car law – State Code: if not registered = not allowed. Can be garaged, covered, tarped.  
Mr. Harrop stated that we enforce State Codes.

Ms. Kerrick stated our residents should be informed of State changes on our website.

Ms. Gabel made a motion to adjourn the meeting at 9:08 p.m., seconded by Ms. Kerrick. Ayes-6.  
Nays-0. Absent-1.

A motion was made by Mr. Neu and second by Mr. Serdula to enter into Executive Session.

Acting Secretary, Nancy Gabel