

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
July 14, 2016

The meeting opened at 6:30 PM with a roll call of the members.

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

ALSO PRESENT: Larry Owens Nancy Gabel
David Bauer

MINUTES:

Ms. Dietrich made a motion to approve the May 12, 2016 minutes as amended, seconded by Mr. Hand.

A roll call vote was taken.

	<u>Aye(yes)</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	—	—	—	<u>X</u>
Greg Blessing	—	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—	—
Bernadette Ervin	<u>X</u>	—	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-3. Nay-0. Absent-1. Abstain-1.

Ms. Dietrich made a motion to approve the June 9, 2016 minutes as presented, seconded by Mr. Feinstein.

A roll call vote was taken.

	<u>Aye(yes)</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	<u>X</u>	—	—	—
Greg Blessing	—	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—	—
Bernadette Ervin	—	—	—	<u>X</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-3. Nay-0. Absent-1. Abstain-1.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 08V16: Lawrence Owens. Property located at 12224 East Lake Rd., Town of Wayne. Request addition to existing non-conforming structure on existing non-conforming lot; more than one dwelling on single R-1 lot. (Sections 7.2.3 and 6.3)

Mr. Owens stated the following:

- He was approved for a variance for the existing main cottage on July 14, 2016.
- The focus is on the proposed porch and dining area addition on the existing guesthouse.
- The drawing for the proposed porch wasn't received in time for the July 14th meeting. (On file and marked in red ink on plan).
- Since he owns the neighboring property, eventually he may move his lot line to meet the side yard set-back requirement for the guest cottage. However, doing that at this time would be difficult due to a neighbor's septic system easement on his lot, which is probably too close to the lot line.
- When the existing septic systems located on adjacent properties are required to be updated, he would like to relocate them to his adjacent lot to the North, where a lot line adjustment may then be applied for.

Mr. Hand stated the 2 variances still applied and at this time that the Zoning Board was looking at a more detailed description on the guest cottage regarding the proposed added expansion on a pre-existing non-conforming structure. Further noting the applicant was seeking a relief on the North side of 2 ft. 1 in. on the guest cottage.

Mr. Hand opened the public hearing.

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

Ms. Ervin was expressed concern due to the Zoning Board already granting relief on other areas.

Ms. Dietrich stated she had no concerns.

Mr. Hand closed the public hearing.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No.
3. Whether the requested variance is substantial: No.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
5. Whether the alleged difficulty was self-created: Yes.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Feinstein made a motion to approve Area Variance Application No. 08V16 as per drawings dated 7/13/2106, seconded by Ms. Ervin.

A roll call vote was taken.

	<u>Aye(yes)</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	<u>X</u>	—	—	—
Greg Blessing	—	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—	—
Bernadette Ervin	<u>X</u>	—	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-4. Nay-0. Absent-1. Abstain-0.

Mr. Owens signed the Variance: Responsibilities and Conditions sheet. (On file).

AREA VARIANCE APPLICATION 09V16: Lucy Keith. Property located at Lot 25 Treasure House Rd., Town of Wayne. Request to place a 10 ft. by 14 ft. pre-built shed on a lot less than 20,000 sq. ft.(Accessory Building) (Section 7.2.3 and 6.3)

As no one was present to represent this application, the application was table.

AREA VARIANCE APPLICATION 10V16: Robert and Candace Dietrich. Property located at 12869 Ste. Rte. 54, Town of Wayne. Request expansion on non-conforming structure. (Section 6.3, 7.2.3:1)

Ms. Dietrich stated the following:

- They wanted to add a second floor onto their existing non-conforming structure.
- They would be adding a 24 ft. by 33 ft. addition on top of the existing house and not increasing the footprint.
- The roof line of the house wouldn't be any higher than the current garage.

Mr. Hand opened the public hearing.

No one was present to express any concern.

Ms. Kurtz stated 5 letters were sent and no responses were received back at this time.

Mr. Hand closed the public hearing.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
Reason: Will not reduce neighbor's visibility.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No.
3. Whether the requested variance is substantial: No.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
Reason: Distance to mean high water is substantial.
5. Whether the alleged difficulty was self-created: Yes..

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Feinstein made a motion to approve Area Variance 10V16 as per submitted plan, seconded by Ms. Ervin

A roll call vote was taken.

	<u>Aye(yes)</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	<u>X</u>	—	—	—
Greg Blessing	—	—	<u>X</u>	—
Candy Dietrich	—	—	—	<u>X</u>
Bernadette Ervin	<u>X</u>	—	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-3. Nay-0. Absent-1. Abstain-1.

Ms. Dietrich signed the Variance Responsibilities and Condition sheet. (On file)

As there was no further discussion to be discussed, Ms. Dietrich made a motion to adjourn the meeting, seconded by Mr. Feinstein. The meeting was adjourned at 7:10PM.

Respectfully submitted, Maureen Kurtz