

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
June 3, 2019

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

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS: Wayne Hand, Acting Chair	<u>X</u>	—	—
Greg Blessing, alt.	—	<u>X</u>	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	—	<u>X</u>	—
John Walton	<u>X</u>	—	—
Gill Harrop, CEO	—	<u>X</u>	—

ALSO PRESENT: Candy Dietrich	Robert Dietrich
Chris Curry	Gary Osborne
Scott Hendershott	Karen Hendershott

**MINUTES:**

Mr. Feinstein made a motion to approve the May 6, 2019 minutes as presented, seconded by Mr. Hand.

A roll call vote was taken.

	<u>AYE(yes)</u>	<u>NAY(no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
John Walton, alt.	—	—	<u>X</u>

Ayes-2 Nays-0. Abstain-1.

**NEW BUSINESS:**

**APPEAL APPLICATION NO. 11V19: Public Hearing.** Robert and Candy Dietrich. Property located at 12869 State Rte. 54, town of Wayne. Request height relief for an accessory building.

Mr. Dietrich stated the following:

- They were replacing an existing garage that was in need of much repair.
- Originally they were permitted for the 18' height request but now are seeking an additional 2 ft. to allow for head space.
- The footprint would remain the same.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 17 letters were sent out and no responses were received back.

Mr. Hand closed the public hearing as no one was present to express any concern.

Upon discussion, the following items were noted:

- Upon review of pg. 5-4, #22, the requested relief would be for 5 ft.

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: Yes
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 grant a 5 ft. height relief on Variance No. 11V19, based on the drawing submitted with the building permit dated 8/14/2018, edited and signed on 6/3/2019 by the applicant, seconded by Mr. Walton.

A roll call vote was taken.

	<u>AYE(yes)</u>	<u>NAY(no)</u>	<u>ABSAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
John Walton	<u>X</u>	—	—

Ayes-3 Nays-0.

Mr. Dietrich signed the variance responsibilities and conditions sheet. (On file).

**APPEAL APPLICATION NO. 12V19:** Wayne Fire Department. Property located at 9997 County Rte. 87, town of Wayne. Request for a lighted sign.

Mr. Curry was present to represent the Wayne Fire Department and stated:

- They would like to replace the old sign that is currently in use with a smaller lighted digital sign that was programable and could easily display community events or news.

Mr. Hand reviewed pages 3-6 through 3-9 section 2 regarding signs, emphasizing 2.b. Prohibited Signs and Devices with Mr. Curry.

Mr. Hand opened the public hearing.

Mr. Hendershott stated it was a good idea.

Mr. Osborne stated as long as the sign wasn't flashing, he was in favor of the new sign.

Ms. Kurtz stated 36 letters were sent out and no replies were received back.

Upon review, the following items were noted:

- The replacement sign would be smaller than the existing sign and less than 40 sq. ft.
- A proposed sign cannot have any of the sign attributes prohibited in the LUR, without a use variance.
- Originally the application was for a Use Variance.

Upon further discussion and reading of the current LUR, it was noted that the sign and the noted display programming which would be used did not require either a Use or Area Variance, but only a permit.

Mr. Curry was instructed and acknowledged that no flashing or pulsating lights were to be used in the display.

**APPEAL APPLICATION NO. 13V19:** Scott Hendershott. Property located at 4310 Zemeic Rd. town of Wayne. Request height relief for accessory building greater than 18 ft.

Mr. Hendershott was present to state:

- They were requesting a height relief of 9 ft. for the proposed garage.
- The extra height would allow for extra storage and not for living space at this time.
- The existing older garage would be moved onto their adjacent 10-acre lot.
- Currently they are using an existing cottage for storage and plan to demolish it after the new garage is constructed.
- The proposed garage will have both plumbing and electric.
- A new leach field was put in on the 10-acre lot that will eventually service both the blue cottage and new garage.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 7 letters were sent out and 7 responses received back stating they had no issues with this request. (On file).

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: Yes
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. Walton made a motion to approve a height relief of 12 ft. to show lowest grade level based upon plans submitted with the building permit dated 5/16/19, edited and signed by the applicant on 6/3/19, seconded by Mr. Feinstein.

A roll call vote was taken.

	<u>AYE(yes)</u>	<u>NAY(no)</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—	—
Bill Feinstein	<u>X</u>	—	—	—
John Walton, alt.	<u>X</u>	—	—	—

Ayes-3 Nays-0.

Mr. Hendershott signed the conditions and responsibilities sheet. (On file).

As there was no further business, Mr. Feinstein made a motion to adjourn the meeting at 7:25PM.

Respectfully submitted, Maureen Kurtz