

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
April 5, 2021

The meeting opened at 6:31PM with a roll call of the members. The meeting was held via Zoom Web conferencing and in-person at the Town Hall.

	PRESENT	ABSENT	LATE
MEMBERS: Wayne Hand, Chair	<u>  X  </u>	<u>      </u>	<u>      </u>
Jon Serdula	<u>  --  </u>	<u>      </u>	<u>  X  </u>
Candy Dietrich	<u>  X  </u>	<u>      </u>	<u>      </u>
David Westcott, alt.	<u>  --  </u>	<u>      </u>	<u>  X  </u>
Gill Harrop, CEO	<u>      </u>	<u>  X  </u>	<u>      </u>

ALSO PRESENT (via Zoom and In-Person): Barb and Jim Russell, Tom and Barbara Blumer, John Gilroy, Lynn Vacanti, Chuck Smith

Mrs. Dietrich made a motion to approve the minutes of the March 1, 2021 meeting minutes. Mr. Hand seconded; minutes approved.

**NEW BUSINESS:**

**Appeal No. 04V21: James and Barbara Russell** Property located at 9100 Wixson Road, Town of Wayne. Seeking relief of height cap to build an accessory building as described in Sec 1, h, k in LUR-3.

Jim Russell detailed the plans to build a new garage with a gambrel roof. The roof design necessitates a variance to allow for the total height of the building to exceed the 18' restriction in the LURs. Mr. Hand had driven out to the site before the meeting. He observed that there is a very slight slope to the proposed location of the garage and that the actual point of measurement is the lowest point of the ground on the building site. That means the roof height on the downhill side of the building would be about 22' as opposed to measuring 20' on the uphill side. Mr. Russell agreed with Mr. Hand's assessment of the situation.

The public meeting opened. No comments were made or received. The public meeting closed.

Mr. Hand reviewed the site plan noting that no setback issues were identified and the only issue needing relief is the height of the building which in LUR-3 is limited to 18 feet. Mr. Serdula joined the meeting at 6:36 PM. Mr. Hand reviewed the Russell case for Mr. Serdula. Ms. Dietrich made a motion to approve the Russell project, granting 4' height relief on the garage project if built according to the plans submitted on March 23, 2021. Mr. Hand seconded the motion. The board considered the 5 questions and determined the project did not detrimentally affect the neighborhood. The project was approved unanimously.

Dave Wescott joined the meeting via zoom.

**Appeal No. 05V21: Michael Vacanti** Property located at 14931 Keuka Village Road, Town of Wayne. Seeking to build a mud room, new deck, and replace existing deck, needing relief for side and lake setback for district LUR- 2 Article 3, a. 4.b.5

Lynne Vacanti and John Gilroy are in the process of updating the family cottage. They desire to make it more assessable and energy efficient. The addition of a mudroom on the street side of the cottage and new decks on the lakeside of the house require variances. The mudroom would be 4' by 12' and stay in-line with current width of the house. That project will need setback relief of 1.2 feet. The plan calls for replacement of the existing deck with a new slightly smaller, and a second story deck that also requires setback relief from the mean high water mark.

Ms. Dietrich and Mr. Hand both had driven to the property to review the plot and current building.

Public comments opened. Mr. Blumer inquired as to the anticipated duration of the construction. Ms. Vacanti indicated the project would be done in June 2021. Mr. Blumer also asked about the location of the replacement of stairs that used to run between their two cottages. The replacement stairs and new retaining walls should essentially be in the same location as the older structures.

The new deck will actually be slightly smaller than the old deck and thus about a foot or two further from the mean high water mark than the existing deck. Public comments closed.

The board discussed the project and Mr. Hand summarized the situation as a three part approval:

- (1) Approval for expansion of a pre-existing non-conforming structure
- (2) Setback relief of 1.2 feet from the east side line for addition of the mudroom
- (3) Setback relief of 18'2" from mean high water mark for construction of the new deck

The ZBA considered the 5 test questions and determined the project does not negatively affect the neighborhood.

Mr. Hand put forward a motion to grant approval for (1) expansion of a pre-existing non-conforming structure, and (2) to allow for relief of 1.2 feet setback on the eastern boundary to allow for mudroom construction, and (3) o grant 18' 2" of setback relief from the mean high water mark to allow for construction of new deck. Project is to be built according to plans submitted on 2/25/21. Ms. Dietrich seconded the motion. Motion was unanimously approved.

### **Unfinished Business**

Mr. Hand asked if there was an unfinished business or items for discussion. Nothing arose.

**Discussion**

**Adjournment** The meeting adjourned at 7:12 PM.

Submitted by: Amy Gush, Board Secretary