

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
February 5, 2024

The meeting opened at 7:00 PM with a roll call of the members. The meeting was held in-person and via Zoom at the Town Hall.

	PRESENT	ABSENT	LATE
MEMBERS: Wayne Hand, Chair	X		
Jon Serdula		X	
David Westcott	X		
Emily Jennifer Rouin	X		
Karsten Konig		X	
Jason Ferris, Alt.	X		
Candy Dietrich, alt		X	
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Lou Gigellio, Lori Good, Tom Nagle, ____ Hamula, Steve Unger,

Agenda Review

No change to agenda

Minutes

Minutes of the January 2023 meeting were reviewed and approved. Motion by Mr. Westcott, 2nd by Mr. Ferris. Minutes approved.

New Business

Appeal No.02v24: Steven Unger Property Tax ID #078.20-01-009.000, 9552 Lakeshore Dr. Town of Wayne in LS-3, LUR Sec 1. h Sec. 3, Height, Non-conforming structure on a pre-existing non-conforming lot.

Mr. Unger Seeks to replace an old cottage with a new home. The new home will essentially be in the same footprint as the old home however it will be oriented parallel to the property lines. The plans for the new home also exceed maximum height by one foot

Mr. hand Identified the existing seawall as the mean high-water mark. The rear of the proposed house is 35' from the center of the road. The only setback issues are on the north and south lot lines which will need one (1) foot of relief on each side.

Next the board looked at the calculations of lot coverage. The lot is 79x24 or 1896 sq ft. the new house will cover 1632 sq ft or 85%. The board recognizes that this is the same as the prior house.

Public Comments Opened. Mr. Nagle Shared that he had reviewed the plans earlier in the week with the Code Officer. He stated the new home will be an improvement and is supportive of the project.

Mr. Gigiello, the neighbor on the north side, asked about setback from the north lot line. Mr. Unger pointed out that the new plans will remove the previous bathroom addition that encroached on the north side and the new home will actually maintain more space between the homes.

Ms. Good is the neighbor behind the Unger property. She is concerned about the height of the new home. However, she is supportive of the project.

Mr. Hamula wanted to know how the excavation would proceed. The Mr. Unger shared that the soil will be properly removed and all septic components are marked.

Public comments closed.

Mr. Hand clarified the issues for consideration by the zoning board.

1. This is a pre-existing non-conforming structure to be built on a pre-existing non-conforming lot
2. Grant one (1) foot of height relief.
3. Set back relief of one (1) foot on both the north and south sides
4. While lot coverage is significant, it is similar to the old cottage and does not change the lot coverage.

The board considered the five questions and found the project to be viable and conforming to neighborhood norms.

Mr. Westcott made a motion to allow for the replacement of a pre-existing non-conforming structure to be built on a pre-existing non-conforming lot and to grant one (1) foot of setback relief from both the north and south lot lines. In addition, to allow for one foot of excess height.

Of note, the board recognized that the lot coverage is beyond the zone's 35%, but is the same as the coverage of the prior house. Therefore, the build maintains the same level of non-conformity.

Mr. Ferris seconded the motion. The motion passed unanimously.

Meeting was adjourned at 8:00 PM

After consideration of the 5 questions, the board agreed the project was viable.

Mr. Konig made a motion to approve the construction of the addition to a non-conforming structure, with the caveats that the net increase in lot coverage was not more than 50 sq ft, and to allow relief of 14.5 ft of setback relief from East Lake Road. Mr. Ferris seconded.

Further, condition added that the brick pathway must be removed and the project built as per the permit dated 12/12/23

The motion was unanimously approved.

General Announcement

Adjournment The meeting adjourned at 7:30 PM.

Submitted by: Amy Gush, Board Secretary