

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
September 9, 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	zoom		
Karsten Konig	X		
Jason Ferris, Alt.	X		
Candy Dietrich, alt	X		
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO	X		

ALSO PRESENT: Alex Ryan, Joe Hammill, Brendon Marks, Representatives of Crooked Lake Court, LLC

Agenda Review

No change to agenda

Minutes

Minutes of the August 5, 2024 meeting were approved with the change to reflect Mr. Serdula's attendance.

New Business

Appeal No.11v24: Crooked Lake Court, LLC Property Tax ID # 064.00-01-001.120 9294
Pike Place, Town of Wayne in LR-1, LUR Sec 3A,4, b5 sect. 1

The LLC approved the replacement of an existing trailer home with a new manufactured home that will occupy the same footprint as the original trailer. The setbacks will be maintained.

Public Comments opened. No letters or emails were received concerning the project.
Public Comments closed.

Mr. Konig made a motion to modify and replace the pre-existing, non-conforming structure on the pre-existing, non-conforming lot. Conditions being that the build be as presented in the building plans of 8/15/24. Motion was approved.

Appeal No.12v24: Virginia Hammill Trust Property Tax ID #092.12-01-022.000, 9008
Wixson Rd. Town of Wayne in LSR-3, LUR Sec 1.b and Sec 3A.4.b.5

Ms. Hammill wished to build a deck off of a three-season room of the existing house. The deck will be 10'x29'. The group did a quick calculation that indicated a 27% lot coverage with the addition of the new deck.

The deck project needs setback relief of 8' from the MHW line. The deck is in line with the existing structure and therefore does not need relief from the side lot line.

Public Comments opened. No letters or emails were received concerning the project.
Public Comments closed.

Mr. Westcott made a motion to allow for the expansion of a pre-existing, non-conforming structure and to grant 8' of setback relief from the mean high-water mark. With the condition that the project is built according to the plans of 8/20/24. Mr. Serdula 2nd; the motion was approved.

Old Business

Appeal No.08v24: Antony and Jan Durning Property Tax ID # 064.08-01-37.000, 14559
Keuka Village Road. Town of Wayne in LR-2, LUR Sec 3 Retaining Wall over 4', Sec 3 Steep Slope, Sec 3 Alteration of non-conforming structures, Sec 1. Setback relief.

Ms. Durning wishes to build new stairs with landings and to install a tram to access her lakeshore. The build takes into account a steep slope abutting Keuka Village Road. Two new retaining walls, one 6' high and another 8' high would be needed to retain the lower part of the cliff and contain any erosion from above. The existing boathouse and deck were to remain as is and that the tram would land on the current decking. The stairs replace the existing stairs. And the retaining walls are to stabilize the steep bank.

Mr. Hand identified several issues that might need a variance to allow for the project:

1. The alteration and expansion of pre-existing, non-conforming structures on a pre-existing non-conforming lot.
2. The build would be in the road right-of-way.
3. Steep slope issues as grade is much greater than 25%.

4. Setback from the mean high-water mark might need relief
5. Resulting build could result in up to 29% of the lot coverage.

Brendon Marks of Marks Engineering was present to answer the board's technical questions. He stated that the yes, the tram would start in the road right of way. At the previous meeting Mr. Hand had inquired as to how the top of the bank would be stabilized?

Mr. Marks explained the build and tieback system. As for the wall construction, it would be supported by steel driven to "refusal" into the rock of the cliff and bedrock. The 8' lower wall would brace the upper wall and together they would help retain the falling debris and erosion of the bank.

The project will remove the old stairs and failing retaining walls, adding new retaining walls, stairs and the tram. Boathouse will remain as it is. Lot coverage will only increase by less than 5% (24.6% to 29.7%).

Mr. Hand made a motion to allow for expansion, alteration of an existing, non-conforming structures on a pre-existing, non-conforming lot, and to allow for a build on a steep slope greater than 15% and to allow lot coverage to increase by a maximum of 5%. He further called for 4' of height relief on each retaining wall (2) as well as 7.2' of relief of setback from the road right of way. Mr. Serdula seconded the motion and it was approved.

Appeal No.10v24: Jude and Debbie Weis Property Tax ID # 064.08-01-026.000,14546
Keuka Village Rd., Town of Wayne in LR-2, LUR Sec 3 Sec 1. Setback relief and bulk requirements.

Mr. Ryan, a neighbor of the Weis's and professional engineer, presented a revised plan which included an increase in size of the proposed new "boathouse." This larger boathouse would result in a rather significant increase in lot coverage from the plans presented at the previous meeting and met with resistance from the board. After much discussion a compromise was reached that the proposed new deck and structure would be limited to 500 square feet in total. This limit on the building and deck is to keep the increase in lot coverage to 10%.

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The board also looked carefully at all setbacks and identified 7' of height relief needs for the retaining walls, 2' setback relief from the road right of way for the new boat house, 4 feet of relief on the north and south ends of the retaining walls as they curve toward the road.

Mr. Hand made a motion to grant the following relief for the project, Mr. Serdula 2nd.

- Allow for expansion and replacement of the pre-existing structures and stairs.
- Allow for building on a steep slope.
- Grant setback relief from the mean high-water mark of 9'.
- Limit the total square footage of new building and any attached decking to 500 sq ft.
- Grant 7' of height relief for the retaining walls.
- 2' of setback relief for the proposed building back wall from the road right of way line.
- Grant 4' setback relief for the retaining walls on the north and south endpoints from the road right of way line
- Grant an increase in lot coverage from 43 to 53% on the quarter acre lot.

The motion was approved.

General Announcement

Adjournment The meeting adjourned at 9:00 PM

Submitted by: Amy Gush, Board Secretary