

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
June 12, 2014

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

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

ALSO PRESENT: Gill Harrop, Code Enforcement Officer	
Nancy Dubendorfer	Ralph Dubendorfer
James Thomas	Bobbette Lehman
Pam Nowlan	Brian Nowlan
Ronald Mamula	Patty Harsh
Skip Harsh	Nancy Gabel

**MINUTES:**

Ms. Dietrich made a motion to approve the May 8, 2014 minutes as presented, seconded by Mr. Blessing.

A roll call vote was taken.

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Bill Feinstein	—	—	<u>X</u>	—
Greg Blessing	<u>X</u>	—	—	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand	—	—	—	<u>X</u>

Ayes-2. Abstain-1. Absent-1. Nays-0.

The minutes were approved.

**NEW BUSINESS:**

**VARIANCE APPLICATION NO. 03V14:** James Thomas. Property located at 9559 Eagle Rock Trail, Town of Wayne. Request relief to build on an undersized lot in an R-2 district. 6.3

Mr. Thomas stated he would like to build a residential garage on the property with the following characteristics:

- It would be a 20' by 30' pole barn with gravel floor.

- The sidewalls would be 8' with a 12' peak.
- It would have 2 doors: a side door and one large door.
- Currently he has 3 metal sheds, two of which he would like to remove.
- The need for the variance is due the lot being undersized.
- The buildable lot size for in an R-2 district is 20,000 sq. ft. and Mr. Thomas has 5400 sq. ft.

Mr. Feinstein stated upon review the application, a garage, according to the land use regulations is by definition an accessory use.

Mr. Feinstein then read the definition of accessory use and garage, to those present.

Upon discussion, the following items were stated:

- The application in front of the ZBA was for an area variance.
- In order to be correct, the applicant will need to resubmit an application for a Use variance instead of an area variance.
- A use variance has a much higher of burden of proof to justify building a garage by itself rather than what is allowed in the R-2 district.
- In order to hear the application on July 10, 2014, the application must be received by noon, June 26, 2014.

Mr. Feinstein made a motion to table Variance No. 03V14, in order for the applicant to amend their previous request for an area variance and seek a use variance, seconded by Mr. Blessing.

An aye or nay verbal vote was taken. Ayes-3. Nays-0.

**VARIANCE APPLICATION NO. 04V14:** Brian Nowlan. Property located at 9766 Fair Oaks, Town of Wayne. Request alteration, expansion of a pre-existing non-conforming structure.

Mr. Nowlan stated the following:

- He wanted to convert their seasonal cottage into their year round home.
- They wanted to add a second floor to the existing cottage.
- They would move the one downstairs bedroom up and wouldn't be adding any additional bedrooms.
- They would be staying within the same footprint of the existing cottage.

It was stated the cottage was built in 1945, prior to land use regulations.

After the public hearing was opened, it was noted that 21 letters were sent to the neighboring property owners, with 2 responses received back.

Both Mr. and Mrs. Dubendorfer were present to inquire about the proposed project, stating their concerns and objections due to potential septic issues and additional bedroom space.

Mr. Feinstein read for the record the two Dubendorfer email's dated June 12, 2014 to those present. (On file)

As no one else expressed any concern about this application, the public hearing was closed.

Mr. Harrop stated the following:

- As a matter of disclosure, the existing blue shed owned by Nowlan's needed to be moved out of the right of way and apply for a permit to have the shed placed on their property.
- The KWIC permit states that residence is limited to only one bedroom.
- All plans need to meet NYS Code standards.

Upon completion of the area variance findings and decision questions, Ms. Dietrich made a motion to approve Variance No. 04V14, seconded by Mr. Blessing.

A verbal roll call vote was taken. Ayes-3. Nays-0.

Mr. Nowlan signed both copies of the variance responsibilities and conditions sheet. (One copy kept for file).

#### **COMMUNICATIONS:**

Mr. Mamula was present to state the following:

- He came before the ZBA for a variance and was turned down at the time.
- He unhappy with how the application process was handled by the officer in charge.
- He wanted to know the correct procedure to take.

The Board informed him that his particular complaint would be better taken up at the Town Board meeting on July 8, 2014, under communications.

As there was no further business, Mr. Blessing made a motion to adjourn, seconded by Ms. Dietrich. Ayes-3. Nays-0. The meeting was adjourned at 7:15PM.

Sincerely,

Maureen Kurtz