

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
August 14, 2014

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	—	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—	—
Bill Feinstein	<u>X</u>	—	—	—

ALSO PRESENT: Gill Harrop, present via phone  
Lisa Bates                      Harold Bates  
Brenda Stebbins      Gayle Tongue  
Ernest Tongue      Gary Nuss  
Laura Nuss

**MINUTES:**

The July 10, 2014 minutes were unable to be approved, as Mr. Blessing was not in attendance to vote.

**NEW BUSINESS:**

**VARIANCE APPLICATION NO. 05V14:** Gary Nuss. Property located at 9837 Mohawk Trail, Town of Wayne. Request Alteration, expansion to non-conforming lot, side and rear yard setbacks, less than 10 ft. 7.2.3

Mr. Nuss stated he would like to put a 14 ft. by 24 ft. Wood-tex garage next to his existing storage shed and is requesting 13 ft. relief from the rear yard setback and 7 ft. from the side yard.

Mr. Nuss further noted the following:

- By placing the garage where he wanted kept him from cutting any trees.
- A wet area on the Northwest corner prevented him from placing the garage closer to trailer.
- The existing 8 ft. by 12 ft. shed is at an angle and he wanted the garage to be at the same angle.

Mr. Hand stated there were 3 separate issues involved with variance request:

1. Request to build on an undersized lot.
2. Seeking relief of 13 ft. from the rear yard.
3. Seeking relief of 7 ft. from the side yard.

Mr. Harrop stated the following:

- The garage could be butted up next to the existing storage shed to reduce the requested setbacks.
- NYS building code required structures to be 3 ft. off the property line, any closer; the structure needs a 2 hour fire proof construction.

No one was present at this meeting to express any concern.

Ms. Kurtz state 27 letters were sent to the neighboring property owners, with no responses received back at the time of this meeting.

Mr. Hand closed the public hearing.

Upon further discussion, Mr. Nuss agreed to the following recommendations from the Zoning Board:

- That he rotate the existing shed and move it to the West.
- Construct the new garage in the general area where the existing shed resides, place perpendicular to the existing mobile home.

Upon completion of the area variance findings and decision questions, Ms. Dietrich made a motion to approve Variance No. 05V14 with the following stipulations:

- The existing shed be moved further to the West.
- Grant a 5 ft. rear yard variance to allow garage to be 10 ft. from the North property line.
- The side setback to be no less than 10 ft. from the East property line, not requiring a variance.

Seconded by Mr. Feinstein.

A roll call vote was taken. Ayes-3. Nays-0. Absent-1.

**VARIANCE APPLICATION NO. 06V14:** Harold Bates. Property located at Lakeshore Dr. and Brandywine, Town of Wayne. Request to have an accessory building without a principal building on the same premises.

Mr. Bates was present to state:

- He first requested the shed and was granted site plan approval for the proposed shed.
- A stop work order was given on the proposed project when it was discovered there was no primary structure located on the property.

- He bought five lots and incorporated them into two, making each parcel ½ acre.
- He wanted to place his camper on the one ½ acre lot and the partially built shed was already located on the other ½ acre lot.
- Currently there are 2 concrete pads located on the property located 15 ft. from the center boundary.
- He has a holding tank on the one of the ½ acre lot.

Mr. Feinstein stated the current Land Use Regulations clearly states a shed is an accessory building and an accessory building couldn't exist without a principal building.

The following neighbors were present to express their support for the Variance.

Ms. Stebbins, stated the Bates' have cleaned up an existing eye sore and are continually working the property.

Both Mr. and Mrs. Tongue stated they were impressed how the Bates' improved the property from a dump to what it is now.

Ms. Kurtz stated 9 letters were sent out and no responses were received back at this time.

Mr. Hand closed the public hearing.

Mr. Harrop stated if the applicant put his camper on the premises to act as a principal building, both the camper and the shed would need to be on the same ½ acre lot. He further noted, a camper could not be permanently connected to water and septic.

Mr. Feinstein then read the 4 part test that NYS imposes for a Use Variance to those present.

Upon discussion, the Zoning Board made the following recommendations:

- The applicant either put the camper on the same ½ acre lot as the shed or combines both ½ acre lots into one.
- Withdrawal the Use Variance if the applicant is willing to place the camper and shed on the same lot.

Mr. Bates stated he would withdrawal his use variance.

#### **COMMUNICATIONS:**

Mr. Feinstein noted that the Zoning Board has not heard from Mr. Thomas regarding Variance 01V14 and it is still tabled at this time.

As there was no further business, Ms. Dietrich made a motion to adjourn, seconded by Mr. Hand. Ayes-3. Nays-0. The meeting was adjourned at 7:05PM.

Sincerely,

Maureen Kurtz