

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
December 10, 2015

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

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

ALSO PRESENT: Gill Harrop, Code Enforcement Officer
Jon Serdula

MINUTES:

Ms. Dietrich made a motion to approve the October 8, 2015 minutes as presented, seconded by Mr. Hand.

A roll call vote was taken. Ayes-2. Nays-0. Absent-1. Abstain-1.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 07V15: David Sonner. Property located at across 4166 Shorewood Dr., Town of Wayne. Request relief after subdividing a 1.28 acre lot and creating an undersized lot in an AG-R district. Subdivision Section 1.8(Variances) and 6.3

Mr. Hand reviewed the history of the proposed variance request for subdivision with those present:

- The applicant first came to the Planning Board requesting the subdivision on August 18, 2015 and if granted would create an undersized lot in AG-R.
- At that time the Planning Board referred the applicant to the Zoning Board of Appeals for variance since it was thought to be only a lot line adjustment.
- The variance was heard on October 8, 2015 seeking a relief of 25,550 sq. ft. in an AG-R district that requires 40,000 sq. ft. and creating a substandard lot.
- At that time the applicant was given four recommendations:
 - a) Go back to the Planning Board and get their recommendation for a minor subdivision in writing to support the variance per Section 1.8 of the Subdivision Regulations.
 - b) Go to the Town Board asking to amend the Zoning ordinance.
 - c) Either lease or have an easement between himself and Mr. Sonner.
 - d) Install a holding tank.

- The variance was tabled until the applicant either got the recommendation from the Planning Board regarding the proposed subdivision or Mr. Sedula withdrew his request for variance.
- Upon review of Mr. Serdula's request on December 7, 2015, the Planning Board wrote a letter dated December 8, 2015 with their recommendation. (Letter on file).
- The Zoning Board now has the obligation to revisit Variance No. 07V15.
- Mr. Feinstein was unable to attend the December 10, 2105 meeting and has drafted a letter giving his thoughts on the matter. (Letter on file).

Mr. Harrop stated the following:

- The lot in question is currently a conforming lot in an AG-R district.
- If the lot is subdivided as requested, the applicant would be creating one undersized lot and the other lot conforming.
- If this variance is granted, the applicant would need to come before the Board for another area variance, if the proposed garage is desired, thus compounding the problem.
- Ultimately a municipal sewer system would be the solution, as 50% of the lots in the area are non-conforming.
- Until such a time a holding tank appears to be the solution.

The Zoning Board then reviewed and answered the following five test questions required by NYS as follows:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:
Yes. Free standing building on an undersized lot in AG-R would set bad precedent.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:
Yes. Lease or easement arrangement or holding tank.
3. Whether the requested variance is substantial:
Yes. Lot size is 36% of minimum allowed.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
Maybe.
5. Whether the alleged difficulty was self-created:
Yes.

Upon further discussion, Mr. Blessing made a motion to deny Area Variance Application NO. 07V15 due to the number of yes answers on the test questions required by NYS, seconded by Mr. Hand.

A roll call vote was taken.

	<u>Aye(yes)</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	<u>—</u>	<u>—</u>	<u>X</u>	<u>—</u>
Greg Blessing	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>
Candy Dietrich	<u>—</u>	<u>X</u>	<u>—</u>	<u>—</u>
Wayne Hand, Acting Chair	<u>X</u>	<u>—</u>	<u>—</u>	<u>—</u>

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

It was then determined that the Benefit to the Applicant did not outweigh the Detriment to the Neighborhood or Community and therefore the variance request was denied.

As there was no further business to be discussed, Ms. Dietrich made a motion to adjourn the meeting, seconded by Mr. Blessing. The meeting was adjourned at 7:22PM.

Respectfully submitted,

Maureen Kurtz