

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
December 7, 2016

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

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

ALSO PRESENT: Kenneth Hurst Ron McIntire
Duane Randall Jr.

MINUTES:

The November 10, 2016 minutes were unable to be approved at this time and will be reviewed at the next scheduled meeting.

NEW BUSINESS:

AREA VARIANCE APPLICATION 15V16: Kenneth Hurst. Property located at 9499 County Route 87, Town of Wayne. Request to construct a 30 ft. by 95 ft. greenhouse too close to road right of way and add onto an existing non-conforming structure. (Accessory Buildings)(Section 7.2.3 and 6.3)

Mr. Hurst stated the following:

- He wanted to construct a greenhouse for the sale of vegetable plants and flowers.
- Due to an existing organic peach orchard, the proposed greenhouse would require 30 ft. of relief from the road right of way.
- If the variance wasn't granted, replacing the 30 plus trees would cost approximately \$500.00 a piece to replace.
- The property is in a recognize AG district.
- He would also like to add a lean-to on the existing non-conforming barn to store his farm equipment that is located across from his home.
- Placement of the lean-to would not obstruct anyone's view.

Mr. Hand opened the public hearing.

Mr. McIntire stated he had no issues with this request and that a farmer should be able to use every bit of his land efficiently as possible.

Ms. Kurtz stated 15 letters were sent out to the neighboring property owners and no responses were received back at this time.

Amy D'Lugos from County Planning stated they had no objection to the proposed project after being sent the plans per the general municipal law 239 agreement. (Letter on file)

Mr. Hand closed the public hearing at 6:40PM.

Upon discussion, the Board agreed to combine the two variance request; one, granting 30 ft. of relief on the east side along County Rte. 87 for the proposed greenhouse and two, granting 7 ft. of relief on the west side along County Route 87 for the lean-to on the existing barn.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes.
3. Whether the requested variance is substantial: Yes.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
5. Whether the alleged difficulty was self-created: Yes.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Blessing made a motion to approve Area Variance Application 15V16 as per submitted plans and encouraged Mr. Hurst to place the greenhouse as far back from the road right of way as possible (without disturbing the existing peach orchard), 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>X</u>	—
Greg Blessing	<u>X</u>	—	—	—
Candy Dietrich	—	—	<u>X</u>	—
Bernadette Ervin	—	—	<u>X</u>	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-2. Nay-0. Absent-3. Abstain-0.

Mr. Hurst signed the Variance Responsibilities and Condition sheet. (On file)

AREA VARIANCE APPLICATION NO.16V16: Duane Randall. Property located at 8582 Coryell Rd., Town of Wayne. Request 6 ft. of height relief on an already constructed accessory building. Sections 7.8.11(2)

Mr. Randall stated the following:

- He built the barn to line up with his existing carport.
- Once the building was complete, it was found to need a height variance.
- The structure doesn't impede anyone's view.

Ms. Kurtz stated 13 letters were sent out to the neighboring property owners and no responses were received back at this time.

No one was present to express any concern about this request.

Mr. Hand closed the public hearing.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes.
3. Whether the requested variance is substantial: No.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
5. Whether the alleged difficulty was self-created: Yes.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Blessing made a motion to approve Area Variance Application No. 16V16 granting 6 ft. of height relief for the accessory building, 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>X</u>	—
Greg Blessing	<u>X</u>	—	—	—
Candy Dietrich	—	—	<u>X</u>	—
Bernadette Ervin	—	—	<u>X</u>	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

Ayes-2. Nay-0. Absent-3. Abstain-0.

As there was no further discussion to be discussed, Mr. Blessing made a motion to adjourn the meeting, seconded by Mr. Hand. The meeting was adjourned at 7:10PM.

Respectfully submitted, Maureen Kurtz