

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
August 10, 2017

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

Members: Bill Feinstein present
Wayne Hand present
Candy Dietrich present
Greg Blessing absent
Gill Harrop absent

Also Present: Tim McCracken Sandra Sanders
David Wheaton Jodelle Judge

Minutes:

Mr. Feinstein made a motion to approve the July 13, 2017 minutes, seconded by Ms. Dietrich, and all in favor.

NEW BUSINESS:

AREA VARIANCE APPLICATION 11V17, Public Hearing: Tim McCracken. Property located at Tax Map No. 078.00-01-039.000 between reference marker 64011004 and 64011005 on State Route 230.

Mr. McCracken stated he is seeking a 3.4 foot variance on the height of his pole barn. Barn is in the woods, surrounded by trees, and obstructs no one's view. It will be a storage barn for equipment, with no power.

Mr. Hand opened the public hearing. 9 letters were sent to neighboring property owners.

Ms. Jodelle Judge had no objection to the variance. No other public response. 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 determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Ms. Dietrich made a motion to approve Area Variance Application No. 11V17 as per submitted plans; granting a 3.4 foot variance on the height of the pole barn, seconded by Mr. Feinstein.

An Aye vote was taken. Ayes-3. Nays-0.

Mr. McCracken signed the variance responsibilities and conditions sheet (on file).

AREA VARIANCE APPLICATION 12V17; Public Hearing, Sandra Sanders. Property located at Tax parcels 078.67-01-026.000 and 078.01-025.000 Treasure House Road. Request to subdivide 7 non-conforming lots into 2 lots with one cottage on each. Lot line alteration.

Ms. Sanders stated she has 7 non-conforming with 2 cottages on the properties. She wants to realign property lines to split the two cottages. The gentleman who wants to buy the second cottage is aware it's a non-conforming lot. She has no formal survey at this time.

Per the Zoning Board, this issue needs to go to the Planning Board first, and the Planning Board has to make a written suggestions to the Zoning Board allowing the lot line adjustment (or not.) The properties will need to be surveyed and re-deeded prior to sale.

Mr. Hand opened the public hearing. 63 letters were sent to neighboring property owners and no responses were received. Mr. Hand closed the public hearing.

Ms. Dietrich made a motion to table this issue until next meeting, and review the Planning Board's recommendations, with survey, and all lot lines indicated, seconded by Mr. Feinstein.

An Aye vote was taken. Ayes-3. Nays-0.

AREA VARIANCE APPLICATION 13V17; Public Hearing, David Wheaton. Property located at Tax parcel 078.16-01-051.000, 9785 Mohawk Trail. Request an alteration, expansion of existing structure on non-conforming lot for additional storage, and a 9 foot relief on front to Mohawk Trail Road.

Mr. Wheaton stated he is on a corner lot and wants to add a 22x14 foot structure for storage. He would like a 9 foot variance from the front of Mohawk Trail to the proposed structure. It meets the setback requirements on the 3 other sides.

Mr. Hand opened the public hearing. 38 letters were sent to neighboring property owners and no responses were received. Technically there are 2 variance requests:

- To build a non-conforming structure on a non-conforming lot
- 9 foot variance from Mohawk Trail Right of Way.

The two will be combined into one variance. 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 determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Ms. Dietrich made a motion to approve Area Variance Application No. 13V17 as per submitted plans; granting a 9 foot variance from Mohawk Trail Road right of way, seconded by Mr. Feinstein.

An Aye vote was taken. Ayes-3. Nays-0.

Mr. Wheaton signed the variance responsibilities and conditions sheet (on file).

Mr. Hand instructed Mr. Wheaton that the plans must now go to the Planning Board for a Site Plan Review. Mr. Wheaton was instructed to discuss this with Code Enforcement Officer, Gill Harrop.

There was no further discussion. Ms. Dietrich made a motion to adjourn the meeting, seconded by Mr. Feinstein. All in favor. The meeting was adjourned at 7:20 pm.

Respectfully submitted
Beth Mooney, Town Clerk
Acting Secretary for Zoning Board Meeting of 8.10.17.