

MINUTES OF THE TOWN OF WAYNE
 ZONING BOARD OF APPEALS
 February 5, 2018

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

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

ALSO PRESENT: Jim Coots	Michelle Coots
Ritchie Barden	Judy Barden
Jeff Kerrick	Donna Sue Kerrick
Jeff Schultz	Ginger Schultz
Nancy Brownell	Rick Brownell
Thomas Dunbar	

MINUTES:

Ms. Dietrich made a motion to approve the January 8, 2017 minutes as presented, seconded by Mr. Blessing.

NEW BUSINESS:

AREA VARIANCE APPLICATION 01V18: Public Hearing. Jeff and Donna Sue Kerrick. Property located at 9169 W. Waneta Lake Rd., Town of Wayne. Request to add onto a pre-existing non-conforming structure. 6.3

Ms. Kerrick, owner of the property was present to state:

- The original farmhouse was constructed in 1812 when homes were built closer to the road.
- They would like to add the proposed addition on the back of the house as living space for her 79 year old mother and would not be building closer to the road.
- Eventually the addition would be converted into a 2 bay garage, one side would serve as a parking space and the other as a workshop.
- By turning an existing upstairs bedroom into a storage area, they wouldn't be adding another bedroom.
- All construction would adhere to building codes for a garage addition.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 18 letters were sent out the neighboring property owners, and no responses were received back.

As no was present to express any concern, Mr. Blessing closed the public hearing.

Mr. Harrop had no issue with the request and stated due to the property being located in an AG-R district, the setback distance from the road right of way is 75 ft.

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: No.
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.

Ms. Dietrich made a motion to approve the area variance allowing the addition to the pre-existing non-conforming structure as per submitted building permit dated 1/17/2018, seconded by Mr. Blessing.

An Aye vote was taken. Ayes-2. Nays-0.

Both Mr. and Ms. Kerrick signed the Responsibilities and Conditions sheet. (On file).

AREA VARIANCE APPLICATION NO. 02V18; Public Hearing: Jeffrey and Virginia Schultz. Property located at 9577 Crystal Beach Rd. Town of Wayne. Request to replace existing residence and septic system with side setbacks less than 10 ft.
6.3

Mr. Schultz stated the following:

- They would like to replace existing 1920 seasonal cottage with a new year round residence.
- They currently live in Painted Post.
- The plan is to stay year round in the new home for the first 3 years and eventually be used 6 months out of year thereafter.
- The engineered plans submitted by Maser Engineering to KWIC were approved 1/11/18 for the proposed new septic. (On file).

Architect Lusk was present via phone to state:

- The applicants were seeking 6 ft. side yard setback relief for both the North and South side porches.
- And 4 ft. relief on the Northeast corner for the bump out.

Mr. Blessing opened the public hearing.

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

Mr. Harrop stated he had no issues with this request.

As no one was present to express any concern, Mr. Blessing 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: No.
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.

Ms. Dietrich made a motion to approve Area Variance Application No. 02V18 granting a side yard setback relief of 6 ft. for the porches located on the North and South side, 4 ft. relief on the Northeast corner for the bump out and that the applicant construct the proposed structure as per submitted architectural plans dated 12/12/17, seconded by Mr. Blessing.

A roll call vote was taken. Ayes-2.

Mr. Schultz signed the Responsibilities and Conditions sheet. (On file).

AREA VARIANCE APPLICATION NO. 03V18: Public hearing: Thomas Dunbar. Property located at 10094 Keuka Hill Rd., Town of Wayne. Request to replace existing carport with workshop/storage building higher than 18 ft. in height and too close to road right of way. 6.3, 7.8.11(1)

Mr. Dunbar stated the following:

- They moved into the property in June of 2017 and would like to remove the existing carport that is an eyesore and replace it with a workshop/storage building.
- The workshop area would be used by both him and his wife.
- The storage area would be for the storage of his boat and other equipment.
- The extra height would allow for potential storage of wood and materials they may need.
- He is seeking 7.5 ft. of relief on the East side yard setback and 2 ft. relief on the height.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 27 letters were sent to the neighboring property owners and 1 response stating they had no objection was received back.

Mr. Harrop stated he had no issues with this request.

As no one was present to express any concern, Mr. Blessing close 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: No.
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.

Ms. Dietrich made a motion to approve Area Variance Application No. 03V18 granting 7.5 ft. relief from the side yard setback and granting a height relief of 2 ft. for the proposed structure, that it is constructed as per plans dated 1/22/18 and built according to code, seconded by Mr. Blessing.

Mr. Dunbar signed the Responsibilities and Conditions sheet. (On file).

AREA VARIANCE APPLICATION 05V18: Public hearing. Ritchie and Judith Barden. Property located at 10131 Wine Country Lane. Request to replace existing

home with new cottage with side setback less than 10 ft. and Lake set back less than 25 ft.

Mr. Coots, contractor for the Barden's was present to state:

- The Barden's were requesting to replace their older single family cottage with a year round residence.
- Placement of the newer residence would be more in compliance than the existing structure.
- They are seeking relief on the following 3 points: 3.5 ft. relief on the North side, 1 ft. of relief on the Northwest corner and 6.6 ft. relief from the high water mark.

Mr. Blessing opened the public hearing and read 2 emails from Mr. Graham and Mr. Nichols concerning the HAB problem and heavy use of chemical fertilizers. (On file).

Mr. Harrop stated the emails were not relative to this variance and that he had no issue with this request.

As no one was present to express any concern, Mr. Blessing 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: No.
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.

Ms. Dietrich made a motion to approve Area Variance Application 05V18, granting the relief of 3.5 ft. on the Northside, 1 ft. relief on the Northwest corner and 6.6 ft. relief from the high water mark, to construct as per submitted plans dated 1/31/18 and build according to code, seconded by Mr. Blessing.

Mr. Coots signed the Responsibilities and Conditions sheet. (On file)

AREA VARIANCE APPLICATION 06V18: Public Hearing. Robert and Kathryn Blackburn. Property located at 10127 Wine Country Lane. Town of Wayne. Request to replace existing cottage with new home with side setback less than 10 ft.

Mr. Coots, contractor for the Blackburn's was present to state:

- The applicants would like to demolish the existing older cottage and replace it with new year round home.
- They would be using the existing approved septic system.
- The new home would be squared on the property and less non-conforming, they are seeking 1.5 ft. of relief from the North and South side yard setback for the overhang.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 8 letters were sent and no responses were received back.

Mr. Blessing closed the public hearing.

Mr. Harrop noted that the existing non-conforming garage would still remain on the property and that he had no issues with the request for the proposed new structure.

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: No.
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.

Ms. Dietrich made a motion to approve Area Variance Application 06V18, granting relief of 1.5 ft. of both the North and South side yard setback and that it be constructed as per submitted plans dated 10/31/17 and according to code, seconded by Mr. Blessing.

An Aye vote was taken. 2-Ayes.

Mr. Coots signed the Responsibilities and Conditions sheet. (One file).

AREA VARIANCE APPLICATION NO. 12V17: Billie Bauman. Property located at Lot 22, Old Hickory Rd. Request to subdivide undersized lot.

This request was heard on December 14, 2017, then tabled pursuant to section 1.8 of the Subdivision Law that states the Zoning Board would need a recommendation from the Planning Board before any decision could be reached.

Upon their review of the proposed subdivision, the Planning Board sent a memo to the Zoning Board on January 30, 2018 recommending the Zoning Board of Appeals allow for the subdivision of Lot 22, to be heard as a lot line adjustment. (On file)

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: No.
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.

Ms. Dietrich made a motion to approve Area Variance Application 12V17 as a lot line adjustment as per submitted plans, seconded by Mr. Blessing.

The Brownell's signed the Responsibilities and Conditions sheet. (On file).

As there was no further discussion to be discussed, Ms. Dietrich moved to adjourn the meeting, seconded by Mr. Blessing. The meeting was adjourned at 7:30PM.

Respectfully submitted, Maureen Kurtz