

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 June 5, 2023

The meeting opened at 7:00 PM with a roll call of the members. The meeting was held in-person and via Zoom at the Town Hall.

	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE</b>
MEMBERS: Wayne Hand, Chair	X		
Jon Serdula	X		
David Westcott	zoom		
Emily Jennifer Rouin	X		
Karsten Konig	X		
Jason Ferris, Alt.	X		
Candy Dietrich, alt		X	
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Brian Nowlan, Kurt and Brenda Schmidt, Daniel and Elizabeth Swiler, Lawrence and Charlotte Jaynes, Nancy Gabel, Mark Hufnagel, Mike Hufnagel, Steve Tomlinson, Kenneth Hoover, Robert Saldino

**Agenda Review**

The agenda was reviewed and modified to allow Kurt and Brenda Schmidt application to be heard first.

**Minutes**

Minutes of the May meeting were reviewed and approved. Motion by Mr. Serdula, 2<sup>nd</sup> by Mr. Ferris, Mr. Konig abstained.

**Appeal No. 08V23: Kurt and Brenda Schmidt** Property Tax ID #077.19-01-009.000, 11915 East Lake Road, Town of Wayne in LR-1. Variance of Sec. 1.0.3,f,k Secondary Building Height and 1.0.3,F ,b, and c setbacks and lot width of main structure needed to build a 1.5 story garage.

Mr. **Schmidt** presented the complete plans. Upon review of the plans it was determined there were no setback issues. Mr. Hand asked about the location of pre-existing septic tanks on that part of the property. Mr. Schmidt indicated that the tanks would not be effected by the garage and that the garage will have a bathroom.

Public Comments opened and closed with no comments, email or letters. Public Comments closed.

Ms. Rouin asked if any viewshed issues would be created if the height variance was granted. Given the elevation it does not appear that the building would block views in any way.

Schmidt Motion made by Ms. Rouin and seconded by Mr. Serdula to approve the plan as submitted and grant 3.5 feet of additional height relief to build a garage on a pre-existing, non-conforming structure. Conditions: to be built according to plans submitted 5/8/2023. Motion carried. Approved.

**Appeal No. 10V23: Daniel and Elizabeth Swiler** Property Tax ID #092.16-01-010.00, 9196 Carpenter Rd, Town of Wayne in LR-3. Variance of LUR regulations Section 1 setback less than 25' from mean high-water line. Rebuild and expand an existing deck.

The Swiller's presented their plan to replace and expand a deck that overlooks Waneta Lake. The lot size and setbacks are OK as the deck will not infringe beyond existing house setbacks. In LR-3 setback from the mean high-water line is 25'. The deck project will need 7.5' of relief from the mean high-water mark.

Public Comments opened and closed with one letter of support from John and Anne Patricia Barry of 9198 Carpenter Road. Nancy Gabel, a neighbor, caution about the creek running hard on one property line. Public Comments closed.

Mr. Serdula made a motion to approve the setback relief of 7.5 feet from the mean high-water mark and to allow expansion on a pre-existing, non-conforming lot. Mr. Hand seconded. The motion was approved with the condition that the deck be built according to the plans submitted on 4/25/23. Motion carried. Approved.

**Appeal No. 11V23: Lawrence and Charlotte Jaynes** Property Tax ID #092.12-01-019.000 9066 Wixson Rd, Town of Wayne in LR-3, Sec 3 .A.4.5 pre-existing, non-conforming, and setback relief. Expand home

The Janes want to expand a very small house to accommodate a larger bathroom and create additional living space. The board reviewed the plans as this is a pre-existing, non-conforming structure on a pre-existing, non-conforming lot. The setbacks from the north and south lot line will be the same as the current house, so no additional relief of side setbacks is needed. However, lot coverage will increase. A discussion ensued about lot coverage. It was decided to be consistent with previous decisions in LR-3 and allow for a slight increase in lot coverage.

Public Comments opened and closed with no comments, email or letters. Public Comments closed.

Motion to approve made by Mr. Hand, seconded by Ms. Rouin to allow expansion of the pre-existing, non-conforming house on a pre-existing, non-conforming lot. The expansion as planned will increase lot coverage by approximately 7%. Conditions: build

according to plans submitted 6/1/23. No setback relief was needed as expansion stays within the plane of the current house and the neighboring lot line and does not encroach further toward a lot line. Motion was approved.

**Appeal No. 12V23: Mark Hufnagel** Property Tax ID #077.08-01-015.000, 13215 St. Rt. 54, Town of Wayne in LR-1 Sec 1 setbacks, Sec 3 .A.4.5 pre-existing, non-conforming, and height over 34'. Tear down and build new home.

A short discussion of the issues raised by a neighbor, Steve Tomlinson, regarding viewshed impact has sent the project back to the drawing board and is postponed until new plans can be drafted. Sidney Strong, another neighbor was concerned about septic tank placement. The new septic tank and leech field will actually be further away from her home – moved back toward rt. 54.

**Appeal No. 13V23: Kenneth Hoover** Property Tax ID #092.00-01-018.000, 9858 Ridge Road, Town of Wayne in HC-2, Sec 3. Height greater than 34' Build new home.

Mr. Hoover presented his plans to build a home that will exceed allowed height in HC-2. All setbacks and other features of the project are conforming.

Public Comments opened and closed with no comments, email or letters. Public Comments closed.

Hoover Mr. Konig made the motion to allow 3 feet of height relief on the new home. Mr. Ferris Seconded the motion. The motion was approved with the condition that the house be built according to the plan submitted with the building permit dated 5/20/23.

**Appeal No. 14V23: Robert Saldino** Property Tax ID #078.20-01-042.000, 9483 Lakeshore Drive, Town of Wayne in LR-3, Sec 1.0 H & F; Sec 3 a iii 1Setback Requirement relief

Mr. Saldino wishes to remove the current home and replace it with a slightly larger home that will occupy essentially the same footprint area, just be slightly longer than existing home. They are bringing in a new manufactured home to site on the property. On the north side the new home will require 5'3" of setback relief. Lot coverage is OK as Mr. Saldino recently purchased and combined additional acreage into the tax lot.

Public Comments opened and closed with no comments, email or letters. Public Comments closed.

Mr. Serdula made a motion to grant 5.5 feet of setback relief from the north side lot line with the condition that the building be built according to the building permit plans submitted 4/15/23. Mr. Konig seconded the motion. The motion was approved.

**General Announcement**

The next Zoning Board meeting will be held July 10, 2023 because of the first Monday in July being July 3<sup>rd</sup>. The Planning Board meeting will shift to July 17.

**Adjournment** The meeting adjourned at 8:20 PM.

Submitted by: Amy Gush, Board Secretary