

MINUTES OF THE TOWN OF WAYNE
 ZONING BOARD OF APPEALS
 August 11, 2016

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> | — | — |
| Bernadette Ervin, alt. | — | <u>X</u> | — |
| Wayne Hand, Acting Chair | <u>X</u> | — | — |

ALSO PRESENT: Lucy Keith George W. Keith
 Kim Doherty Duane P. Doherty
 Linda Vang John Vang
 David Bauer

MINUTES:

Ms. Dietrich made a motion to approve the August 1, 2016 minutes as amended, 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. Nays-0. Absent-3. Abstain-0.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 09V16: Lucy Keith. Property located at Lot 25, Sweetwater Blvd., Town of Wayne. Request to place a pre-built 10 ft. by 14 ft. storage shed on vacant less than 20,000 sq. ft. (Accessory Building)(Sections 7.2.3 and 6.3)

Ms. Keith stated the following:

- They own 4 lots: One contains their cottage, one has a shed and the other 2 are vacant.
- All lots are undersized and be combining them, would still be undersized.

- They would like to place a 10 ft. by 14 ft. pre-built storage shed on one the of the vacant lots.
- No water or electric would be needed; as it was to be storage for their lawn tractor and other miscellaneous equipment.
- They are able to meet the setback requirements, but the lot itself is a pre-existing, non-conforming lot, due to its size.

Ms. Kurtz stated 8 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.

Ms. Dietrich stated she had no concerns.

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: 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. 09V16 as per submitted drawings, 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.

Ms. Keith signed the Variance: Responsibilities and Conditions sheet. (On file).

AREA VARIANCE APPLICATION 11V16: Duane Doherty. Property located at 9262 Alderman Rd., Town of Wayne. Request to construct a 30 ft. by 60 ft. 27 ft. high, two story, 4 bay garage. (Accessory Buildings)(Section 7.8.11(1))

Mr. Doherty stated the following:

- He wanted to construct the two story garage for storage of his vehicles, tractor and other equipment.
- As they wanted the dormers to match their existing home the proposed height of the building would be 27 ft.
- They own over 100 acres of land located in the AG district which currently produces hay for their horses.
- They have just leased their open fields to a farmer for the coming year.
- Placement of the garage would not obstruct anyone's view.

Ms. Kurtz stated 16 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 and both Mr. and Mrs. Vang were present to state they supported the proposed construction.

Mr. Hand closed the public hearing.

Ms. Dietrich stated the following:

- Both she and Mr. Hand visited the site of the proposed construction.
- The Doherty's possessed an ideal location for viewing the surrounding area.
- The construction wouldn't impede on anyone's view.

Ms. Kurtz stated that at the August 1, 2016 Planning Board meeting, Ms. Kerrick noted that the land was currently registered as an AG district with the County and any construction may fall under AG and Markets regulations.

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.
Reason: Will not reduce neighbor's visibility.
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.
Reason: Distance to mean high water is substantial.
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 11V16 as per submitted plan, 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-1.

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

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

Respectfully submitted, Maureen Kurtz