

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
October 13, 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, alt.	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—
Bernadette Ervin, alt.	—	<u>X</u>	—
Wayne Hand, Acting Chair	<u>X</u>	—	—

ALSO PRESENT: Linda Vang Duane Doherty	John Vang Kim Doherty
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MINUTES:

Ms. Dietrich made a motion to approve the August 11, 2016 minutes as presented, 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-2. Abstain-1.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 13V16: John and Linda Vang. Property located at 9425 County Route 95, Town of Wayne. Request height relief of 4 ft. 9 ¾ inches for a proposed garage/workshop/garage. (Sections 7.8.11(1))

Mr. Vang stated the following:

- They wanted to make the pitch of the proposed garage the same as the existing house.
- The proposed structure would be for a garage, storage, workshop and office area.
- The structure is 39 ft. from the road right of way and 24 ft. from the house.
- There is an approved holding tank permit for a proposed toilet.

Mr. Hand opened the public hearing.

Both Mr. and Mrs. Dougherty were present to state they had no objection to the proposed construction and that it would be an improvement to the property.

Ms. Kurtz stated 12 letters were sent out and no responses were received back at this time.

Mr. Hand closed the public hearing.

Ms. Dietrich inquired about the blue tarp in front of the house.

Mrs. Vang stated it wasn't an issue at this time.

Mr. Vang stated that sometimes you get caught.

Mr. Feinstein stated one the requirements to operate a home occupation business was for the applicant to be living on the premises.

Mr. Vang stated they were getting ready to sell their Lake property and will be living full time at the farm.

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. Feinstein stated he wanted to go on record, that when a height variance is requested, the Board takes into consideration any impairment for view shed from the neighboring property owners. He further stated the excessive height request from the Vang's was minimal and there are no neighbors that would be adversely impacted, on that note, made a motion to approve Area Variance Application No. 13V16 as per submitted building permit plans and subject to the applicant's compliance with all existing land use regulations, seconded by Ms. Dietrich.

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

Mr. Vang signed the Variance: Responsibilities and Conditions sheet. (On file).

Mr. Vang inquired if the house is 26 ft. high and they wanted to attach the garage, whether an attached garage could be 34 ft. high?

The Board referred Mr. Vang to section 2.3, under definitions of a “garage, private”.

As there was no further discussion to be discussed, Ms. Dietrich made a motion to adjourn the meeting, seconded by Mr. Feinstein. The meeting was adjourned at 6:50PM.

Respectfully submitted, Maureen Kurtz