

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 November 10, 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	—	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—	—
Bernadette Ervin, alt.	—	<u>X</u>	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

ALSO PRESENT: Gill Harrop, Code Enforcement Officer

Scott Buescher	Janet Buescher
John Geniviva	Lou Ann Geniviva
Ken Cornish	James Duncan
Jennifer Duncan	

**MINUTES:**

Ms. Dietrich made a motion to approve the October 13, 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. Nay-0. Absent-3. Abstain-0.

**NEW BUSINESS:**

Mr. Hand announced to those present that due the 9 month moratorium passed on November 9, 2016 at the Town Board meeting, Variance Application 14V16 will not be heard at this time.

**AREA VARIANCE APPLICATION NO. 12V16:** Scott Buescher. Property located at 9535 Crystal Beach Rd., Town of Wayne. Request to replace old cottage and rebuild new on existing non-conforming lot. (Sections 7.2.3, 7.5.4 and 6.3)

Mr. Buescher stated the following:

- The existing main cottage was built in 1918.
- The lot size is .134 acres and is located on a private road.
- The current cottage is 21 ft. from the mean high water.
- By using sliding glass doors on the new construction; he would keep the existing porch.
- The proposed new cottage requires relief of 5 ft. from the east side, 3 ½ ft. on the north side.
- He would remove an existing storage shed across the road where the proposed septic system will now be located.
- The proposed septic system is currently being engineered by Mr. Kernahan and Mr. Peterson of KWIC.
- The proposed cottage would help address concern about potential water run off due to the new construction taking place next to his property.

Mr. Harrop inquired if there were 2 separate tax parcels for the property in question.

Mr. Buescher stated he thought it was one parcel since he paid only one tax bill.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 20 letters were sent out and no responses were received back at this time.

Mr. Hand closed the public hearing.

Ms. Dietrich stated she drove down to the property and it was a shame to tear down the cottage.

Mr. Buescher stated he would rather move it, but as yet, hasn't been able to purchase any other land adjacent to his property.

After some discussion, Mr. Hand stated there were 3 variances required for this project:

1. Per current LUR section 6.3 (allowable densities), which defines a minimum required side setback of 10 feet, provide a relief of approximately 5 ft. from the east side.
2. Per section 7.2.3 Non-conforming structure, lot; the lot size is only .134 acres.
3. Per section 7.5.4 Shoreline Setback, which defines the setback be not less than 25 ft. from the established average high waterline, provide relief of 3 ½ ft.

(All of the above are the same as with the existing cottage)

Mr. Harrop stated it isn't a Town issue, due to being a private road, but site distance may become an issue when pulling out from his garage.

Mr. Hand closed the public hearing.

Ms. Dietrich moved to allow all 3 variances be combined for the 5 test questions 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.

Ms. Dietrich made a motion to approve Area Variance Application No. 12V16 as per current drawings, granting relief of 5 ft. on the eastside setback, 3 ½ ft. from the lakeside setback and relief of an undersized lot, 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.

Mr. Buescher will sign the Variance: Responsibilities and Conditions sheet when he sees Mr. Harrop.

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