

MINUTES OF THE TOWN OF WAYNE
 ZONING BOARD OF APPEALS
 February 8, 2017

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, Acting Chair	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
Bernadette Ervin, alt.	—	<u>X</u>	—
Wayne Hand, via phone	—	<u>X</u>	—
Gill Harrop, CEO	<u>X</u>	—	—

ALSO PRESENT: Lucy Tongue Chris Giammichile
 Mr. and Mrs. David Altamura
 Attorney Leslie Mauro, representing the Town of Wayne

MINUTES:

The November 10, 2016 and December 7, 2016 minutes were unable to be approved at this time and will be reviewed at the next scheduled meeting.

NEW BUSINESS:

USE AND AREA VARIANCE APPLICATION 17V16: Public Hearing. Lucy Tongue/Crooked Lake Court LLC. Property located at 9889 Sunfish Dr., Town of Wayne. Request to tear down trailer and replace with new double wide manufactured home. (Section 7.8.9 (2) and 6.3)

Ms. Tongue stated the following:

- She wanted to replace her older mobile home with a new 28 ft. by 44 ft. double wide.
- The existing trailer is over 60 years old and is settling into the ground.
- Would like to turn the replacement trailer in order to create more green space between the other trailers.
- Moving the trailer would help put distance away from the existing electric lines and pole.
- She would like to keep her existing add on porch.

Ms. Dietrich stated one requirement on a Use Variance is the need to show a monetary loss, which the applicant didn't do.

Attorney Mauro stated a manufactured home park was not an allowed use in an R-1 district and an applicant could not enlarge on the footprint of the existing structure. The new structure would need to be on the same footprint to be allowed without requiring a use variance.

Mr. Hand stated the applicant was going from an existing 528 sq. ft. 12' x 44' single wide trailer to 1232 sq. ft. 28' x 44' double wide, which makes the new structure 2.3 times larger than the original trailer. If one includes the existing porch addition into the current footprint, the proposed new structure is still substantially larger.

Ms. Tongue stated the following:

- She looked into double wide units and the smallest was a 24 ft. wide.
- The cost of having a 24 ft. wide unit instead of 28 ft. is an extra \$10,000.

Mr. Hand stated that there were plenty of single-wide units available at 14, 15 and 16 ft. wide that would be more suitable for replacement and would not require enlarging on the original footprint.

Ms. Tongue stated she would prefer to have a double wide instead of a single wide.

Mr. Blessing stated the property owner takes on the responsibility and risks when purchasing a non-conforming property.

After some discussion, the following 2 options were pointed out to the applicant:

- The applicant could go to a 14 ft. by 44 ft. unit and add on a porch, but would need to take 2 ft. from the existing porch in order not to exceed too much from the original footprint of 952 ft..
- The applicant could buy a 12 ft. by 44 ft. unit and keep the existing porch size.

Mr. Giammichile inquired if the applicant could still maintain an enclosed porch area if the original footprint was maintained and would it require only one variance.

Mr. Harrop stated they would still need an area variance.

Ms. Tongue inquired if she could have in writing why the variance was denied and tabled.

Attorney Mauro stated the following:

- The variance was denied because according to the Land Use Regulations it is an illegal non-conforming use and you may replace in kind but not expand upon it.
- Replacement must be on the same footprint and the same orientation.

- The benefit to the applicant does not outweigh the detriment to the Neighborhood or Community and the Community has spoken, they don't want to continue trailer parks.

Mr. Giammichile stated the minutes could be obtained through a FOIL request.

It was noted the minutes could be obtained through a FOIL request after they were approved at the next meeting scheduled for March 9, 2017.

Mr. Hand stated the following:

- The last time Crooked Lake Court LLC came before the Zoning Board of Appeals, both the Zoning Board and the Planning Board requested the Crooked Lake Court LLC look at a long term plan that would address the issue of being less non-conforming.
- Currently 56 units exist on the parcel; originally the units may have been single-wides; now some have been replaced with double-wides.
- Crooked Lake Court needs to address a long term plan on how to work towards being less non-conforming.

Attorney Mauro stated if the applicant didn't address the issue, the Town could put in place their own amelioration plan so that when a trailer surpassed its useful life it couldn't be replaced; eventually making the entire park phased out.

Motion to table this application until the applicant could come back with a plan with the same footprint and placement as the original unit, seconded by Mr. Blessing.

An all in favor vote was taken.

	<u>In Favor</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>

2 in favor. Ayes-2. Nay-0. Absent-2. Abstain-1.

Mr. Harrop stated it was important to note that Crooked Lake Court LLC is the applicant here and Ms. Tongue has a vested interest. Crooked Lake Court LLC should be put on notice that they need to look at and know what the regulations are and adhere to them. They are in a critical situation and shouldn't encourage the shareholders to try to do something that isn't allowed.

Mr. Giammichile stated Crooked Lake Court LLC is working to try to come with the package that would be allowed. Further noting, they missed the mark and will be reworking the proposed plan.

Ms. Kurtz stated any proposed plans would need to be delivered 2 weeks prior to the next scheduled meeting in order to be reviewed by both Mr. Harrop and the Zoning Board.

No one was present to express any concern.

Mr. Blessing closed the public hearing.

USE AND AREA VARIANCE APPLICATION NO.18V16: Public Hearing, Steven and Jean Tarcza/ Crooked Lake Court LLC.. Property located at 9995 Sunfish Dr., Town of Wayne. Request to remove and existing trailer and shed and replace with 28 ft. by 44 ft. trailer.

Mr. Giammichile stated he would be representing Mr. Tarcza , who was unable to attend the meeting due to health issues.

Upon review of this request, the Zoning Board reiterated the applicant's need to stay within the 948 sq. ft. footprint.

No one was present to express any concern about this request.

Mr. Blessing closed the public hearing.

Ms. Dietrich made a motion to table the application until the applicant could come back with a plan that allows for the same footprint, seconded by Mr. Blessing.

An all in favor vote was taken. 2-all in favor.

AREA VARIANCE APPLICATION NO. 01V17: Public Hearing, David Altamura. Property located at 14663 Keuka Village Rd., Town of Wayne. Request alteration, expansion on non-conforming structure and lot. 7.2.3

Mr. Altamura was present to state the following:

- They would like to attach a 250 sq. ft. deck to the existing deck at the south end and the back porch area to create a wraparound porch.
- They would use the same existing roof line and distances.
- The proposed deck addition would match the style of the existing structure and other homes in the area.

Mr. Harrop noted that the applicant is seeking the area variance on the revised plan that now shows a roof over the proposed wrap around porch.

Upon review and discussion of the application, it is noted the applicant is seeking, 6 ½ ft. of relief on the southwest side and 19 ½ ft. of relief from the high water mark.

No one was present to express any concerns about this application.

Ms. Kurtz stated out of the 22 letters sent out to the neighboring property owners, one phone call was received on January 31, 2017; stating they had no objection.

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: Yes.
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. 01V17 as per submitted plan signed by applicant dated 2/8/17 granting relief of 6 ½ ft. on the southwest side and 19 ½ ft. from the high water mark, seconded by Mr. Blessing.

An all in favor vote was taken.

	<u>In Favor</u>	<u>Nay(No)</u>	<u>Absent</u>	<u>Abstain</u>
Bill Feinstein	—	—	<u>X</u>	—
Greg Blessing, Acting Chair	<u>X</u>	—	—	—
Candy Dietrich	<u>X</u>	—	—	—
Bernadette Ervin	—	—	<u>X</u>	—
Wayne Hand, Acting Chair	—	—	<u>X</u>	—

2 in favor. Ayes-2. Nay-0. Absent-3. Abstain-0.

As there was no further discussion to be discussed, Ms. Dietrich made a motion to adjourn the meeting, seconded by Mr. Blessing. The meeting was adjourned at 7:40PM.

Respectfully submitted, Maureen Kurtz