

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
May 11, 2017

The meeting opened at 6:31 PM with a roll call of the members.

MEMBERS:	PRESENT	ABSENT	LATE	ARRIVAL
Bill Feinstein, Acting Chair	<u>X</u>	—	—	—
Greg Blessing, Alternate	—	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand, Co-Chair	<u>X</u>	—	—	—

ALSO PRESENT:	Robin Staver	Bob Narde
	Brenda Stebbins	Lisa Bates
	Harold Bates	David Anderson
	Clyde Siverd	Diane Siverd
	Elis Johnson-Schmidt	Steve Ans

MINUTES:

Ms. Dietrich made a motion to approve the April 13, 2017 minutes as submitted, 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>	—	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—

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

Ms. Kurtz stated the December 7, 2016 minutes that were reviewed, approved as presented, then signed by Mr. Hand on April 13, 2017; were reviewed, approved and signed by Mr. Blessing on May 2, 2017. The December 7, 2016 minutes were approved.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 05V17: Stephan Hand. Property located at 9801 Sunset Trail, Town of Wayne. Request alteration, expansion on non-conforming structure and lot. (Sections 7.2.3)

Mr. Hand stated the following:

- His awning that covered his existing cement slab was destroyed during the April windstorm.
- He would like to build a 12' by 20' deck upon the existing slab and then replace the ruined awning.
- The height of the proposed deck would not require railing.
- He would not be expanding on the existing footprint.

Mr. Feinstein opened the public hearing.

Ms. Kurtz stated 35 letters were sent out and no responses were received back at this time.

Mr. Bates, neighbor to Mr. Hand, stated he had no objection to the project and that the applicant should be able to replace his awning.

Mr. Carr stated it would stay within the character of the neighborhood and had no objection.

Mr. Feinstein 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: No. The awning was damaged during a windstorm.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Hand made a motion to approve both variances; with the deck be no closer to the road right of way than the existing structure and the expansion on a pre-existing non-conforming lot, 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, Acting Chair	<u>X</u>	—	—	—
Greg Blessing	—	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand, Co- Chair	<u>X</u>	—	—	—

Ayes-3. Nay-0. Absent-1. Abstain-0.

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

AREA VARIANCE APPLICATION 06V17: Ray Stebbins. Property located at 9575 Brandywine, Town of Wayne. Request to alteration, expansion on non-conforming structure on non-conforming lot. 7.2.3

Greg Carr, contractor for Mr. Stebbins was present to state the following:

- The applicant wanted to enclose their existing deck.
- They would not be increasing the building size.
- They would need 3 ft. of relief for the roof overhang.

Mr. Feinstein opened the public hearing.

Ms. Kurtz stated 41 letters were sent out to the neighboring property owners.

Mr. Sivord, owner of the vacant lot next to Mr. Stebbins inquired about the proposed project and fence.

Upon review of the plans for both the deck and fence, Mr. Sivord stated he had no objection to the project and that it would help the neighborhood.

Mr. Bates stated it would enhance the neighborhood and had no objection.

Mr. Feinstein 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 06V17 to alter and expand on a pre-existing non-conforming structure allowing for a 3 ft. overhang for the north side roof, seconded by Mr. Hand.

An Aye vote was taken. Ayes-3. Nays-0.

Mr. Carr signed the Variance: Responsibilities and Conditions sheet. (On File).

AREA VARIANCE APPLICATION 07V17: Robin Staver. Property located at 9389 Crystal Beach Rd., Town of Wayne. Request side yard relief for a walkway deck less than 10 ft. and 7 ft. from the high water mark. (Section 6.3)

Ms. Staver was present to state she wanted to enjoy the Lake and the existing cottage wasn't feasible due to its condition and poor foundation.

Ms. Elise Johnson-Schmidt, Preservation Architect for Ms. Staver was present to state:

- The applicant wanted to replace the existing seasonal 1920 cottage; due to its poor foundation, asbestos containment and condition.
- The lot is narrow and L-shaped.
- They currently have a demo permit for the existing cottage and permit for asbestos removal.
- The new cottage would be 1 ½ story single family year round residence.
- The cottage will meet the setback requirements, but do the placement; the applicant would need to enter from the side, thus requiring 5 ft. of relief from the side yard.
- They were also seeking a variance of 7 ft. from the high water mark for the stairs and deck towards the Lake.
- Depending on the interpretation of the Zoning, the proposed stairs would be retractable and placed over proposed planters in order for the applicant to have access to the Lake.
- The applicant has gone over and beyond to acquire the proper requirements.

Upon review of the proposed plans and discussion; the applicant decided the planter walls would not be an issue at this time and they would use landscaping plants.

Upon further discussion, the applicant stated they were seeking 5 ft. of relief from the side yard for the deck and 7 ft. from the high water mark for the stairs and deck on the Lake side.

Mr. Feinstein opened the public hearing.

Ms. Kurtz stated 17 letters were sent and received one email from Mr. Sharman, neighbor on the North side, stating he had no objection if the applicant wasn't encroaching closer to his home than the current structure. (On file).

Mr. Feinstein read the Sharman email to those present. (On file).

Mr. Feinstein 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: 1-No. 2-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 the needed 3 area variances; granting 5 ft. of relief on the West side of the house, on the Lake side, relief ranging from 2 ft. 4 inches on the North west to 6 inches on the North east corner for the deck and 7 ft. relief from the high water mark for the stairs and with the condition they build according to the submitted plans without the proposed planters, seconded by Mr. Hand.

A Aye vote was taken. Ayes-3. Nays-0.

Ms. Staver signed the Variance Responsibilities and Condition sheet.

As there was no further discussion to be discussed, Mr. Feinstein made a motion to adjourn the meeting, seconded by Mr. Hand. The meeting was adjourned at 7:50PM.

Respectfully submitted, Maureen Kurtz