

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 April 13, 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, alt.	—	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand, Acting Chair	<u>X</u>	—	—	—
Gill Harrop, CEO	—	<u>X</u>	—	—

ALSO PRESENT:	Charles Bosket	Kurt Guerin
	Nathan Guerin	Ed Illig
	Joan Tarcza	Steve Tarcza
	Stan Olevnik	

**MINUTES:**

Ms. Dietrich made a motion to approve the November 10, 2016, seconded by Mr. Hand.

A roll call vote was taken.

	<u>Aye</u>	<u>Nay</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. Nays-0. Absent-2. Abstain-0.

Mr. Hand approved the December 7, 2016 and is currently awaiting Mr. Blessing's approval.

**NEW BUSINESS:**

**AREA VARIANCE APPLICATION 03V17: Public Hearing.** Dorothy/Kurtis Guerin. Property located at 98755 Cty Rte. 114, Town of Wayne. Request to construct a 48 ft. by 60 ft. accessory building 24 ft. in height. (Section 7.8.11)

Mr. Guerin stated the following:

- He wanted to construct a 48 ft. by 60 ft. pole barn for his construction equipment and needed a height variance.
- The extra height would allow him to put in a lift to allow him to service his equipment.
- Location of the proposed barn didn't impede anyone's view.
- He met all the setback requirements.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 6 letters were sent out the neighboring property owners, and no responses were received back at this time.

No one was present to express any concern.

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: 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. 03V17 as per submitted plans in the variance and building permit application dated 2/8/17 granting a 6 ft. of height relief, seconded by Mr. Hand.

An Aye vote was taken. Ayes-2. Nays-0.

**AREA VARIANCE APPLICATION NO. 04V17: Public Hearing.** Charles Bosket. Property located at 9621 Old Hickory Rd., Town of Wayne. Request alteration, expansion on non-conforming structure and lot. 7.2.3

Mr. Bosket was present to state the following:

- Currently they have a camper fifth wheel with a roof constructed over it and a porch area.

- They wanted to pull out the camper and lower the existing roof line where the camper is located.
- They would like to construct a 640 sq. ft., 1 story 2 bedroom cabin in its place.
- Due to health issues and his granddaughter coming to live with them, they needed the extra space.

Ms. Kurtz stated 46 letters were sent out and no responses were received back at this time.

Upon review of the proposed plans, Mr. Olevnik, neighbor to Mr. Bosket, stated he had no objection to this request.

Upon review and discussion of the application, it is noted the applicant is seeking to build on a pre-existing, non-conforming lot and would meet all the setback requirements.

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. 04V17 as per submitted building permit application plan, seconded by Mr. Hand.

An Aye vote was taken. Ayes-2. Nays-0.

**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 replace it with a 24 ft. by 40 ft. trailer.

This application was tabled on February 8, 2017 until the applicant could come back with a plan that allows for the same or close to the same footprint.



Mr. Tarcza stated the following:

- They wanted to replace the existing structure and add-ons and with at 24 ft. by 40 ft. double wide.
- The new structure would be further away from his nearest neighbor.
- Currently they have an application with NYSEG concerning the existing overhead power lines.

Ms. Kurtz stated 10 letters were sent out and no responses were received back at this time.

Mr. Illig was representative for Crooked Lake Court LLC, was present to state:

- These trailers were the older models located in the park and needed replacing due to their age and condition.
- The board members of Crooked Lake Court were trying to work with its members and the Town to safely upgrade the units, but were hard pressed to get a quorum to buy out units when they come up for sale.

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. 18V16 as per submitted addendum building plans dated 3/18/17, seconded by Mr. Hand.

An Aye vote was taken. Ayes-2. Nays-0.

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 7:35PM.

Respectfully submitted, Maureen Kurtz