

- All posts would meet building codes by being attached to the frame with bolts.
- To meet FEMA regulations, they will detach the existing stairs from the deck post and set new posts into the top of the stairs.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 22 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.

Mr. Hand stated the applicant was seeking 2 variances; one for an undersized lot and one for 2 ft. relief from the high water mark.

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. 08V17 as per submitted plans; granting a 2 ft. of relief from the high water mark, seconded by Mr. Hand.

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

Ms. Tucker signed the variance responsibilities and conditions sheet. (on file).

AREA VARIANCE APPLICATION NO. 09V17: Public Hearing. Gerry Salbego. Property located at 9590 Way Mandalay, Town of Wayne. Request alteration, expansion on a non-conforming lot. 7.2.3

Mr. Salbego was present to state the following:

- He would like to place a 12 ft. by 20 ft. prebuilt storage shed on his property.
- He is able to meet all setback requirements, but needed a variance due to his undersized lot size.

Ms. Kurtz stated 14 letters were sent out and no responses were received back at this time and no responses were received back at this time.

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

Upon review and discussion of the application, it is noted the applicant was 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: No.

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. 09V17 as per submitted building permit application plan, seconded by Mr. Hand.

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

Mr. Salbego signed the variance responsibilities and conditions sheet. (on file).

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 7:00PM.

Respectfully submitted, Maureen Kurtz