

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 October 19, 2017

The meeting opened at 6:30 PM with a roll call of the members.

MEMBERS:	PRESENT	ABSENT	LATE	ARRIVAL
Bill Feinstein, Co-Chair*	<u>X</u>	—	—	—
Greg Blessing, alt.	—	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—	—
Wayne Hand, Co- Chair	<u>X</u>	—	—	—
Gill Harrop, CEO	—	<u>X</u>	—	—

ALSO PRESENT:	Dan Robbin	Samantha Robbins
	Jordan Robbins	Stephen Pollak
	David Farmer	Gus Carr
	Cam Sutherland	

**MINUTES:**

Ms. Dietrich made a motion to approve the September 14, 2017 minutes, 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	<u>X</u>	—	—	—

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

**NEW BUSINESS:**

**AREA VARIANCE APPLICATION 15V17: Public Hearing.** Thomas Tunney.  
 Property located at 9517 Crystal Beach Rd., Town of Wayne. Request to add onto existing non-conforming cottage and add second story onto existing non-conforming garage with a height greater than 18 ft.

Mr. Farmer, contractor for the Tunney's was present to state:

- The Tunney's would like to add a bedroom onto their existing cottage.
- The bedroom addition would meet the setback requirements.

- The second floor on the garage would be used for needed storage.
- The proposed height variance for the garage would allow for safe headroom.

Mr. Feinstein opened the public hearing.

Ms. Kurtz stated 22 letters were sent out the neighboring property owners, and no responses were received back.

No one was present to express any concern.

Mr. Feinstein closed the public hearing.

After some discussion, the following items were noted:

- The property is located on a private road and the bedroom addition is 26 ft. from the center of the road; meeting the required 14 ft. from the center of the road for fire trucks.
- The non-conforming part of the house is 3 ft. from the property line, but the requested addition is located on the other side, meeting the required setback requirement.
- The garage second story addition requires a height relief of 2 ft. to allow for storage.
- The applicant is seeking 2 variances:
  - #1. The expansion of 2 pre-existing non-conforming structures.
  - #2. A height variance of 2 ft. for the garage.
- Both variances would be heard together.

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.

Mr. Hand made a motion to approve both combined area variance allowing 2 ft. of height relief for the garage and the addition to the existing cottage, as per submitted plans dated and signed 10/19/17 by Mr. Farmer, seconded by Ms. Dietrich.

A roll call vote was taken.

	<u>Aye</u>	<u>Nay</u>
Bill Feinstein	<u>X</u>	—
Candy Dietrich	<u>X</u>	—
Wayne Hand	<u>X</u>	—

Ayes-3

Mr. Farmer signed the Responsibilities and Conditions sheet. (On file).

**AREA VARIANCE APPLICATION 16V17: Public Hearing.** Gary and Ann Robbins. Property located at 9607 Sweetwater Blvd. Request to replace existing cottage on non-conforming lot.

Mr. Carr, contractor and representative for the Robbins, stated the following:

- Currently the Robbins has a demolition permit to tear down the existing cottage that is un-repairable.
- The new structure would meet all the setback requirements.
- The variance request is for building on a substandard lot.

Mr. Feinstein stated he didn't think a variance is required and referred to 7.2.3(3)(a)(ii) of the Land Use regulations.

After Mr. Hand's public reading of the regulation and subsequent discussion, the consensus of the Board was no variance was required.

**AREA VARIANCE APPLICATION 17V17: Public Hearing.** Stephen and Karen Pollak. Property located at 10058 Marilena Point. Request to replace existing cottage with new modular home with side setback less than 10 ft. on non-conforming lot.

Mr. Pollak stated the following:

- The existing cottage is 80 years old and needs extensive repair.
- They would like to tear down the old cottage and replace it with a new modular home.
- They would be improving the setback on one side and staying the same on the other.
- The setback relief is to allow for the overhang.

Ms. Kurtz stated 17 letters were sent out and no responses were received back.

As no one was present to express and concern about this application, Mr. Feinstein waived the public hearing.

After discussion, the following items were noted:

- The new structure would meet the setback requirements from the Lake.
- The property is located on a private road and setback distance is not an issue.

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 4.4 ft. relief on the south side and 1 ft. relief on the north side as referred to on survey map dated August 24, 2017 and prepared by Larson and Simolo, seconded by Mr. Hand.

A roll call vote was taken. Ayes-3

Mr. Pollak signed the 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. Feinstein. The meeting was adjourned at 7:10PM.

Respectfully submitted, Maureen Kurtz