

Mr. Harrop stated the break wall and fill serve as an artificial break line and wasn't sure if the application could be approved without DEC approval for the proposed work.

Mr. Hand noted that the deck and part of the house is already in DEC jurisdiction.

Mr. Feinstein stated the existing break wall was replaced 20-25 years ago with DEC approval and suggested the Board proceed with the variance request with the condition the applicant get DEC approval.

Upon discussion, it was noted since the applicant wasn't sure of the high water mark, it was clearer to state the applicant is seeking extend the existing deck 4 ft. towards the Lake and 7 ft. 2 inch relief on the south side.

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. 13V18 as per submitted plans dated 6/16/2018, allowing 7 ft.2 inch relief on the south side yard setback, adding 4 ft. onto the existing deck towards the lake and contingent to the applicant getting NYDEC approval as subjected by Law, seconded by Mr. Feinstein.

A roll call vote was taken. Ayes-3. Nays-0.

Mr. Kaufmann signed the responsibilities and conditions agreement. (On file)

APPLICATION NO. 01INT18: Public Hearing, Joel Bablo. Property located at 9655 Lakeshore Dr., Town of Wayne. Request interpretation of Zoning Ordinance of 7.8.12.

Mr. Harrop stated he received an email from Attorney Welch & Zink representing Mr. Bablo requesting to postpone the hearing date until August. (On file)

Mr. McKendrick was present to inquire what has been done.
Mr. Harrop stated the following:

- A violation notice was sent to the applicant.
- An application for interpretation was applied for.
- The attorney for the applicant has requested a postponement until August 6, 2018.

Upon discussion, the application will be heard by the Zoning Board on August 6, 2018.

AREA VARIANCE APPLICATION NO.12V17: Sandra Frank-Nolan. Property located at tax parcel numbers 078.67-01-026 and 078.67-01-025, Town of Wayne. Seeking to divide 7 non-conforming lots into 2 lots with a cottage on each lot. Subdivision Law 1.8 and LUR 6.3

Upon review, it was noted that this application was reviewed then tabled on August 10, 2017 pending the applicant acquiring the right of way adjacent to the property on Treasure House Road and receiving the Planning Board recommendation regarding the proposed subdivision.

The Planning Board sent its recommendation approving the proposed subdivision contingent upon the applicant supplying a new survey map showing lots 25, 26 and part of 78 as one parcel. (On file)

Mr. Harrop stated the applicant supplied the necessary information. (On file)

No one was present to express any concern.

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.

Mr. Feinstein made a motion to approve Variance No. 12V17 for two subdivided parcels, as shown on the survey map done by Gilbert land surveying services as parcel A and B dated 4/13/18, seconded by Ms. Dietrich.

Mr. Harrop inquired about having allowing an accessory building be put on a property without a principal building.

Upon discussion, it was noted that the Board would take in consideration the Town Attorney's interpretation of the current LUR when if the need arises.

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 7:45PM.

Respectfully submitted, Maureen Kurtz