

MINUTES OF THE TOWN OF WAYNE
 ZONING BOARD OF APPEALS
 AUGUST 5, 2019

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

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS: Wayne Hand, Acting Chair.	<u>X</u>	—	—
Greg Blessing	—	<u>X</u>	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—
Gill Harrop, CEO	—	<u>X</u>	—

ALSO PRESENT:	Louis Socha	Nancy Socha	Michael Russo
	Jennifer White	Brian White	Jim Petro
	Peter Russo		

MINUTES:

Mr. Feinstein made a motion to approve the July 1, 2019, minutes as amended, seconded by Ms. Dietrich.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY(no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	—	—	<u>X</u>

Ayes - 3 Nays - 0. Abstain - 1.

NEW BUSINESS:

APPEAL APPLICATION NO. 17V19: Jennifer (Ditomasso) White. Property located at 8677 Lovett Lane, Town of Wayne. Requesting setback relief to place roof over pre-existing non-conforming structure (deck).

Mr. White and Ms. White stated the following:

- The house was built in 1995.
- When they bought the property, the deck was already on the structure.
- They wanted to build a roof over the existing deck.

Upon discussion, the Board noted the following items:

- The property is located in the AG-R.

- The applicant was not changing the dimensions of the pre-existing non-conforming structure, just adding on a roof on the existing deck.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 13 letters were sent, no responses were received back.

As 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: 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 Variance Application No. 17V19 to construct a roof over the existing deck as per plans submitted with the 7/18/19 building permit, seconded by Mr. Hand.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY (no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—
Ayes - 4 Nays - 0. Abstain - 0.			

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

APPEAL APPLICATION NO. 18V19: Louis Socha. Property located at 14605 Keuka Village Rd., Town of Wayne. Request to install a tram with setback less than 10 ft. from road right-of-way.

Mr. Socha was present to state:

- The cottage was built in 1940.
- They rented the property for 20 years and then bought it.

- They would like to sell their property in Painted Post and make the cottage their permanent summer home.
- Due to their age and the existing flights of stairs, they would like to put in a tram next to the existing stairs.
- The latest plans from their Architect Christopher Todd and Finger Lakes Tram showed the tram greater than 16 ½ ft. from the center of the road.

Upon discussion, the Board noted the following items:

- This is an accessory structure with the minimum setback of 1ft. from the road ROW, which is 17 ½ ft. from the center of the road in an LR2 district.
- If the proposed structure stays 17 ½ ft. from the road right-of-way, no Variance would be needed.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 23 letters were sent and no responses were received back.

As no one was present to express any concern, Mr. Hand closed the public hearing.

Upon further discussion, Ms. Dietrich made a motion to table Variance Application 18V19 and be permanently deleted if the tram could stay 17 ½ ft. from the center of the road, seconded by Mr. Hand.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY (no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	___	___
Bill Feinstein	<u>X</u>	___	___
Candy Dietrich	<u>X</u>	___	___
John Walton	<u>X</u>	___	___

Ayes - 4 Nays - 0. Abstain – 0.

APPEAL APPLICATION NO. 19V19: Louis Socha. Property located at 14605 Keuka Village Rd., Town of Wayne. Request to enclose existing porch and modify it into livable space.

Mr. Socha stated the following:

- They wanted to enclose the existing porch in order to add a bathroom and modify the bedroom by removing a portion of the wall.
- All work would be within the existing structure footprint.

Upon discussion, the Board noted the following items:

- This was a house modification for an alteration of a pre-existing non-conforming structure.

- No change in the dimension of the structure.
- The applicant was making the existing porch into livable space by enclosing it.

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 Variance No. 19V19 to be constructed per plans submitted with building permit dated 7/15/19, seconded by Mr. Walton.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY (no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—
Ayes - 4 Nays - 0. Abstain – 0.			

APPEAL APPLICATION NO. 20V19: Louis Socha. Property located at 14605 Keuka Village Rd., Town of Wayne. Request to replace existing non-conforming boathouse/shed structure.

Mr. Socha stated the following:

- The existing boathouse/shed was in major disrepair and too close to the neighbor.
- They wanted to demolish the boathouse/shed and replace it with a shed.
- The footprint would stay the same, just placed further back from the neighbor and water line.

Upon discussion, the Board noted the following items:

- By removing the existing boathouse/shed structure the applicant would be proposing a new non-conforming structure.

- The new structure would be approximately the same square footage but more conforming in placement on the property.
- The new structure would require 9 ft. of relief from the side yard setback and 25 ft. of relief from the high-water line.

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. Walton made a motion to approve Variance No. 20V19 to be constructed per plans submitted with building permit dated 7/15/19, seconded by Mr. Feinstein.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY (no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—
Ayes - 4 Nays - 0. Abstain - 0.			

Mr. Socha signed the variance responsibilities and conditions sheet for Variance No. 19V19 and 20V19. (on file)

APPEAL NO. 16V19: Michael Russo. Property located at 11507 East Lake Rd., Town of Wayne. Request for retaining wall greater than 4 ft. high.

Mr. Russo was present to state:

- They purchased the cottage 1971.
- Bank erosion was taking place due to the amount of rain earlier this year.
- In order to protect further erosion, they constructed a 6 ft. high retaining wall.
- They paid a fine for building without a permit and were instructed to come to the Zoning Board for a variance.

Upon discussion of the Zoning board, the following items were noted:

- Construction of the retaining wall has already been completed.
- The applicants were seeking 2 ft. of height relief.

Mr. Hand opened and then closed the public hearing as no one was present to express and 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. Walton made a motion to approve Variance No16V19 for 2 ft. of height relief, seconded by Ms. Dietrich.

A roll call vote was taken.

	<u>AYE (yes)</u>	<u>NAY (no)</u>	<u>ABSTAIN</u>
Wayne Hand, Acting Chair	<u>X</u>	—	—
Bill Feinstein	—	—	<u>X</u>
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—
Ayes - 3 Nays - 0. Abstain - 1.			

As there was no further business, Mr. Feinstein made a motion to adjourn the meeting at 7:42 PM, seconded by Mr. Walton.

Respectfully submitted, Maureen Kurtz