

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
OCTOBER 7, 2019

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

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

ALSO PRESENT: Linda Zettl                      Otto Zettl                      Jeffrey Parker

**MINUTES:**

Ms. Dietrich made a motion to approve the September 9, 2019 minutes as presented, 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>
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—

Ayes - 2 Nays - 0. Abstain - 1.

**NEW BUSINESS:**

**APPEAL APPLICATION NO. 22V19:** Jeffrey Parker. Property located at 9569 Grove Spring Rd., Town of Wayne. Requesting setback relief of 20' on south side yard and 6' 8" height relief for proposed garage.

Mr. Parker stated the following:

- The existing shed will be removed.
- Placement of the proposed garage is due to drainage issues.
- The new LUR requires 50' instead of 30' side yard setback.

Upon discussion, the Board noted the following items:

- The property is located in the HC-1.
- The applicant is seeking 2 variances: a height relief of 6'8" and side yard setback of 20' relief on the South side.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 4 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: 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. Walton made a motion to approve Variance Application No. 22V19 to construct a garage as per plans submitted with the 9/10/19 building permit and variance application, seconded by Ms. Dietrich.

A roll call vote was taken.

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

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

**APPEAL APPLICATION NO. 23V19:** Otto and Linda Zettl. Property located at 9360 Keuka Highland Dr., Town of Wayne. Request to attach 6’ privacy panels to an existing 4’ fence.

Both Mr. and Mrs. Zettl were present to state:

- They built the existing split rail fence according to the Town’s LUR in 2012.
- Due to issues with a neighbor, they would like to attach 6’ privacy panels to their existing fence.
- The panels would allow less view of the neighbor’s equipment that is parked along the fence.
- As their property is the last house on a dead-end private road, the fence wouldn’t impair the view of the other property owners.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 5 letters were sent and one response was received back from Mr. Conner.

Mr. Hand read Mr. Conner's email to those present.

Upon discussion, the following items were noted:

- The applicant was seeking to extend 2 ft. on an existing fence.
- They would not go any closer to the neighboring property.

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.

Mr. Walton made a motion to approve Variance No. 23V19 allowing 2' of height relief on the existing fence and to be constructed per plans submitted with the building and variance permit dated 9/17/19, seconded by Ms. Dietrich.

A roll call vote was taken.

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

Ayes - 3 Nays - 0. Abstain - 0.

Mrs. Zettl signed the variance responsibilities and conditions sheet (on file).

As there was no further business, Ms. Dietrich made a motion to adjourn the meeting at 7:40 PM, seconded by Mr. Walton.

Respectfully submitted, Maureen Kurtz