

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
NOVEMBER 4, 2019

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

MEMBERS:	PRESENT	ABSENT	LATE ARRIVAL
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:	Kellie Bosket	Alfred Bosket	Mike Temple
	Bill Duell	Jim Russell	Barb Russell
	Raymond Ullrich		

MINUTES:

Mr. Hand made a motion to approve the October 7, 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, Chair	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
John Walton	<u>X</u>	—	—

Ayes - 3 Nays - 0. Abstain - 0.

NEW BUSINESS:

APPEAL APPLICATION NO. 24V19: Kimberly E. Bosket Trust. Property located at 9613 Lakeshore Dr., Town of Wayne. Requesting setback relief of 1' on northside setback on a pre-existing non-conforming structure.

Both Mr. and Mrs. Bosket stated the following:

- Having sold their home in Endicott they would be residing year-round at this residence.
- They have a daughter with special needs and would like to remove the back porch and replace it with a 16' by 24' addition.
- The addition would extend 2' further than the back porch.
- The addition would allow for a sitting room and bedroom.
- They would convert the existing bedroom into an office so it would remain a 2-bedroom home.

Upon discussion, the Board noted the following items:

- The property is located in the LR-3 district.
- The applicant is seeking 1 variance: a side yard setback of 1’relief on the northside.

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. 24V19 to construct the addition as per plans submitted with the building permit and variance application dated 10/9/19, 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.			

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

APPEAL APPLICATION NO. 25V19: Elizabeth Shoemaker. Property located at 9299 Spruce Rd., Town of Wayne. Request relief of 6’10” on the Northeast side yard setback for expansion on a pre-existing non-conforming structure.

Both Mr. Temple and Mr. Duell, contractors for the Shoemaker’s were present to represent the application and stated the following:

- The applicant wanted to add a shower to an existing bathroom.

- They're seeking 6'10" relief on the Northeast side-yard setback.
- The increase would add 30.25 sq. ft. to the original footprint.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 5 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 discussion, the following items were noted:

- The property is located in the LR-2 district.
- The applicant was seeking 6'10" relief on the Northeast side yard.
- It was an expansion, alteration on a pre-existing non-conforming structure.

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: 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 Variance No. 25V19 allowing 6'10" of relief on the Northeast side yard setback and be constructed as per plans submitted with the building and variance permit dated 10/17/19, seconded by Mr. Walton.

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. Duell signed the variance responsibilities and conditions sheet on behalf of their client. (on file).

APPEAL APPLICATION NO. 26V19: Fred Orchard. Property located at 11563 East Lake Rd., Town of Wayne. Request an alteration, expansion on a pre-existing non-conforming structure.

Raymond Ullrich, contractor for the Orchard's was present to state the following:

- The Orchard's wanted to move the existing second story bedroom and add a hallway and bathroom.
- The first floor would remain unchanged.
- They would be keeping within the existing footprint of the home.

Mr. Hand opened the public hearing.

Ms. Kurtz stated 4 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 discussion, the Board noted the following:

- The applicant was seeking an alteration, expansion on a pre-existing non-conforming structure.
- The expansion would allow for a hallway and bedroom.
- They would stay within the same footprint of the existing home.

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 26V19 with the condition it be constructed per the Building Permit application dated 10/16/19, seconded by Ms. Dietrich.

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