

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 Aug 3, 2020

The meeting opened at 6:30 PM with a roll call of the members. The meeting was held via Zoom Web conferencing.

ARRIVAL	PRESENT	ABSENT	LATE
MEMBERS: Wayne Hand, Chair	<u>X</u>	—	—
Bill Feinstein	<u>X</u>	—	—
Candy Dietrich	<u>X</u>	—	—
Gill Harrop, CEO	—	<u>X</u>	—

ALSO PRESENT: Garry Osborne, Scott Hendershott, Laura O'Shaughnessy, Pat O'Shaughnessy, Jim Coots

**MINUTES:**

Ms. Dietrich made a motion to approve the minutes of the July 6, 2020 meeting minutes as presented, seconded by Mr. Feinstein. Minutes approved.

**NEW BUSINESS:**

**Appeal No. 14v20** Chris and Amie Santy. Property located at 11674 East Lake Road, Town of Wayne. Sec. 3.A.4.b.5 Alteration, expansion of pre-existing, non-conforming structure

Mr. Coots, the contractor for the Santys, gave a quick overview of the project. He indicated that the footprint, walls, and roof will stay the same as now exists. The wish is to add a bathroom and make this an office/playroom.

Public comments opened. No letters or emails were received on the project from neighbors. No one at the meeting asked to speak.  
 Public comments closed.

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.

Ms. Dietrich made a motion, seconded by Mr. Feinstein, to approve the alteration of the pre-existing, non-conforming structure according to the plans dated 6/20/2020.

The motion was unanimously approved.

**Appeal No. 15V20:** Gary Osborne. Property located at 9671 Back Street., Town of Wayne. Non-conforming structure Sec. 3.4.b.c fence exceeding 4 feet.

Mr. Osborne explained his desire to screen off parts of the industrial area recently subdivided from the house lot. his would require fences of 6 to 8 feet in height. Mr. Hand clarified the location and nomenclature for the various sections of the fence as labeled in the drawings #1, #2, and #3. Each section of fencing was to be considered separately. After much discussion between the board and Mr. Osborne the board felt they had a good grasped of the issues.

Public Comments Opened. No public comments or letters. Public Comments Closed.

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.

Ms. Dietrich made a motion, seconded by Mr. Feinstein to approve the new fencing with the following considerations:

Construct a solid wood fences as indicated on the drawing submitted with the variance application, in 4 different locations. The north/south portion labeled priority # 1 does not need relief, due to being not located near the property boundary. For the east/west portion labeled priority # 1, 4 ft. of relief is granted to allow an 8 ft. high fence to be constructed spanning 98 ft. long, located inside the property line at least 5 ½ ft. (~2/3rds the height)

- Fence labeled priority # 2 is granted 2ft. of relief to allow a 6 ft. high fence to be constructed spanning 128 ft., located at least 4 ft. inside the property line.
- Fence labeled priority # 3 is granted 2 ft. of relief to allow a 6 ft. high fence to be constructed spanning 120 ft. located at least 4 ft. inside the property line.

- Construct all per the “CNC plot plan” submitted with the 6/23/20 variance application.

Motion was unanimously approved

**Appeal Number 16v20:** Pat and Laurie O’Shaughnessy. Property located at 9066 Carpenter Road, Town of Wayne. Non-conforming structure Sec. 3.A.4.b.5 Alteration, expansion of pre-existing, non-conforming structure.

Mr. Coots, the contractor for the project gave a quick overview of the planned expansion

Public Comments Opened. Mr. Hendershott, a neighbor, voiced his approval for the project. No other comments or letters. Public comments closed.

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.

Candy made a motion to approve the expansion and alteration of a pre-existing non-conforming structure with the caveat that the build is according to plan submitted with building permit 055-20 on 7/21/2020. Mr. Feinstein seconded and the motion was unanimously approved.

## **Unfinished Business**

### **Finger Lakes Sunsets LLC**

Prior to the meeting Mr. Welch had provided the Zoning Board with documents substantiating that the NYSDEC had approved the building of the deck portion within their jurisdiction as did the New York State Office of General Services (NYSOGS) in response to a Joint Application Form (JAF) for the proposed project for new decking above high water.

*“Based on a review of the proposed activities, it has been determined that the activities do not require a permit from the NYSOGS. Please save this email as proof of determination by this office of “No Permit Required” since we will not be sending additional correspondence related to this determination.”* (JAF email)

Given this information, the Town of Wayne's variance request was to defined as approval of a 25 foot allowance from the high water mark (in this case the seawall) as that portion of the project falls within the town's jurisdiction.

Public comments had previously been allowed on this project when it first came before the board. No additional public comment was offered.

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

A motion was made by Mr. Feinstein and seconded by Ms. Dietrich to grant a setback allowance of 25 feet from the high water mark to allow for the construction of the deck as designated in the survey submitted on 7/15/2020. Approval is for the area under town jurisdiction only which is up to the mean high water shoreline.

The motion was unanimously approved.

### **Discussion**

- a. Zoning Board Membership – a suggestion was made to investigate advertising openings on the board. A couple of prospective persons were discussed. Wayne Hand will reach to them to assess their interest.

### **Adjournment**

The meeting adjourned at 7:54 PM

Submitted by: Amy Gush, Board Secretary.