

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 September 14, 2020

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

MEMBERS:	PRESENT	ABSENT	LATE
Wayne Hand, Chair	<u>X</u>	___	___
Bill Feinstein	<u>X</u>	___	___
Candy Dietrich	<u>X</u>	___	___
David Westcott, alt.	<u>X</u>	___	___
Jon Serdula alt.	<u>X</u>	___	___
Gill Harrop, CEO	___	<u>X</u>	___

ALSO PRESENT: Robert Farmer for McCormick, Fred and Carolyn Fuller, Robert Canfield.

**MINUTES:**

Before the minutes were approved, Mr. Hand welcomed the new alternate members, David Westcott and Jon Serdula.

Mr. Feinstein made a motion to approve the minutes of the Aug 3, 2020 meeting minutes as presented, Ms. Dietrich seconded, Minutes approved.

**NEW BUSINESS:**

**Appeal No. 17v20** Thomas and Susan Barry. Property located at 11995 East Lake Road, Town of Wayne. Sec. 3.A.4.b.5 Alteration, expansion of pre-existing, non-conforming structure, Note: Road setback, addition and entry porch less than 25' setback.

Mr. Barry explained that the expansion was to sit over the area that is now a concrete patio on the north side of the house. They also wanted to build a covered porch on the road side of the house to facilitate entry.

Even though it is essentially the same footprint as the current patio, the addition would require setback relief on the mean high water line. The covered entrance would also need setback relief as LR-1 requires 25 from edge of right of way.

Public comments opened. Warren Cole a neighbor had sent in an email of support for the project. Kirk Gregg also spoke in support of the project with Gill. 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 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.

The motion was made by Ms. Dietrich to grant right-of-way relief of 11' 8" on SE corner and to grant relief of 6'2" on the NW Corner from the mean high water line and to grant approval to expand and alter a pre-existing non-conforming structure. With the caveat that the additions be built according to plans submitted with building permit 065-20 on 8/18/2020.

The motion was unanimously approved.

**Appeal No. 18V20:** Docie McCormick. Property located at 12356 East Lake Road, Town of Wayne. Sec 1 LR-1, Road setback less than 25', in right of way by 5 feet.

Rob Farmer represented the McCormicks at the meeting. In order to build safe steps from East Lake Road to the lake side. They will be terraced earth steps and follow the natural grade of the existing hillside. The plans call for the steps to start 9'10" from the centerline of the road.

Public Comments Opened. No public comments or letters. Carolyn Fuller made a comment about easements. Public Comments Closed.

Conversation ensued about the ability of the zoning board to grant permission to build in the road setback area. It was felt that zoning authority did not flow into the road setback area and therefore the Town would have to grant relief to build in the setback area. It was resolved that the board was empowered to only grant relief to the property line and that a road use agreement would be needed to grant permission to build into the right of way.

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: No.

Mr. Feinstein made a motion, Ms. Dietrich seconded to approve a 1 foot setback relief to the current property line to build stairs. Beyond that point a road use agreement with the town would be needed.

Motion was unanimously approved

**Appeal Number 19v20:** Fredrick Fuller. Property located at 10056 Keuka Hill Road, Town of Wayne. Non-conforming structure Sec. 3.A.4.b.5 Alteration, expansion of pre-existing, non-conforming structure setback less than 75'

Mr. Fuller provided an overview of the project and how it was in character with the rest of the homes on the street. The setback relief is needed because of the new LUR for HC 1 that call for a 75' setback.

Public Comments Opened. Mr. Canfield, 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: 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: no.

Ms. Dietrich made a motion to grant 40.75' setback relief on the roadside of the property and 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 067-20 on 8/25/2020. Mr. Feinstein seconded and the motion was unanimously approved.

### **Unfinished Business**

The motion was unanimously approved.

### **Discussion**

### **Adjournment**

The meeting adjourned at 7:55 PM  
Submitted by: Amy Gush, Board Secretary.