

**TOWN OF WAYNE PLANNING BOARD AGENDA**  
 October 12, 2020

The meeting of the Planning Board opened at 7:00 PM

In attendance: Carol Smith, Cole Scherer, Scott Hendershott, James Deforest (Zoom), Mia Mclemens (Zoom).

	Present	Absent	Late
Roll Call			
Stan Witkowski	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Jeff Martin, alt.	___	<u>X</u>	___

**MINUTES:**

Ms. Gabel made a motion to accept the Aug 10, 2020 minutes. Second by Mr. Mooney, The minutes were approved.

A roll call vote was taken.

<u>VOTE RECORD</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Stan Witkowski	___	___	<u>X</u>	___
Nancy Gabel	<u>X</u>	___	___	___
Donna Sue Kerrick	___	___	___	<u>X</u>
Chris Mooney	<u>X</u>	___	___	___
Jon Serdula	<u>X</u>	___	___	___
Jeff Martin, alt.	___	___	___	<u>X</u>

**NEW BUSINESS:**

**1. Carol Smith Subdivision SA 86-20**

Motion was made by Ms. Kerrick to accept the application for SA 86-20, a simple subdivision. A review of the application reveals that the land is to be divided into three parcels; 2 of 30 acres each and one of 25 acres. It is not being divided for development. The Town of Wayne will act as the lead agency for the SEQR Short form.

Mr. Witkowski lead the board through the SEQR review. It was concluded that no detrimental environmental impact would be caused by the subdivision.

Ms. Kerrick called the question on the motion.

A roll call vote was taken to approve the application.

<u>VOTE RECORD</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Stan Witkowski	<u>X</u>	___	___	___
Nancy Gabel	<u>X</u>	___	___	___
Donna Sue Kerrick	<u>X</u>	___	___	___
Chris Mooney	<u>X</u>	___	___	___
Jon Serdula	<u>X</u>	___	___	___
Jeff Martin, alt.	___	___	___	<u>X</u>

The subdivision was approved. Copies of the new plot map were stamped and four copies returned to Ms. Smith for her records and to file with Steuben County.

**SITE PLAN PRELIMINARY REVIEW:**

**Knapp Subdivision - Version II**

Since the approval of SA83-20 at the August 2020 meeting the family members have decided to change the subdivision plan to six plots instead of five. A new plot plan has been devised and will require approval by the planning board.

Mr. Witkowski suggested, and the board agreed, that other than further division of the land into more parcels, the environmental statements and impact remained the same. Mr. DeForest asked for vote on preliminary approval of the new division. The Board took a non-binding vote approving the preliminary plan as presented. Mr. Deforest will have a new survey completed. Once the new survey is completed, a public hearing will be scheduled on the matter.

Record of vote to approve preliminary subdivision plan.

<u>VOTE RECORD</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Stan Witkowski	<u>X</u>	___	___	___
Nancy Gabel	<u>X</u>	___	___	___
Donna Sue Kerrick	<u>X</u>	___	___	___
Chris Mooney	<u>X</u>	___	___	___
Jon Serdula	<u>X</u>	___	___	___
Jeff Martin, alt.	___	___	___	<u>X</u>

**Vang Subdivision**

This item was tabled as the application was incomplete at the time of the meeting.

**Land Use Regulations Adjustment**

Several cases have come before the Zoning Variance Board of late that concern residents' projects being built in the Town Right of Way. This is mostly pre-existing, non-conforming structures such as stairs and retaining walls on the lower lake roads. Mr. Witkowski, Mr. Hand, Chair of the Zoning Board of Appeals, Tom Dunbar, Town supervisor, Gill Harrop, Town Code Enforcement office, and Mr. Howard, Superintendent of Highways have at various times discussed the matter of pre-existing, non-conforming structures found in the Right of Way on town roads. Further, legal review of the situation by the town attorney reveals that the current language in the LUR does not allow any town agency, nor the Town Board, to grant relief in the Right of Way. Given this, a recommendation is to remove from Section 3.0 SUPPLEMENTAL REGULATIONS, part D, #4 - "*No structures shall be permitted in Town rights-of-way.*" The planning board discussed the merits, dangers, and implications of this change and unanimously endorsed forwarding to the Town Board a recommendation to remove this statement from the LUR.

**OLD BUSINESS:**

With no other matters to come before the board, the meeting was adjourned by unanimous consent at 7:29 PM.

Respectfully Submitted,

Amy Gush  
Board Secretary