

TOWN OF WAYNE PLANNING BOARD
Minutes
August 9, 2021

REGULAR MEETING

In attendance: Rhett and Theresa Nelson, Don Robbins

	Present	Absent	Late
Roll Call			
Stan Witkowski	X	—	—
Nancy Gabel	X	—	—
Donna Sue Kerrick	X	—	—
Chris Mooney	X	—	—
Shonna Freeman	X	—	—
Scott Hendershott	X	—	—

MINUTES:

Ms. Kerrick made a motion to accept the minutes of the July 12, 2021 meeting. Mr. Mooney seconded the motion. Motion approved.

AGENDA REVIEW

No changes to the agenda.

NEW BUSINESS:

Site Plan review for BP 050-21 Rhett and Theresa Nelson to build a tiny house or site an RV on their property. Mr. Witkowski suggested a discussion ensure without opening an official application. No motion was moved on the application for official consideration.

A discussion ensued:

1. The plan as submitted has triggered some issues with respect to the current Land Use Regulations.
 - This plot already has an existing RV in addition to the new structure on the new trailer.
 - The new structure is being characterized by Mr. Nelson as an RV, however the vehicle is not registered as an RV. Mr. Witkowski indicated that the Board would need proof that this vehicle can be registered as an RV with New York State.
 - Mr. Nelson stated he believed the old RV currently on the property "grandfathered" in the new home as eventually he would remove the old RV.

2. Mr. Witkowski next pointed out that the structure - if to be considered a tiny house was built without permits and would have to be built to current building codes applicable to tiny home construction. If the structure on the new trailer is to be an RV, then it must comply with registration and operation laws for vehicles. Mr. Nelson stated that he hoped some of the technicalities of the situation could be overlooked - as this new RV/ tiny home is an improvement to the lot and appreciated by the neighbors.
3. Mr. Hendershott asked if the trailer had a VIN (vehicle identification number)? Mr. Nelson said yes. A conversation started about what kind of trailer this is and is it suitable a base for a structure? Mr. Hendershott asked if Mr. Nelson had a title for the trailer. Mr. Nelson produced a paper which he thought was a title, on closer review, it is only a Certificate of Origin for the trailer, having been built out of state. It was determined by the description on the C of O that it is a 28' flatbed utility trailer. The trailer is not titled nor registered in NY. Mr. Nelson indicated he did not want the expense of titling or registering a vehicle he did not intend to ever put on the road.

This returned the discussion to the question is this intended to be an RV or a tiny house? Resolution of that question will indicate the path forward given State law and Land Use Regulations. The board discussed at length the possible regulations that could apply depending how the structure is characterized.

4. Next the board considered the deck.
 - A stop work order was issued to Mr. Nelson on March 12, 2020 as it is a permanent structure built without a permit.
 - There is a setback infringement for which Mr. Nelson was granted relief through a variance in July 2021.
 - There is another issue of the deck being built on a steep slope of an existing gully. Mr. Nelson produced a letter from DEC with observations on the deck as built. Mr. Witkowski said the letter indicated the deck had been well built with minimal disturbance of the slope, however this was not a letter allowing the deck to be placed there.
5. The board further discussed ways that the RV/Tiny Home might possibly move forward and concluded expert and possibly legal advice should be sought in order to make a proper determination as to the possible ways forward.

6. Mr. Hendershott asked if Mr. Nelson has been living in the structure. Mr. Nelson indicated that it has not been occupied.
7. Mrs. Nelson indicated that the old RV would be removed from the site once the new RV was completed.

OLD BUSINESS:

No old business

With no additional matters to consider, Ms. Gabel made a motion to adjourn. Mr. Witkowski seconded and the meeting adjourned at 8:11 PM

Respectfully Submitted,

Amy Gush
Board Secretary