

MINUTES OF THE TOWN OF WAYNE  
 ZONING BOARD OF APPEALS  
 July 5, 2021

The meeting opened at 7:09 PM with a roll call of the members. The meeting was held via Zoom Web conferencing and in-person at the Town Hall.

	PRESENT	ABSENT	LATE
MEMBERS: Wayne Hand, Chair	_X_	___	___
Jon Serdula	_X_	___	___
Candy Dietrich, alt	___	_X_	___
David Westcott	_X_	___	___
Gill Harrop, CEO	___	_X_	___

ALSO PRESENT (via Zoom and In-Person): David Harmon (Zoom) Rhett and Theresa Nelson, Erick and Teri Miller

David Westcott made a motion to approve the minutes Mr. Serdula seconded; minutes approved.

**NEW BUSINESS:**

Appeal 09v21 Rhett and Theresa Nelson are requesting setback relief from St Rt 54 Right of Way requirements.

Mr. Nelson presented a full-sized survey map to the committee. He stated he bought the land in 2010. In 2018, Mr, Nelson began constructing a structure on a trailer frame. In 2019 he constructed a deck adjacent to the structure. In February 2020 a stop work order was issued by the Code Enforcement officer on the framing of the deck for lack of a building permit.

Now Mr. Nelson is applying for a building permit though he is unable to decide if he wants to characterize the structure as a tiny house or as an RV. Mr. Nelson explained he wanted to build a seasonal home on the lot and acknowledged that the Code Enforcement officer informed him that now all building must be fully NYS building code compliant.

Mr. Hand tried to clarify - is Mr. Nelson building a tiny house or an RV? Mr. Nelson could not definitively answer that question. It is a stick built structure on a trailer platform and he would like it to be considered an RV for tax purposes. A conversation ensued as to whether or not the structure would be road worthy given its size, and construction.

Next the board and Mr. Nelson revisited the survey map to determine the necessary setback relief for the proposed deck. It was determined six feet of setback relief would be necessary for the deck project.

Public comments opened. Terry and Erich Miller both spoke in favor of Mr, Nelson's appeal as he is a good neighbor and had done much to clean up an overgrown property over the years. Gary and Stacia Deers sent in a letter of support.

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Mr. Hand asked if the original trailer located on the property had been replaced during Mr. Nelson's ownership of the property. Mr. Nelson said yes.

Public comments Closed

Mr. Hand focused the conversation only on the setback issue as that is the only matter the ZBA needs to address. A motion was made to approve a 6 feet of setback relief from the RT 54 Right of Way for the construction of a deck. The approval is contingent on an approval of the site plan by the planning board. The project must be built in according to plans as submitted with an approved building permit.

The question was called and the motion was approved.

### **Unfinished Business**

Mr. Hand asked if there was an unfinished business or items for discussion. Nothing arose.

### **Discussion**

**Adjournment** The meeting adjourned at 7:36 PM.

Submitted by: Amy Gush, Board Secretary