

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
August 7, 2023

The meeting opened at 7:00 PM with a roll call of the members. The meeting was held in-person and via Zoom at the Town Hall.

	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE</b>
MEMBERS: Wayne Hand, Chair	X		
Jon Serdula		X	
David Westcott	X		
Emily Jennifer Rouin	X		
Karsten Konig	X		
Jason Ferris, Alt.	X		
Candy Dietrich, alt		X	
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Sylvia Groff, Mark Hufnagel, Art Staley, Penny Barden, Brian Russell, Jeff Balta.

**Agenda Review**

No change to agenda

**Minutes**

Minutes of the July meeting were reviewed and approved. Motion by Mr. Konig, 2<sup>nd</sup> by Mr. Westcott. Ms. Rouin abstained. Minutes approved.

**New Business**

**Appeal No. 16 V23: William Levinson, executor for the estate of Cynthia P. Smith and Arthur Staley (the future owner of a majority of the recently approved property subdivision, into 3 parcels),** Property Tax ID #077.00-03-003.200, 12251 East Lake Rd, Town of Wayne in LR-1, Sec 3.A.4.5. This appeal is for expansion of the pre-existing nonconforming main structure.

Mr. Staley explained the renovation project of the first and second floors of the home. The footprint of the enclosed house remains the same, but was also seeking to add onto the existing deck and needs setback relief from the lake and approval for the expansion. The existing deck is already beyond the natural mean high-water mark by 36" (vs. a min. required setback of 50 ft.). Mr. Staley wishes to extend the deck to the south.

The public hearing opened and closed with no comments, letters, or emails.

Mr. Hand clarified the issue presented as mean high water encroachment by the deck and lot coverage. Otherwise, the interior remodel needs no approval or relief from the Zoning Board. Lot coverage needs to be presented to the board. Before they feel they can consider a decision to allow expansion.

Mr. Staley decided to withdraw his application to expand the deck and may revisit the issue at a later date.

**Appeal No. 17V23: Penny Barden** Property Tax ID #064.14-02-005.000, 10155 Wine Country Lane, Town of Wayne in LR-2 Sec 1 setbacks, Sec 3.A.4.5. Nonconforming structure expansion and setback relief. Tear down and build new home.

The Barden project was presented and will actually make the home more conforming. The current garage will be demolished and the new home re-oriented to run parallel to the existing lot lines. Hence, while still not conforming, setbacks will be greater and consistent. The footprint of the existing home will be very close to the same size as the existing home.

Public Comments opened. Jeff Balta, the neighbor to the east, inquired as to the location of the septic system relative to the NYSEG gas line. He was reassured that the build will not interfere with the existing gas line. Jeff then stated that he supported the project. Public Comments closed.

The Board considered the details of the project. Mr. Westcott made a motion to grant setback relief of 3' from the west property line and allow the replacement of a pre-existing non-conforming structure. The project is to be built according to plans submitted July 25, 2023. Mr. Konig seconded the motion. The motion passed.

**Appeal No. 1xV23: Jennifer Groff** Property Tax ID #092.12-01-003.000, 9204 Wixson Road, Town of Wayne in LR-3 Sec 3 Supplemental Regulation 4. b fence height greater than 4'

Sylvia Groff presented the project which is to extend the existing 6-foot high fence an additional 16 feet. The extension will provide visual screening of the neighbor's home. Mr. Hand reviewed the current LUR regulations that govern fence construction.

This project will need relief on height, setback, and may have an effect on the neighbors right to light, air and view. Mr. Hand asked Ms. Groff if the neighbors were aware of her intent to extend the fence? She indicated that they were aware and in fact supportive of the expansion.

Public Comments opened and closed with no comments, letters, or emails.

Mr. Hand made a motion to granted relief to place two (2) additional 6x8' panels extending the current 6-foot-high fence. Specifically, the relief is as follows:

- 1 Two additional feet of height - LUR allows only 48" fence.
2. Allow only 18" of setback from property line on neighbor's side of the fence.
3. Allow minimal setback for fence maintenance on neighbor's side of the fence.

4. Allow fence though it may impede view, light, and air flow as specified in the LUR.

The condition for approval is that if the neighbor shall complain about the location or size of the fence within 30 days of completion, Mrs. Groff will have to remove the additional panels.

Motion 2<sup>nd</sup> by Mr. Westcott. Motion passed

#### OLD BUSINESS

**Appeal No. 12V23: Mark Hufnagel** Property Tax ID #077.08-01-015.000, 13215 St. Rt. 54, Town of Wayne in LR-1 Sec 1 setbacks, Sec 3.A.4.5 building pre-existing, non-conforming lot, and height over 34'. Tear down and build new home.

Mr. Hufnagel presented the new plan that takes into account the concerns previously raised by the neighbors and the Zoning Board. The new plan moves the home east, back on the lot to allow open view for the neighbors and also to allow for greater setback from the mean High-water line. The drive will be permeable and lot coverage will only increase by about 10%, Height of the house is now conforming. The Engineers are confident the excavation plan is sound.

Mr. Hand made a motion to granted relief for the following:

1. Allow expansion of a non-conforming structure
2. Granted 17.5' of setback relief from the mean high-water mark from boathouse
3. Granted 7' of setback relief from the north property line
4. Granted 4.8' of setback relief from the southern property line
5. Allow an increase in lot coverage of 10% over the max. of 15% with the caveat that the driveway be of a permeable surface.
6. Construction will be as indicated on the plans dated 7/24/23.

Motion seconded by Mr. Westcott. Motion passed.

#### **General Announcement**

**Adjournment** The meeting adjourned at 8:25 PM.

Submitted by: Amy Gush, Board Secretary