

TOWN OF WAYNE ZONING BOARD OF APPEALS

Minutes Final

April 6, 2026

	Present	Late	Absent/Excused
Jason Ferris, Chair	x		
Emily Jennifer Rouin	x		
David Westcott			x
Karsten Konig			x
Rick Rosenberg	x		
Wayne Hand, Alt	x		
Candy Dietrich, Alt.			
Jesse Jaynes, Code Officer			x

Also Present Lori and Neal Fagan, Dave Bauer, Peter Weis

Outcomes

The board approved **two variance requests** and tabled a third application due to the applicant's absence. **FLX Grapes received 6.5 feet of setback relief** for a new deck addition, and **Neal and Lori Fagan received multiple variances** (lot coverage, side setback, and waterfront setback relief) for their cottage rebuild on Crystal Beach.

Decisions Made

- **FLX Grapes variance approved:** 6.5 feet setback relief on southwest boundary for deck construction (18.5 feet from property line vs. 25 feet required)
- **Fagan variance approved:** Three reliefs granted - 29.4% lot coverage relief (vs. 25% limit), 5 feet side setback relief on south boundary, and 9 feet 4 inches setback relief from high watermark
- **DeForest appeal tabled:** Motion passed to table the accessory building height variance until applicant can be present to explain the request **Variance Details**

Appeal No.003v26 FLX GRAPES. Property Tax ID # 064.00-01-048.130, 10014 Day Rd, Town of Wayne in Corridor District Regulations 1.f.c

FLX Grapes Deck Project

Peter Weis requested variance to add 50-foot deck on lower stone wall, requiring **6.5 feet setback relief** from south boundary (18.5 feet instead of required 25 feet).

Location - it will rest on the lower stone wall area facing RT 54, 50 feet long by 9'6" wide

Purpose: Add tasting capacity while maintaining the above existing deck's sight line to the Lake it will be accessed via five stone steps from upper level and connection to front lawn. According to Mr. Weis, Neighbor Sebastian (Domaine LeSuer) has no objections (adjacent property owner).

Public Comments Opened at 6:39 PM no comments were offered n mail or email submitted. Public Comments closed at 6:40 PM.

Mr. Ferris made a motion to grant setback relief of 6.5 feet from the southern plot line between the Weis and Le Suer lands. Mr. Rosenberg seconded. The board determined that the benefits to the applicant outweighed any potential detriment to the neighborhood, and approved the variance with conditions to build according to submitted plans. All board members present voted in favor of the motion.

Fagan Cottage Rebuild

The Fagans discussed their plans to build a new house on their lot, including the installation of a French drain system to manage water issues. They explained their approach to handling septic systems and discussed the potential need for an easement From McGurgan's, though they noted that boring under the road might be the simplest solution. The Fagans emphasized their commitment to addressing water management properly and minimizing impact on neighbors and traffic.

Public Comment Opened 7:10 PM and no comments were offered, a letter of support from Adam Donegan was received. No emails. Public Comments Closed 7:12 PM.

The meeting focused on discussing variances required for the new house construction project. Mr. Hand reviewed several variance requirements, including height (which was below the 34-foot limit), lot coverage (requiring variance as it's above 25%), and setback requirements from property lines and the lake. The team discussed specific measurements, including a 5.5-foot setback from one property line and 9.4 feet from the high-water mark.

- **Scope:** Demolishing 1940s cottage, garage, and shed; rebuilding with improved water management
 - **Lot coverage improvement:** Reducing from 57.6% to 54.4% coverage
 - **Water management plan:** Standing seam metal roof with channeled drainage, French drains to lake, raising house 16-18 inches above road level, eliminating blacktop for gravel and grass

- **Septic system:** New system designed by engineer, boring under private road to property on Sacket Road; existing system pumped three times in six years
- **Neighbor support:** Written approval from Adam (south side neighbor); McGurgan's (other neighbors) verbally supportive

The board reviewed three specific variance requests: 29.4% lot coverage, 5 feet setback relief from the south boundary, and 9 feet 4 inches setback relief from the front mean high water mark. The board members voted on various factors related to the variance, with most voting in favor of approval. A motion was made and seconded to grant the variance with the stipulation that all other construction follows approved plans. Motion carried.

DeForest accessory building: Mr. DeForest Was not at the meeting and the Board felt that to fully understand the request it requires applicant presence to clarify whether project is legitimate farm equipment storage or attempt to create second residence on undersized parcel; concern about 23.6-foot height request and potential conversion to living quarters. A motion was made to table the issue to the next meeting. Motion approved.

Other business

- **FLX Grapes signage:** Peter Weis inquired about new sign permit requiring stone wall surround; Jesse (code enforcement) will determine if variance needed for 6-foot sign height and proximity to Route 54
- **DeForest (applicant):** Reapply for hearing date and attend to present accessory building variance request 9

Zoning Interpretation Notes

Guest house regulations clarified: Page 317 of land use regulations permits guest houses on second floor of accessory buildings over 18 feet high with ZBA area variance approval; size limit only to LUR 1, 2, 3 districts; cooking facilities prohibited but other amenities allowed. Board expressed concern about enforcement once occupancy permits issued.

- **Meeting time:** 7:37 PM adjournment