ZONING BOARD OF APPEALS MINUTES

Town of Wayne - August 3, 2026 | 6:30 p.m.

Also Present: Michael Jakubowski, Scott Lewis, Robert Foley, and Jesse Jaynes (Code Officer).

Quick Recap

The Wayne Town Zoning Board of Appeals reviewed three area variance applications. The Board unanimously approved Appeal No. 007v26 for reduced road and side setbacks for a timber-frame shed; Appeal No. 008v26 for a replacement stairway and protective roof overhang; and Appeal No. 009v26 for an increase in permitted lot coverage, subject to the plans and conditions stated in the approval. Approval of the June 2026 minutes was deferred because a sufficient quorum of members who attended that meeting was not present.

Next Steps

- Mr. Jakubowski: Construct the shed in the approved location using the granted road and side setbacks and obtain all required permits.
- Mr. Lewis: Have the contractor obtain the applicable building permit and complete the replacement stairs and roof overhang as approved.
- Mr. Foley: Proceed strictly in accordance with the submitted plans and incorporate any modifications required during Planning Board review before construction begins.
- Zoning Board: Schedule a dedicated meeting to review the backlog of minutes that could not be approved because the necessary members were not present.

Attendance

Name	Status
Mr. Ferris, Chair	Present
Mr. Hand	Present
Mr. Rosenberg	Present
Ms. Rouin	Present
Mr. Westcott	Absent
Mr. Konig	Absent
Ms. Dietrich	Absent
Jesse Jaynes, Code Officer	Present

Summary

Mr. Ferris, Chair, called the regular meeting of the Town of Wayne Zoning Board of Appeals to order at 6:30 p.m. A quorum was present.

Approval of Previous Minutes

The June 2026 meeting minutes were presented for approval. Because a sufficient quorum of members who attended the June meeting was not present, approval was deferred. Mr. Ferris noted the need to schedule a dedicated meeting to address the backlog of unapproved minutes from prior sessions.

Area Variance - Appeal No. 007v26, Michael Jakubowski

Property: Tax ID 105.00-03-35.620; 9256 County Route 87, Town of Wayne; Agricultural District 1.

Relief Requested: Fifteen feet of road-setback relief, reducing the required distance from 75 feet to 60 feet from the Route 87 centerline, and eight feet of side-setback relief, reducing the required distance from 17 feet to nine feet from the south property line adjacent to Faith Village.

Mr. Jakubowski requested the variances to construct a 14-by-20-foot timber-frame shed. The Board asked whether the shed could be located elsewhere. Mr. Jakubowski explained that much of the property is seasonally wet and inaccessible for approximately five months each year; the area behind the barn floods; and the area behind the residence contains a buried propane tank and a well. The proposed location follows a former driveway alignment, relocated approximately 35 feet, and provides a flat, well-drained, accessible building pad. Other placement would interfere with the existing driveway.

The Board also considered traffic safety and determined that the proposed location would not obstruct sight lines or create a visibility hazard at the nearby road intersections.

Public Comment: No members of the public were present. The Board received a written letter from adjacent neighbor Kenny Cornish stating that he had no objection to the proposal.

Findings of Fact

- The variance would not create an undesirable change in neighborhood character or a detriment to nearby properties. Finding: No adverse impact.
- Alternative locations exist in theory, but seasonal inaccessibility and other site constraints make them impractical. Finding: Alternatives are not practically achievable.
- The requested variance is not substantial. Finding: Not substantial.
- The variance would not adversely affect the physical or environmental conditions of the neighborhood. Finding: No adverse environmental impact.
- The alleged difficulty is self-created. Finding: Self-created.

Action and Vote

Mr. Ferris moved to grant 15 feet of relief from the Route 87 road setback and eight feet of relief from the south property-line setback. The motion specifically identified seasonal inaccessibility on other portions of the property as a determining factor. Mr. Rosenberg, Ms. Rouin, and Mr. Ferris voted yes. Appeal No. 007v26 was approved unanimously.

Area Variance - Appeal No. 008v26, Scott Lewis

Property: Tax ID 092.08-01-005.000; 9418 Wixson Road, Town of Wayne; Lakeshore Residential 3.

Relief Requested: Two feet four inches of side-setback relief from the south property boundary for a roof overhang above replacement stairs. The existing stairs are 7.2 feet from the property line, and the proposed overhang would be 4.8 feet from the line.

Mr. Lewis requested approval to replace deteriorated stairs on the south side of the residence and construct a protective roof overhang above them. The Board confirmed that the stairs would be replaced in kind and that the variance applied only to the overhang projection.

Written approvals were received from the affected south-side neighbors and from the Berks on the north side. The Board determined that the overhang would not significantly change drainage patterns because existing pipes and water-control systems manage runoff. The overhang would not change the lot-coverage calculation because the footprint of the existing stairs is already included.

Public Comment: No members of the public were present, and no written comments were received beyond the neighbor approval letters already on file.

Findings of Fact

- The variance would not create an undesirable change in neighborhood character or a detriment to nearby properties. Finding: No adverse impact.
- The benefit could not be achieved through a practical alternative because the stairs require full replacement and the overhang is integral to the project. Finding: No feasible alternative.
- The requested variance is not substantial. Finding: Not substantial.
- The variance would not adversely affect the physical or environmental conditions of the neighborhood. Finding: No adverse environmental impact.
- The alleged difficulty is self-created. Finding: Self-created.

Action and Vote

Mr. Ferris moved to grant two feet four inches of relief from the south property-boundary setback for the replacement stairs and associated roof overhang. Mr. Rosenberg, Ms. Rouin, Mr. Hand, and Mr. Ferris voted yes. Appeal No. 008v26 was approved unanimously. The applicant's contractor was scheduled to obtain the applicable building permit the following day.

Area Variance - Appeal No. 009v26, Robert Foley

Property: Tax ID 064.08-01-053.000; 14721 Keuka Village Road, Town of Wayne; Lakeshore Residential 2.

Relief Requested: An increase in maximum permitted lot coverage from 25 percent to 28 percent in connection with reconstruction of improvements on the parcel. The submitted calculations showed proposed coverage of 28.1 percent.

The Board reviewed the engineer's lot-coverage calculations. The calculation used Parcel A only, consisting of approximately 12,000 square feet. The proposal included 3,050 square feet of covered area against 10,847 square feet of buildable area after the right-of-way deduction, yielding 28.1 percent coverage.

The calculation included the principal structure, accessory sheds, porches, and paved impervious surfaces. The existing earthen, unpaved driveway was excluded. The Board noted that paving the driveway in the future would not require a building permit and could create an enforcement concern. The on-site septic system does not count toward lot coverage.

The Board also referenced its 2022-2023 interpretation that the entire lot area, including required setback areas, is used as the basis for lot-coverage calculations. That interpretation was adopted to avoid requiring a variance from nearly every property owner in the district.

Public Comment: No members of the public were present, and no formal written comments were received. The Code Officer noted that a neighboring owner had previously expressed interest in attending and might be planning similar work on an adjacent parcel.

Findings of Fact

- The variance would not create an undesirable change in neighborhood character or a detriment to nearby properties. Finding: No adverse impact.
- The benefit could be achieved with a smaller structure, but that alternative was not required under the circumstances. Finding: An alternative exists but is not required.
- The requested three-percentage-point increase is not substantial. Finding: Not substantial.
- The variance would not adversely affect the physical or environmental conditions of the neighborhood. Finding: No adverse environmental impact.
- The alleged difficulty is self-created. Finding: Self-created.

Conditions, Action, and Vote

The project must proceed strictly in accordance with the plans submitted at the meeting. Any modifications required by the Planning Board during its separate review must be incorporated before construction begins. Mr. Ferris moved to grant a three-percentage-point increase in permitted lot coverage, bringing the total allowable coverage to 28 percent, subject to the submitted plans and any later Planning Board modifications. Mr. Rosenberg, Mr. Hand, Ms. Rouin, and Mr. Ferris voted yes. Appeal No. 009v26 was approved unanimously.

Other Business

After the variance applications were completed, Mr. Ferris again noted the need for a dedicated session to review and approve the backlog of meeting minutes. No date was set.

Adjournment

There being no further business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Amy Gush
Zoning Board of Appeals Secretary