

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
July 9, 2015

The meeting opened at 6:30 PM with a roll call of the members.

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS: Bill Feinstein, Acting Chair	—	<u>X</u>	—
Greg Blessing	—	<u>X</u>	—
Candy Dietrich	<u>X</u>	—	—
Wayne Hand	<u>X</u>	—	—

ALSO PRESENT: Gill Harrop, Code Enforcement Officer
J.J. Coots Deborah Kogut
Jim Hillman Sharon Kelly

MINUTES:

Due to Mr. Blessing not confirming he had no objection to the January 29, 2015 minutes, the minutes were deferred at this time.

Mr. Hand requested that Ms. Kurtz email Mr. Blessing inquiring about the minutes.

Ms. Dietrich made a motion to approve the June 11, 2014 minutes as amended, seconded by Mr. Hand.

A roll call vote was taken. Ayes-2. Nays-0. Absent-2.

NEW BUSINESS:

AREA VARIANCE APPLICATION NO. 05V15: Kogut/Hillman. Property located at 11945 East Lake Rd., Town of Wayne. Request relief for the following: To demolish existing cottage and construct new on non-conforming lot in R-1 district, relief from the high water mark, relief from the side yard setback for the deck and stairs. 6.3, 7.3.2

Mr. Coots of J & J Coots Contractors was present to state the following:

- The owners wanted to tear down the existing cottage and rebuild the newer structure further back from the Lake.
- The lot was less than the required 10,000 sq. ft. in an R-1 district.
- The proposed deck and stairs were less than 10 ft. from the side property line.
- Currently working with the State for the proposed leach field.
- Has been working with the Highway Superintendent about the need to cut 2 ft. beyond foundation location into the bank during construction.

- Silt fence and tarping would be used for erosion control.
- Existing tank under driveway would be removed.
- Demolition work would mostly be done by barge.

Mr. Hand inquired what was existed on the property as of today.

Both Ms. Kogut and Mr. Hillman stated the following:

- Ms. Kogut owns the lot across from the existing cottage that is co-owned by her and her brother.
- The lot across the existing cottage has a different tax parcel.
- If the variance is granted, the new leach field would be located on the lot she owns so that the leach field wouldn't be under the driveway as it is today.
- The proposed cottage would be further back from the Lake, but would still require relief from the high water mark and side yard setback.

Mr. Hand stated that the applicants were seeking the following 3 variances:

- Construction of a structure on an undersized lot less than 10,000 sq. ft. in an R-1 district.
- Relief from the high water mark for the new construction.
- Relief on the south side from the side yard setback for the proposed deck and stairs.

Mr. Harrop stated the following:

- At this point, the applicants have supplied architectural drawings but not engineered ones.
- A floodplain permit would be required.
- The actual foundation wall extends upward.
- The Highway Superintendent has given the applicants a Road Use Agreement to complete.

No one was present to express any concern about this application.

Ms. Kurtz stated 11 letters were sent to the neighboring property owners' and only the Rickard's came to the June 6th Planning Board meeting to voice their concern about possible water run-off onto their property.

Mr. Hand closed the public hearing.

Upon further discussion, Mr. Hand stated the applicant was seeking the following variances:

- A 22 ft. variance from the high water mark.

- A 7 ft. from the south side property line for the stairs and deck.
- Construction on a non-conforming lot in an R-1 district.

Mr. Hand proposed the 3 variances be combined for the 5 test questions required by NYS. (On file).

Ms. Dietrich made a motion to approve the variance granting construction on a non-conforming undersized lot in an R-1 district, with the cottage no closer than 3 ft. to the high water mark, the deck and stairs no closer than 3 ft. on the south side of the property line; and with the following stipulations:

- As per submitted plans.
- A signed Road Use Agreement.
- Any temporary shoring required during construction for bank erosion will be the responsibility of the land owner.

Seconded by Mr. Hand.

A roll call vote was taken to table Variance Application 05V15. Ayes-2. Nays-0. Abstain-0. Absent-2.

COMMUNICATIONS:

VARIANCE APPLICATION 04V15: Sharon Kelly. Property located at 9620 Silsbee Rd., Town of Wayne. Request to add onto existing non-conforming structure.

This application was heard then tabled at the July 11, 2015 until the applicant could clarify what they wanted to do.

Ms. Kelly was present to state the following:

- She was here to withdrawal her request for variance. (Letter on file).
- The existing structure would be used only for storage and as a temporary office for herself.
- They were currently contracting with Homes by Sherri to place a home within the buildable portion of the property.

Mr. Harrop stated NYS requires any water coming in must have a process for the water to coming out. He further recommended a port- a- john at the site.

As there was no further business, Ms. Dietrich made a motion to adjourn, seconded by Mr. Hand. Ayes-2. Nays-0. The meeting was adjourned at 8:00PM.

Sincerely,
Maureen Kurtz