

MINUTES OF THE TOWN OF WAYNE  
PLANNING BOARD  
December 7, 2015

The December 7, 2015 meeting was opened with a roll call at 7:00PM.

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS PRESENT: Glenn Neu, Chair	<u>  X  </u>	<u>      </u>	<u>      </u>
Nancy Gabel	<u>  X  </u>	<u>      </u>	<u>      </u>
James Hancock	<u>      </u>	<u>  X  </u>	<u>      </u>
Chris Mooney	<u>  X  </u>	<u>      </u>	<u>      </u>
Stan Witkowski, Vice-Chair	<u>  X  </u>	<u>      </u>	<u>      </u>
Donna Sue Kerrick	<u>      </u>	<u>  X  </u>	<u>      </u>
Dennis Carlson, liaison	<u>  X  </u>	<u>      </u>	<u>      </u>
Gill Harrop, CEO	<u>  X  </u>	<u>      </u>	<u>      </u>

ALSO PRESENT: Jon Serdula Autumn Serdula  
Candy Dietrich

**MINUTES:**

Mr. Witkowski made a motion to approve the November 2, 2015 minutes as presented, seconded by Ms. Gabel.

A roll call vote was taken by stating Aye. Ayes-3. Abstain-1. Nays-0. Absent-2.

**NEW BUSINESS:**

**SITE PLAN APPLICATION(s):**

**Peter Ungerland:** Property located at 9921 Day Rd., Town of Wayne. Request to construct a 125 ft. by 48 ft. pole barn on property.

Ms. Gabel made a motion to accept the application as submitted, seconded by Mr. Witkowski.

Mr. Harrop stated the following:

- The proposed project met all setback requirements.
- The site was fairly level with only minor grading needed.
- He had no issue with this request.

Upon review and after discussion, the following items were noted:

- The applicant met all setback requirements.
- It was a Type II action.
- There would be no running water or electric.
- The application was pretty cut and dried.

A roll call vote was taken to approve the application as submitted. Ayes-4. Nays-0. Absent-2.

**Ken Berard:** Property located at County Route 94, Town of Wayne. Request to place a 18 ft. by 21 ft. carport on property.

Mr. Witkowski made a motion to accept this application, seconded by Ms. Gabel.

Mr. Harrop stated the following:

- This request was basically the same as the previous request.
- The proposed project met all setback requirements.
- The site was fairly level with only minor grading needed.
- He had no issue with this request.

Upon review and after discussion, the following items were noted:

- The applicant met all setback requirements.
- It was a Type II action.
- The applicant wouldn't need to comeback at a future date, since the applicant stated on the site application that they would be adding sides later on.

A roll call vote was taken to approve the application as submitted. Ayes-4. Nays-0. Absent-2.

### **COMMUNICATIONS:**

Mr. Neu stated he had been in conversation with the Zoning Board, Mr. Harrop, Supervisor Butchko and Assessor Torp regarding the location of proposed subdivision and its best use.

Mr. Neu then gave a brief history about the proposed subdivision:

- The subdivision request was first reviewed as a prelim subdivision application on August 18, 2015, at that time the Planning Board thought it could be a lot line adjustment.
- It was referred to the Zoning Board of Appeals for a variance.
- On October 8, 2015 the Zoning Board of Appeals heard the request as a variance, and noted according to subdivision regulations; a lot line adjustment could only be done in like districts. (Mr. Serdula's property is located in R-1 and Mr. Sonner's property is located in AG-R).
- The proposed subdivision would create an undersized lot in an AG-R district.
- According to section 1.8 of the subdivision regulations, the Planning Board needs to send a recommendation for the proposed subdivision onto the Zoning Board.
- The variance is tabled until the requested recommendation is received.

Mr. Serdula stated the septic system was approved when he bought the property in July of 2014 and since has had problems with the leach field.

Following discussion, the following items were noted:

- The septic system seems to be going into failure due to the existing garage being located on half of the leach field.
- According to Department of Health requirements, wells are to be 100 ft. from septic.
- The existing well is located too close to the septic system and could be a health hazard not only to Mr. Serdula, but to his neighbors.
- The Planning Board should review this as an opportunity to better manage waterfront properties.
- The variance request reflects no hardship for Mr. Sonner and would be hard to prove.

Mr. Harrop stated the Planning Board should make a statement, rather than a recommendation to the Zoning Board of Appeals.

Upon further discussion, the Planning Board felt that there were four options open to Mr. Serdula:

- 1) Ask Mr. Sonner to sell the whole parcel of land to him.
- 2) Seek a permanent easement from Mr. Sonner for the proposed septic system.
- 3) Put in a holding tank.
- 4) Present a reasonable argument to the Zoning Board of Appeals that the proposed subdivision would be a benefit not only to himself but to his neighbors.

Upon further discussion, Ms. Gabel made a motion to have the Planning Board write a letter to the Zoning Board of Appeals recommending a variance for David Sonner allowing for a substandard lot since Mr. Serdula's hardship was not self-created and that the parcel be used for the relief of sewer and overall water quality, seconded by Mr. Witkowski.

Mr. Neu stated if the Zoning Board of Appeals granted the variance, the applicant would then need to come back to the Planning Board for a subdivision, at which time there be a restriction that the proposed parcel have in place an approved septic system with engineered plans.

A roll call vote was taken to approve the application as submitted. Ayes-4. Nays-0. Absent-2.

Mr. Neu stated he would draft a letter to the Zoning Board of Appeals prior to their December 10, 2015 meeting.

Ms. Gabel made a motion to adjourn the meeting at 8:41PM, seconded by Mr. Witkowski. Ayes-4. Nay-0. Absent-2.

Respectfully,

Maureen Kurtz