

MINUTES OF THE TOWN OF WAYNE
 ZONING BOARD OF APPEALS
 March 4, 2019

The meeting opened at 6: 35 PM with a roll call of the members.

	PRESENT	ABSENT	LATE ARRIVAL
MEMBERS: Candy Dietrich	<u>X</u>	—	—
Greg Blessing, alt.	<u>X</u>	—	—
Bill Feinstein	—	<u>X</u>	—
Wayne Hand	—	<u>X</u>	—
John Walton	<u>X</u>	—	—
Gill Harrop, CEO	—	<u>X</u>	—

ALSO PRESENT: Gary Osborne	Attorney Baker
Steve Tarcza	Lucy Tongue
John Wylie, Crooked Lake Court Rep.	
David Sensenig	Darell Button

MINUTES:

The October 1, 2018 minutes were unable to be approved at this time due to Mr. Feinstein’s absence.

Ms. Dietrich made a motion to approve the February 4, 2019 minutes as presented, seconded by Mr. Walton.

A roll call vote was taken.

Candy Dietrich-Aye John Walton-Aye Greg Blessing-Abstain

Ayes-2 Nays-0. Abstain-1.

NEW BUSINESS:

APPEAL APPLICATION NO. 02V19: Public Hearing. Andrew Cimino. Property located at 9567 Garrett View., Town of Wayne. Request to construct a 14’ by 43’ deck with stairs going down to beach. 1.0, H,J

Mr. Sensenig, contractor for the Cimino’s was present to represent the Cimino’s and stated the following:

- The new deck would be constructed over the existing stairs that are currently 6’ from the neighbors.
- The new deck would be on the same footprint as the existing steps, just slightly higher.

- New stairs from the lower landing would need 25' relief from the high water mark.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 26 letters were sent out and no responses were received back.

As no one was present to express any concern, Mr. Blessing closed the public hearing.

Mr. Walton made a motion to accept the application as presented, seconded by Ms. Dietrich.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No.
3. Whether the requested variance is substantial: No.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
5. Whether the alleged difficulty was self-created: Yes.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Mr. Walton made a motion to approve Appeal Application No. 02V19 as per plans submitted to the Zoning Board of Appeals dated 2/19/2019, seconded by Ms. Dietrich.

A roll call vote was taken. Ayes-3. Nays-0.

Mr. Sensenig signed the responsibilities and conditions agreement. (On file)

APPEAL APPLICATION NO. 03V19: Public Hearing, Crooked Lake Court LLC/Tarcza. Property located at 9995 Sunfish. Request addendum to Variance 18V16 for additional relief for 3 decks.

Mr. Wylie representative for Crooked Lake Court LLC was present to state:

- The 3 decks were approved for variance in March 28, 2017.
- The decks were constructed while the park was closed for the season.
- The sizes on all 3 decks were increased without permission from either Crooked Lake Court or the Town of Wayne.

Mr. Tarcza, owner of the trailer stated:

- He was not present when the construction occurred as they were going through health issues.
- The Northside deck and stairs were built to 8' by 7.4' to allow for straddling over an existing septic tank.
- The other two decks allowed for better accessibility.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 13 letters were sent out and no responses were received back.

As no one was present to express any concern, Mr. Blessing closed the public hearing.

Attorney Baker inquired what would it profit anyone at this time to make the structures conform to the previously approved plans.

Upon discussion, the following items were noted:

- All approved structures were enlarged from 160 sq. ft. to 190 sq. ft.
- The owners and Crooked Lake Court need to be held accountable.

The 5 test questions were then reviewed and answered as required by NYS.

1. Whether an undesirable change to the character of the neighborhood will take place or if it would be a detriment to nearby properties: No.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes.
3. Whether the requested variance is substantial: Yes.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No.
5. Whether the alleged difficulty was self-created: Yes.

It was then determined that the Benefit to the Applicant did outweigh the Detriment to the Neighborhood or Community.

Upon further discussion, Ms. Dietrich made a motion to approve Appeal Application 03V19 with the following stipulations:

- The Northside deck and stairs to be changed to 6' long by 4' wide
- The other two decks can remain the same.
- No other stairs or decks to be constructed without a permit or variance on the property.

Seconded by Mr. Walton.

A roll call vote was taken. 3-Ayes. 0-Nays.

Both Crooked Lake LLC and Tarcza signed the responsibilities and conditions sheet.
(On file)

APPEAL APPLICATION NO. 04V19: Public Hearing, Crooked Lake LLC/Tongue-Caterini. Property located at 9989 Sunfish. Request addendum to Variance 17V16 for deck.

Ms. Tongue stated the following:

- The existing decks that were there previously there were destroyed when the new trailer was put in.
- They thought there wasn't an issue with the new deck. (E-mail on file)

Attorney Baker stated that Crooked Lake Court LLC didn't hire the contractor but that the owner did. He further inquired if it really created a huge issue.

Mr. Blessing opened the public hearing.

Ms. Kurtz stated 13 letters were sent out and no responses were received back.

As no one was present to express any concern, Mr. Blessing closed the public hearing.

Upon discussion the following items were noted:

- The applicant went from 564 sq. ft. to 960 sq. ft.
- No one seems to be following the rules.
- According to Attorney Maura, replacement should be on the same footprint.
- The application was tabled February 8, 2017 until the applicant could come back with a plan with the same footprint and placement as the original unit.
- On March 9, 2017 Ms. Tongue readjusted her plans to the original footprint showing no decks, just steps and Variance Application 18V16 was approved with the condition they be built as per 3/28/17 addended plans.

Attorney Baker inquired if the application could be tabled in conjunction with a meeting with the Code Enforcement Officer.

Ms. Dietrich made a motion to table the Appeal Application 04V19 until April 1, 2019.

As there was no further business, Ms. Dietrich made a motion to adjourn the meeting at 7:40PM, seconded by Mr. Walton.

Respectfully submitted, Maureen Kurtz