

MINUTES OF THE TOWN OF WAYNE
ZONING BOARD OF APPEALS
May 1, 2023

The meeting opened at 7:00 PM with a roll call of the members. The meeting was held in-person and via Zoom at the Town Hall.

	PRESENT	ABSENT	LATE
MEMBERS: Wayne Hand, Chair	X		
Jon Serdula	X		
David Westcott	X		
Emily Jennifer Rouin	X		
Karsten Konig		X	
Jason Ferris, Alt.	X		
Candy Dietrich, alt		X	
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Brian Nowlan, Andrew Mattle, Mahlon Esh, Tom Edwards, John Randall, Ian Wydra, Nathan Es

Agenda Review

No changes to agenda as presented.

Minutes

Minutes of the April Meeting were reviewed and approved. Motion by Mr. Westcott, 2nd by Mr. Ferris, Mr. Serdula abstained.

Appeal No. 08V23: Kurt and Brenda Schmidt Property Tax ID #077.19-01-009.000, 11915 East Lake Road, Town of Wayne in LR-1. Variance of Sec. 1.0.3,f,k Secondary Building Height and 1.0.3,F ,b, and c setbacks and lot width of main structure needed to build a 1.5 story garage.

Mr. Edwards is the contractor for the Schmidt project and presented the plans for the owns who were not in attendance. Mr. Hand asked if Mr. Edwards had any additional drawings or maps that had measurements of setback from lot lines. Mr. Edwards did not. The project was tabled with a request that maps with lot lines and setback measurements be provided before the board reviews the matter again.

Appeal No. 09V23: Sandra Burns Property Tax ID #064.14-01-022.000, 9639 Crystal Beach Rd., Town of Wayne in LR-1. Variance of Sec. 3, 4, B, 6 for addition of a second story on a pre-existing non-conforming structure.

Mr. Wydra who is Ms. Burns contractor presented the project. Ms. Burns was not in attendance. The project is to build a second story and balcony onto an existing non-conforming cottage. The proposed balcony, on the lakeside of the house will need 11 feet of setback relief from the mean high-water line and about 2 feet of setback relief from the neighbor's lot line.

Public Comments were opened and closed with no comments, letters or emails offered.

The board considered the project. There is no sightline or viewshed issues. Footprint of the building will not change.

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A motion was made by Mr. Westcott and seconded by Ms. Rouin to approve the project. Motion 09-23 was unanimously approved to expand a pre-existing, non-conforming structure. Relief was granted as follows: 11' of setback relief from the mean high-water mark, 2' of relief from the NE lot line, and project is to be built according to plans submitted 4/18/2023.

OLD BUSINESS

Appeal No. 05V23: Andy Mattle Property Tax ID #064.11-01-048.00, 14173 Keuka Village Road, Town of Wayne in LR-1. Sec 3,4.b.c expansion of pre-existing non-conforming structure, non-conforming setbacks, lot coverage greater than 25%

Mr. Mattle has redesigned the project, making the requested area to be decked much smaller. He proposed only replacing the current deck area and adding decking toward the NE lot line so that the final deck will be roughly rectangular 23'6" x 20'.

Mr. Hand stated that the Town has sought clarification on the definition of the Mean High-Water line. Going forward the Town will continue to use the previous definition used in the LUR which is the natural shoreline at 715.3' above sea level.

The new deck plan will need setback relief of 25' from the mean high-water line. And 9.5' of relief from the NE lot line. The addition to the deck as proposed will increase the lot coverage by 5.5%.

Public Comments opened and closed with no comment, letters or emails.

Mr. Hand made a motion to approve expansion of a pre-existing, non-conforming structure. Relief was granted as follows: 9.5' of setback relief from the NE lot line, 25' relief from the Mean High-Water Mark, and an increase of lot coverage by 5.5%. Deck is to be built according to plans submitted and discussed at meeting of May 1, 2023 which includes only reconstructing existing Deck and adding decking (section b) on the northeast side. Ms. Rouin seconded. The motion passed unanimously.

Appeal No. 05V23: John Randall Property Tax ID #092.20-01-010.000 4190 Shorewood Dr., Town of Wayne in LR-3. Request relief LUR section 1 of setbacks and height for new building.

The board reconsidered Mr. Randall's modified plan for the garage project. He will remove the existing shed and a concrete pad to decrease lot coverage and there will be a grass approach to the 1st story of the [AG1] garage from Shorewood Road instead of a paved drive [AG2][AG3]. The current drive will remain gravel.

Mr. Hand read from the LUR the method to calculate lot coverage. Lot coverage was a concern to several board members. Mr. Hand pointed out that the increase in lot coverage would be about 11% with the changes Mr. Randall had agreed upon.

Mr. Hand made a motion, seconded by Ms. Rouin to approve request #05-23 to build a garage. Relief was granted as follows: 9' of maximum height relief, 4' set back relief from the south lot line, and an increase of 11% of lot coverage. Project is to be built according to plan presented at the May 1 meeting and built according to plan submitted to code officer 2-28-2023. Motion passed 3 to 2.

General Announcement

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A conversation started among the board members about the need to revisit the LUR and refine some definitions and procedures for application. Mr. Hand will bring this up to the supervisor.

Adjournment The meeting adjourned at 8:00 PM.

Submitted by: Amy Gush, Board Secretary