

MINUTES OF THE TOWN OF WAYNE  
ZONING BOARD OF APPEALS  
August 5, 2024

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			
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Kathleen Bates, Alex Ryan, Vince Dingianni, Diane Dingianni, Jan Durning, Kathleen Patterson, Aaron Hoover

**Agenda Review**

No change to agenda

**Minutes**

Minutes of the July 1, 2024 meeting were approved.

**New Business**

**Appeal No.07v24: John Roe**, Property Tax ID # 078-000-01-022.100, 9525 CT. Rt. 97. Town of Wayne in HC-2, Sec 1. Setback relief.

Kathleen Patterson is the relator for a transaction between Mr. Roe and Mr. Hoover. She represented that Mr. Roe and Mr. Hoover wanted to secure a variance on setbacks that would allow Mr. Hoover to build a house on the pre-existing, non-conforming lot before closing the transaction.

Public Comments opened. No letters or emails were received concerning the project. Public Comments closed.

After looking at the plot map and reviewing the setbacks for that zone; the board granted setback relief of 20' on the north boundary line and 14' on the south boundary line.

**Appeal No.08v24: Antony and Jan Durning** Property Tax ID # 064.08-01-37.000, 14559 Keuka Village Road. Town of Wayne in LR-2, LUR Sec 3 Retaining Wall over 4', Sec 3 Steep Slope, Sec 3 Alteration of non-conforming structures, Sec 1. Setback relief.

Ms. Durning wishes to build new stairs with landings and to install a tram to access her lakeshore. The build takes into account a steep slope abutting Keuka Village Road. Two new retaining walls, one 6' high and another 8' high would be needed to retain the lower part of the cliff and contain any erosion from above.

Mr. Hand identified several issues that might need a variance to allow for the project:

1. The alteration and expansion of pre-existing, non-conforming structures on a pre-existing non-conforming lot.
2. The build would be in the road right-of-way.
3. Steep slope issues as grade is much greater than 25%.
4. Setback from the mean high-water mark would need relief
5. Resulting build could result in up to 29% of the lot coverage.

Ms. Durning shared that the existing boathouse and deck were to remain as is and that the tram would land on the current decking. The stairs replace the existing stairs. And the retaining walls are to stabilize the steep bank.

Mr. Hand inquired as to how the top of the bank would be stabilized? Ms. Durning said that her engineer thought that the lower walls would shore up the bank and prevent further erosion.

Public Comments Opened, Mr. Dingianni said that he thought that when/if the town ever had to stabilize the road above, that would damage the work below and possibly cost the town additional money to maintain the roadway. This led to conversation about maintaining the bank and the roadway. Another neighbor (Alex?) suggested that we should not be looking at the erosion problem on a property-by-property bases, rather seek a solution that best works in that area of the road regardless of the individual properties.

As this point Mr. Hand suggested a change to the agenda recommending the board move onto the Bates request and come back to the Durning request while also considering the Weis request which is nearby and also calls for a retaining wall in the Keuka Village Road right-of-way. The Board agreed to adjust the agenda.

**Appeal No.09v24: Kathleen Bates** Property Tax ID # 078.67-01-048.000, 9803 Bubbling Springs Row, Town of Wayne in LR-3, LUR Sec 3 Alteration of non-conforming structures, Sec 1. Setback relief.

Ms. Bates has an older 5<sup>th</sup> wheel camper that occupies her pre-existing, non-conforming lot. A large tree fell on and damaged the camper and as a result she wishes to build a shed roof over the camper to keep it dry and protect it. In order to do this, she will need setback relief from the existing property lines and to alter a pre-existing structure, on non-conforming lot (build the shed roof). She is seeking 5' setback relief and a height variance for the new roof.

Public Comments opened. No letters or emails were received concerning the project.  
Public Comments closed.

The board granted the 5' of setback relief and allowed for a maximum roof height of 37.5 '

The Board then took up the Weis property along with considering the Durning property.

**Appeal No.10v24: Jude and Debbie Weis** Property Tax ID # 064.08-01-026.000,14546 Keuka Village Rd., Town of Wayne in LR-2, LUR Sec 3 Sec 1. Setback relief and bulk requirements.

Mr. Weis presented a plan to build stairs, tear down and replace the boathouse, and add decking to allow safer and more practical access to his shoreline. This project also has the same issues as the Durning case. Mr. Weis's plan calls for building a retaining wall out of huge concrete blocks that will ascend to the height of the roadway. He presented schematics of the wall, structure, decking and how the blocks would stack and hold the bank.

Public Comments opened. No letters or emails were received concerning the project.  
Public Comments closed.

There was concern among the board about the total lot coverage of the proposed new build. Mr. Hand indicated that more information was needed from Mr. Weis as to the following:

1. Dimensions from the road right of way for all structures
2. Location of the mean high-water line.
3. Dimentiosn of the proposed deck and new boathouse.
4. Calculation of the total lot coverage if approved. He reminded Mr. Weis that this included the land above Keuka Village Road as the shoreline and above are one tax lot. The width of the top course of the retaining wall would also need to included in the lot coverage calculations.

The board voted to table both the Durning and Weis decisions until the next board meeting.

### **General Announcement**

**Adjournment**      The meeting adjourned at 9:17 PM

Submitted by: Amy Gush, Board Secretary