

MINUTES OF THE TOWN OF WAYNE

ZONING BOARD OF APPEALS

December 2, 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	X		
Dave Bauer, Board Liaison	X		
Gill Harrop, CEO		X	

ALSO PRESENT: Lori Foster, David Harmon, Nolan Kokkoris (zoom), Roberta and Phil Harris, Joe Hope, Richard Rosenberg.

Agenda Review

No Changes to the agenda

Minutes

Minutes of the November 11, 2024 meeting were approved with the changes made by Mr. Hand. Ms. Dietrich made the motion. Mr. Konig seconded. Mr. Ferris abstained. Minutes approved.

New Business

Old Business

Appeal No.17v24: Daniel and Mary Ellen Hamm Property Tax ID # 064.00-01-037.121 10076 Hyatt Hill Road, Town of Wayne in HS-1, Town of Wayne Short Term Rental Law, Number 1, 2023

The board convened to review the offer negotiated by the town attorney and the attorney for Mr. & Mrs. Hamm.

Mr. Kokkoris (the Hamm's attorney) outlined the details of the offer as:

1. A nine (9) month suspension of rental permit with the exception to honor 2 rentals previously booked on May 1-4 and May 16-18 of 2025.
2. Pay a \$6500 fine.
3. Cover the town's legal fees up to \$3500.

4. Suspension to end June 9, 2025.

Public Comments opened

Ms. Foster asked why are the May bookings allowed?

Mr. Harmon commented that the penalty did not seem very strict.

Dr. Harris pointed out that with the suspension ending in June they still can rent during the summer season and this did not seem harsh. He also raised the issue of health concern for the renters exposed that night.

Mr. Ferris acknowledged the comments and pointed out that the Hamms had already lost business canceling fall rentals.

Mr. Serdula stated that this case is perhaps cause for the town to revisit the new rental law to refine the statute.

Public Comments closed at 7:13 PM.

Mr. Dietrich refocused the conversation reminding all that they only could consider the law as written and the facts before the board at present. Mr. Westcott felt this was a grievous situation and a strong penalty should be imposed. Ms. Rouin agreed, however she also pointed out the potential cost to the town of additional litigation on this issue.

After additional conversation about the situation and proposed fine and suspension, Ms. Dietrich made a motion to approve the negotiated settlement Mr. Buck and Mr. Kokkoris had proposed, “a nine-month suspension of all rentals until June 9, 2024 with allowances for the two rentals in May, a \$6500 fine, and the Hamms are to pay up to \$3500 in town attorney fees.” Mr. Konig seconded the motion.

All approved the motion. The board’s decision will be communicated to the Town Board Members.

Meeting adjourned at 7:45 PM

Respectfully,

Amy Gush
Secretary