

# TOWN OF WAYNE PLANNING BOARD

## Minutes

September 20, 2021

### REGULAR MEETING

In attendance: Rhett and Theresa Nelson, Don Robbins, Roberta and Phil Harris, Alex Ryan, Daniel Hamm, LuLu Martin, Lori Foster, David Harman.

	Present	Absent	Late
Roll Call			
Stan Witkowski	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Shonna Freeman	<u>X</u>	___	___
Scott Hendershott	<u>X</u>	___	___
Don Robbins, alt	<u>X</u>	___	___

### **MINUTES:**

Mr. Mooney made a motion to accept the minutes of the August 9, 2021 meeting. Ms. Kerrick seconded the motion. Motion approved.

### **AGENDA REVIEW**

No changes to the agenda.

**NEW BUSINESS:** There is no new business to consider.

### **UNFINISHED BUSINESS:**

#### **BP 050-21 Rhett and Theresa Nelson to build a tiny house or site an RV**

Ms. Kerrick made a motion to accept the application site plan review for BP 050-21 Rhett and Theresa Nelson to build a tiny house or site an RV on their property. Mr. Witkowski reviewed the application packet - noting the Zoning Board of Appeals had granted setback relief from St. Rt. 54 on 6/22/2021. Further, as this is a type II action SEQR is waived. Mr. Witkowski also reviewed issues raised by the current land use regulation and this project.

A discussion ensued:

1. The plan as submitted has triggered some issues with respect to the current Land Use Supplemental Regulations. Sec. 3 .G
  - This plot already has an existing RV in addition to the new structure on the new trailer, only one RV is allowed in this district.

- An RV must be located in the buildable portion of the lot, the tiny home/RV is not in the buildable portion of the lot as it overhangs a ravine.
- A RV cannot be stored in the Right of Way
- The new structure is being characterized by Mr. Nelson as an RV, however the vehicle is not registered as an RV. Mr. Hendershott asked if Mr. Nelson had title to the trailer. Mr. Nelson said no.
- The current location of the deck and trailer encroach on the ravine which is incompatible with the Comprehensive Plan recommendations "The Town must aggressively address the issue of drainage, sedimentation, and erosion as it pertains to any land use situation, including stopping encroachment and filling in natural ravines - Pg. 39".

Mr. Nelson pointed out the letter from Soil and Water's Jeff Parker. Mr. Nelson feels that this letter OK'ed his decision to build the deck into the slope of the Ravine. Mr. Witkowski said that he interpreted the letter as a commendation on the build of the deck, but it does not provide permission for the deck to be built there. Soil and Water has no jurisdiction over the planning process in Wayne. Further conversation ensued during which Mr. Nelson stated he did not feel that the trailer and deck location impacted the ravine, nor was either in danger from the flow of water.

The Board passed around the picture of the deck and trailer/RV and Mr. Witkowski pointed out that from the photos and maps provided the site is beyond a buildable slope on the ravine side of the project. A steep slope is defined as a grade of 15% - 25%. Mr. Nelson felt that the tiny house/RV and deck were well built and secure. Mr. Nelson did acknowledge he built into the ravine.

Mr. Hendershott asked Mr. Witkowski if relief can be sought to build on a steep slope. Mr. Witkowski said no.

Mr. Hendershott asked if Mr. Nelson had sought a building permit when he started the tiny home/Rv and deck project. Mr. Nelson said no.

Mr. Hendershott and other board members wondered if it would be possible to engineer a solution that could change the ravine/slope to change the grade to a buildable slope. After much conversation Mr. Nelson said that option was not of interest or affordable.

Mr. Witkowski called the question and asked for a vote on the application as submitted. A roll call vote was conducted, all Board members voted against approving the site plan. The application is denied.

### **Pre-application review, continued, Hamm Event venue.**

Next the board turned their attention to continuing the pre-application review of the proposed event venue on Hyatt Hill.

Mr. Witkowski acknowledged Mr. Hamm's response to the concerns outlined after the first discussion on July 12, 2021. Mr. Witkowski read Mr. Hamm's written response to each issue. Mr. Witkowski also specifically pointed out that the phrase in the written response indicated that the final resolution for identified issues will be submitted with the building permit application. Mr. Witkowski counseled the applicants that the details and plans to address concerns should be in the final application for site plan review as the planning board needs a complete and thorough plan to properly evaluate a project. Following the outline of Mr. Hamm's response to questions raised at the July meeting a conversation ensued:

1. Traffic and parking: Mr. Witkowski read Mr. Hamm's response. This a major concern given the proposed number of cars (164). The board may request professional studies and review of these issues including, but not limited to, a traffic study and DOT input on the situation. Other issues include: emergency vehicle access and egress to the property and surrounding homes, traffic impact on St Rt 54 intersection and safety at intersections. Mr. Hendershott inquired about access for large passenger busses. Mr. Hamm indicated that large coaches would not be used to transport guests to the venue.
2. Size of the parking lot and disruption of the land as a percentage of total acreage. Mr. Witkowski read Mr. Hamm's response.  
Mr. Hamm stated that the parking lot was to remain a grass field, it would not be a gravel or paved lot. Mr. Witkowski indicated that a full plan, professionally drawn plan, would be helpful in the final application. Mr. Hendershott stated he did not think a grass field would hold up to the proposed level of use of 160+ cars each weekend for several months. Is there to be geogrid stabilizers installed? Mr. Ryan asked for clarification on information the board would like to review. Mr. Witkowski suggested a complete plan that demonstrate a satisfactory traffic, parking and egress plan that ensures safety for the guests, area residents and others on the roads.
3. Sanitary concerns: Mr. Witkowski read Mr. Hamm's response. Mr. Witkowski stated that as the guests and caterers have access to the house water and facilities that Department of Health regulations would be in play. Mr. Ryan indicated that a separate building was planned for event

restrooms. He also said that he has consulted with the Department of Health and they indeed indicated that the venue would have to have a DOH approved system and regulations.

4. Land use intensity: Mr. Witkowski read Mr. Hamm's response. Mr. Witkowski said that the proposed use will be much more intense than the current residential use. He stated that the planning board will consider the percentage of use of the proposed new venue.
5. Impact on residential neighborhood. Mr. Witkowski read Mr. Hamm's response. Mr. Witkowski shared that the board would be concerned that the project is a commercial venture in a residential area. The scale of the venture could be very disruptive – 300 guests, noise, light, traffic, guests wandering, etc. He noted that Mr. Hamm's response characterized the disruption as occasional, intermittent and seasonal. However, the proposal previously discussed indicated that there could be an event or two every weekend from May through October.
6. Lack of Supervision: Mr. Witkowski read Mr. Hamm's response. Mr. Witkowski stated that the neighbors are already experiencing noise and disruption from the property which is now being used as an Air BNB type rental. Unlike a traditional BNB with a landlord onsite, how do you proposed to manage the crowds, noise and disruption? The site plan would have to include plans to contain the noise, light, and general disruption to the residential nature of the area. Mr. Witkowski did acknowledge that use as a community space was an allowed use in the LUR. However, this is distinctly different than the use of the adjacent properties.
  - a. Mr. Hamm spoke to using an adjacent property to plant crops and encourage agritourism. Mr. Witkowski expressed his concern as to the legitimacy of farming that land if you have many people constantly walking through the field.
7. Portable toilets: Mr. Witkowski clarified that the town LUR and regulations indicate that a portable toilet can only be on a property for one week. That is not one week per discreet event.
8. Food and Alcohol: Mr. Witkowski read Mr. Hamm's response. The caterer, event planner, or event host will be responsible for attaining the proper permits for each event. There would also be an event manager – on staff of Mr. Hamm's company, who would be responsible for event control.

Next the meeting was opened to hear community comment.

Letters and Emails received where acknowledge and are attached as part of the meeting record.

With no additional matters to consider, Ms. Gabel made a motion to adjourn. Mr. Witkowski seconded and the meeting adjourned at 8:11 PM.

Respectfully Submitted,

Amy Gush  
Board Secretary