

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

August 15, 2018 AT 7:00 PM

Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Matthew Owen, Dean Witmer

CALL TO ORDER

ATTENDANCE and PLEDGE: Robert Aliasso - Excused Absence

ANNOUNCEMENT

All matters heard by this Zoning Board of Appeals are in the form of a public hearing. Everyone desiring to be heard will be heard. Before speaking, you are asked to state clearly your name and address. There are two types of matters that come before this Board. They are Variances and Interpretations. The application will be denied unless the applicant has proven his/her case.

Town Board Resolution adopted September 10, 1992 - NOW, THEREFORE, BE IT RESOLVED, that the Town of Henderson hereby agrees that the following actions shall be considered to be of a local rather than of inter-community or county-wide concern and shall therefore be exempt from referral to the County Planning Board pursuant to General Municipal Law, Section 239m: All area variance for lot size or lot width, if the required lot line setbacks can still be maintained; All single and two-family residential set-back variances (including those for manufactured homes, modular homes) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways; All front, rear, and side lot line set back variances for accessory structures (i.e. garages, sheds, decks, etc.) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways; All use variances for single and two-family residences; All use variances for home occupations.

The hearings shall begin at the designated day, time and place as advertised. A presentation of the project will be made. After the presentation, written correspondence will be identified and read. Thereafter public comments will be entertained. All those who wish to speak must sign in. There will be a limit of three (3) minutes. You will be called in the order you signed-in. All comments should be preceded by the person giving their name and general address. There will be no interruptions or cross-conversations in the audience.

If one or more Board member(s) is/are absent all applicants are offered to wait for a full Board if they are more comfortable or may decline the offer.

HEARING #1

Request of Donald & Bella Vann

Located at 9614 Cty Rt 71

On Parcel # 106.09-2-21.2

In Residential

Bordering Property Owned by John & Carrie Taylor, Joseph Hoffman and Alden Lagray

For an 8x8 shed requesting a reduced front set back variance

DISCUSSION: Shed has already been placed on site. A 30' front variance would be required. Owner was asked if another location for instance off to the side or outback was possible. Stated that there was not enough room off to side and was not sure how well it would work out back. Potential hazard for neighbors when pulling out of driveway as view would be impaired.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by N/A second by N/A declares the proposed action to be a TYPE II – N/A Action under Article Eight of the NYS Environment Conservation Law, which determines there is no significant impact on the environment and no further review is necessary.

Roll Call voting N/A: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Matthew Owen

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

1. Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties? 4 Yes No

Reasons:

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: 4 Yes No

Reasons:

3. Whether the requested variance is substantial: 4 Yes No

Reasons:

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: 4 Yes No

Reasons:

5. Whether the alleged difficulty was self-created: 4 Yes No

Reasons:

DETERMINATION OF ZBA BASED ON ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and motion, finds that

4 the Benefit to the Applicant **DOES NOT** Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

 the Benefit to the Applicant **DOES** Outweigh the Detriment to the Neighborhood or Community and therefore the variance and motion request is granted.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

HEARING #2

Request of Kevin & Florence Chatfield represented by Jeff Fargo

Located at 14921 Lower Hovey Tract Rd

On Parcel # 97.15-1-21

In Lakefront

Bordering Property Owned Kyle Proia, Susan Griffen and Hovey Family Trust

For a 10'x20' shed requesting a side lot line variance

DISCUSSION: Rear set back of 10' variance required, side set backs are met. Existing walkway and driveway make it difficult to move to another location and slope of lawn are factors as well.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Matthew Owen second by Fredrick Caswell declares the proposed action to be a TYPE II – 12 Action under Article Eight of the NYS Environment Conservation Law, which determines there is no significant impact on the environment and no further review is necessary.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Matthew Owen

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

1. Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties? _____ Yes 4 No

Reasons:

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: _____ Yes 4 No

Reasons:

3. Whether the requested variance is substantial: _____ Yes 4 No

Reasons:

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: _____ Yes 4 No

Reasons:

5. Whether the alleged difficulty was self-created: 4 Yes _____ No

Reasons:

DETERMINATION OF ZBA BASED ON ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and motion, finds that

_____ the Benefit to the Applicant **DOES NOT** Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

4 the Benefit to the Applicant **DOES** Outweigh the Detriment to the Neighborhood or Community and therefore the variance and motion request is granted.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

ADOPTION OF PREVIOUS MINUTES:

MOTION by Matthew Owen, second by Fredrick Caswell, accepts the amended July 18, 2018 meeting minutes.

Roll Call voting yes: Fredrick Caswell, Jerry Tackley, Matthew Owen

Abstains: Dean Witmer

BUSINESS: Next possible Hearing September 19th

MOTION by Dean Witmer, second by Matthew Owen adjourns the meeting.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen

Respectfully Submitted

Wendy Flagg, ZBA Clerk