

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
Aug 16, 2017 AT 7:00 PM

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

CALL TO ORDER

ATTENDANCE and PLEDGE: Dean Witmer - Absent

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 Charles & Melissa Elve

Located at 10500 Bumble Bee Ln

On Parcel # 105.19-2-50

In Lakefront

Bordering Property Owned by Gerald III & Mary Stockman, Ellen Crumb, John Mocuiski, Donald & Doris Barney, William & Norean Bommelje, Wolfgang & Anne Marie Reuss and Julie Dixon

For a 10'X17' addition to the North East side of cottage with a reduced side setback.

DISCUSSION: New addition to NE side will need a minimum 14.5' variance due to conforming lot requiring a minimum 20' side lot line variance. Septic is to the front of the property and well is to the rear, an uphill incline forces the addition to be placed where it is. An additional proposed 6'x11' addition was added to the plan in a smaller footprint no closer to side lot line, modified site plan in folder as shown.

PUBLIC COMMENTS: Gerald and Mary Stockman wanted to see if access was available on other side of the cottage. Upon review they were comfortable with project moving forward as well as modification to site plan.

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso 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, Robert Aliasso, Steve Cote

CLOSE PUBLIC HEARING MOTION by Steve Cote, second by Robert Aliasso
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

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:** 4 Yes _____ 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, Robert Aliasso, Steve Cote

MOTION: by Steve Cote, 2nd by Fredrick Caswell for a 14.5' variance on NE side lot line with a proposed 6'X11' addition submitted on modified site plan in smaller footprint no closer to lot line than above variance.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

HEARING #2

Request of Carl Holcomb

Located at 8576 Reed Canal Rd

On Parcel # 106.09-1-67

In Lakefront

Bordering Property Owned by James & Debra Hubbard, Gina Puggioni-Flores,

Raymond & Patricia Walker, Maurer Revocable Trust and Torre Jane Parker

For replacement of an existing 12'X24' deck with a reduced side set

Back

DISCUSSION: Contractor hired to replace a few deck boards and found a lot of structural damage and removed entire deck without a permit not realizing to replace a deck a new permit would be needed. A 10' variance is required on eastside of project.

PUBLIC COMMENTS: James & Debra Hubbard sent a letter approving of project, in file.

COMMENTS FROM ZEO: The deck was not intentionally built without a permit, when asked to stop the applicant complied. The project became more than anticipated and applicant did not realize that a permit must be obtained to repair/replace.

SEQR MOTION by Robert Aliasso second by Steve Cote 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, Robert Aliasso, Steve Cote

CLOSE PUBLIC HEARING MOTION by Fredrick Caswell, second by Robert Aliasso

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

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: 4 Yes _____No

Reasons

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

Reasons: It is 10% smaller than existing

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, Robert Aliasso, Steve Cote

MOTION: by Robert Aliasso, 2nd by Fredrick Caswell for a 10' variance on east side lot line

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Steve Cote, accepts the as written July 19, 2017 meeting minutes.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

BUSINESS: Next possible Hearing Sept 20th both Steve Cote and Robert Aliasso will be absent

Supervisor Culkin contacted Jerry Tackley to answer a letter of the ZBA Board's rulings on any hearings concerning the Waterside Bar & Grill. Jerry Tackley's response addressed only the cooler that the Board denied the variance on.

Budget sheets for 2017 Budget where reviewed ZBA Board feels they should be at the same rate per meeting as the Planning Board.

MOTION by Robert Aliasso, second by Steve Cote, adjourns the meeting.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Steve Cote

Respectfully Submitted

Wendy Flagg, ZBA Clerk