

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
Dec 20, 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 Excused absence
Fredrick Caswell 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 Killius Marine Properties, LLC, represented by John Killius

Concerning Location at 13471 Cty Rte 123

Concerning Parcel # 106.05-1-49

In Lakefront

Property Owned by TLC Henderson Holdings, LLC

Boarding Property Owned by Killius Marine Properties, LLC and Bill

Saiff's West View Lodge

For an interpretation on Town of Henderson Zoning Law Article IV

Section 150.10 Paragraph D

DISCUSSION: Town Attorney advised Zoning Board of Appeals that they have no power to enforce or revoke anything. Zoning Board of Appeals can only rule on interpretation of said law in question which was lot coverage that is 226' over allowed.

PUBLIC COMMENTS: Gary Rhodes – spoke of questionable acceptance of the Waterside project.

COMMENTS FROM ZEO: Believed that certificate of compliance was issued in compliance.

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

MOTION by Robert Aliasso second by Steve Cote that the Certificate of Compliance was issued without lot coverage variances being obtained.
Roll Call voting yes: Jerry Tackley, Steve Cote, Robert Aliasso

HEARING #2

Request of Gary & Jolene Rhodes

Located at 7249 NYS Rt 3

On Parcel # 105.00-1-31.2

In AR-40

Bordering Property Owned by James Rathbun and John & Cheryl Faust

For used car lot which requires a use variance in AR-40 zone

DISCUSSION: Long form SERQ was completed at November hearing. Gary Rhodes submitted his answer to the Use Variance questions in writing and feels he has proven his case as to why he should be allowed a use variance. NYS Use Variance questions that must be answered by applicant were reviewed. Gary Rhodes explains his reasons to all four test questions.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: New York State Town Law states that applicant must prove his hardship & project is self- created therefore; project does not meet New York State criteria to be approved.

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

MOTION BY Robert Aliasso, second by Steve Cote applicant failed to prove question #1affirmative on Use of Application for Use Variance.

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

Ronald Pope case that was adjourned was reopened with Ronald Pope being present to ask the Board what would be a possible solution for his project he submitted for his property he owns on Snowshoe Rd. Board asked applicant if it was possible to relocate project away from lakefront to rear yard adjacent to Snowshoe Road. Applicant is willing to do so if he can go with a larger building to be 60'X60'. All set back requirements are in compliance only a variance would be needed for the size of the garage. Board will notify the Neighbors who were concerned, the Sipple's, of the change and project can move forward as long as there are no issues with them and Board will review project in January.

ADOPTION OF PREVIOUS MINUTES:

MOTION by _____, second by _____, accepts the as written November 15, 2017 meeting minutes.

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

Unable to do as not enough members to pass.

BUSINESS: Next possible hearing January 17, 2018/ Organizational Meeting

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

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk