

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

December 19, 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: Dean Witmer – Excused 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 Windswept Shores Assoc. (Jon & Lorraine Scheer) represented by David Card

Located at NYS Rte 3

On Parcel # 98.50-1-2

In Lake front

Bordering Property Owned by Daniel Mullin, Edward & Kimberly Fillingham, Donald & Celaine Kaupp, Lindsay Keyes, James & Joanne Keyes, Keyes Living Trust, David & Janet Maier, Michael Vrabel, Gary & Linda Zimmer, Ben's Cove Assoc., LLC and Jack & Marie Williams.

For an 18'X24' garage requiring a side set back variance.

DISCUSSION: The existing 8'x10' shed will stay and an 18'x24' garage will be built in front of it. A 9' side variance is requested. Due to the well/water line the building cannot be moved any further East. A gravel driveway will be used.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Matthew Owen 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, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Robert Aliasso, second by Matthew Owen
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, 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:** _____ 4 _____ Yes _____ 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, Robert Aliasso, Matthew Owen

Comments: Board request that the dimensions that are on placed site map provided to Board be followed.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Fredrick Caswell, accepts the amended November 21, 2018 meeting minutes.

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

BUSINESS: Next possible Meeting January 16th Organization meeting
Sexual Harassment policy handed out
Training Hours Complete by all

MOTION by Robert Aliasso, second by Matthew Owen adjourns the meeting.

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk