

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
February 15, 2017 AT 7:00 PM**

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

CALL TO ORDER at 7:00 PM

ATTENDANCE and PLEDGE: All members in attendance

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 Louis and Mary Dufresne

Located at 11713 Rays Bay Rd

On Parcel # 105.14-1-8

In Lakefront

Bordering Property Owned by Bolton Revoc. Trust and Christopher and Judy

Papayanakos

Seeking a reduced side set back

DISCUSSION: The existing shed is 9'X18'back corner of shed is approximately 3' off the Papayanakos' side lot line. Louis and Mary Dufresne will have a pre-built shed made to replace existing. There will be no power to the shed. The Dufresne's will place new gravel under the shed and remove all existing concrete slab from the property. Would like to keep shed in general area as exiting but willing to move shed further off the Papayanakos property line.

PUBLIC COMMENTS: Christopher Papayanakos would not like to see shed moved further back along lot line but instead have shed moved to rear of lot.

Judy Papayanakos does not understand why it would not be more convenient to have shed on driveway side of lot.

COMMENTS FROM ZEO: Did not see site plan until today, was dropped off late last week to clerk. Would like to see shed moved does not feel there is enough room. If approved would like to see a motion as to the placement of the shed on the lot.

SEQR MOTION by Robert Aliasso, second by Steve Cote, declares the proposed action to be a TYPE II – 10 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, Steve Cote, Robert Aliasso, Dean Witmer

CLOSE PUBLIC HEARING MOTION by Steve Cote second by Fredrick Caswell

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

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

1. Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties? _____ Yes 5 No

Reasons:

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: 5 Yes _____ No

Reasons

3. Whether the requested variance is substantial: _____ Yes 5 No

Reasons: 3 feet variance, but improved by 4 feet from existing side setback

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: _____ Yes 5 No

Reasons:

5. Whether the alleged difficulty was self-created: 5 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.

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

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

MOTION ON PLACEMENT of new shed a minimum of 7ft. off South property side lot line (Papayanakos' side). Back building line of new shed shall be no closer to lake than existing Northwest corner of cottage structure (porch). Doors shall not be placed on West or South side of new shed. Max size of new shed shall not exceed 9' X 18' and all existing concrete slab to be removed from property.

Motion by Steve Cote second by Robert Aliasso.

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Steve Cote, second by Fredrick Caswell, accepts the as written October 19, 2016 meeting minutes.

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

Robert Aliasso and Dean Witmer - abstain

MOTION by Robert Aliasso, second by Fredrick Caswell, accepts the as written January 18, 2017 organization meeting minutes.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer

Steve Cote - abstains

BUSINESS: Next possible Hearing March 15th
Tug Hill Conference March 30th

ADJOURNMENT

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

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk