

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

February 21, 2018 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: All 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 Michael & Jennifer Orcutt

Located at 14229 Snowshoe Rd.

On Parcel # 97.19-1-25

In Lakefront

Bordering Property Owned by Robert & Elaine Rogers, Marvin Kaplin,

Marjorie McGee and Michael & Linda Jones

For rebuilding existing cottage requiring a reduced side setback on a non-conforming lot.

DISCUSSION: Front right corner of existing cottage is 3' off property line, a 7' side lot variance would be needed as well as a 26' front set back variance is also required. Michael Orcutt has spoken with Jefferson County code enforcement for suggestions that help correct some issues and make building meet New York State Code.

PUBLIC COMMENTS: Marvin Kaplin called in favor of project.

COMMENTS FROM ZEO: Stop work order was issued by Enforcement Officer. The roof was only part left from existing cottage as shown in pictures taken by Enforcement Officer. Michael Orcutt said the ends were also existing, he basically began to fix flooring and just kept discovering things that needed to be replaced and kept going.

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, Dean Witmer, Robert Aliasso, Steve Cote

CLOSE PUBLIC HEARING MOTION by Steve Cote, second by Dean Witmer
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, 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 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:** 5 Yes _____No
Reasons: over 50% variance

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:** 4 Yes 1 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.

X 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: Fredrick Caswell, Dean Witmer, Robert Aliasso
No: Jerry Tackley, Steve Cote

Motion: A side set back variance of 7' is granted as well as a 26' front variance. Nothing built any closer than 29' from edge of the road. Motion by Robert Aliasso second by Dean Witmer

Schedule II Chart Discussion: A group to discuss possible use variance changes to the Schedule II chart will be put together to consist of a couple Planning board members, a couple ZBA members, Enforcement officer Eric Sheldon and possibly a representative from Jefferson County Planning to discuss suggested changes.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Dean Witmer, second by Robert Aliasso, accepts the as written January 17, 2018 meeting minutes.

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

BUSINESS: Tug Hill Local Government Conference March 29
Next possible Hearing March 21st (Jerry Tackley will be out of Town)

A letter of resignation from Steven Cote was accepted by the Board as he is no longer going to be in the area to serve out the rest of his term. The Board thanked Steve for his years of service and wished him well on his new adventure.

MOTION by Robert Aliasso, second by Fredrick Caswell, adjourns the meeting.

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk