

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING**

**12105 TOWN BARN ROAD, HENDERSON, NY**

**January 17, 2018 AT 7:00 PM**

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

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**CALL TO ORDER**

**ATTENDANCE and PLEDGE:**

**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.

*Operating under 2017 rules as organizational meeting has not been completed for 2018.*

**Adjournment**

**HEARING #1**

**Request of Ronald Pope Represented by Brian Overton**

Location at 14992 Snowshoe Rd

On Parcel # 97.15-2-48

In Lakefront

Bordering Property Owned by Kenneth Vanwormer Jr., Thomas and Geraldine Sippel

For a 30'X50' addition to an existing garage, garage will be "over" the permitted square footage in Lakefront zone requiring a variance

**DISCUSSION:** Ronald Pope is out of town and unable to attend this meeting. Non-Conforming lot only has 100' of water front. New application would be needed showing proposed new location, site plan, and size.

**PUBLIC COMMENTS:** Letters for Terry Brown and Thomas and Geraldine Sippel read into the minutes placed in file. Sippel's concerned with removal of trees. Ronald Pope told Board at December meeting due to disease the trees had been removed. Sippel's do not want to any building to take place on property named above no longer agree with possible relocation of building up by road.

**COMMENTS FROM ZEO:** None

**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 Robert Aliasso, second by Fredrick Caswell  
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?**      5   Yes               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:
  
4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:**      5   Yes               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**

**5   the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.**

**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, Dean Witmer, Robert Aliasso, Steve Cote

**\*\* Application may resubmit revised plan at no charge to the Board\*\***

**Organizational Meeting:** Chairman: Jerry Tackley  
Vice Chairman: Robert Aliasso

Clerk: Wendy Flagg

Meeting Day & Time: 3<sup>rd</sup> Wednesday of each month at 7:00PM

Newspaper Notice: Watertown Daily Times

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

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Robert Aliasso, second by Dean Witmer, accepts the as written November 15, 2017 meeting minutes.

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

**MOTION** by Steve Cote second by Robert Aliasso, accepts the as written December 20, 2017 meeting minutes.

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

**BUSINESS:** Tug Hill Local Government Conference March 29  
Next possible Hearing Feb 21<sup>st</sup>

March meeting Jerry Tackley, Chairman, will be out of town.

**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**