

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

July 15, 2020 AT 5:00 PM

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Joan Treadwell Woods,
Dean Witmer-Alternate**

CALL TO ORDER

ATTENDANCE and PLEDGE: Joan Treadwell Woods 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 Gary & Ellen Grabowski

Located at 5242 Clark Point Rd

On Parcel # 105.18-1-1.2

In Lakefront

Bordering Property Owned by Susan Kreisinger, Claudia Dunk, Duane & Kimberly Searle

For proposed 4'x 16'10" addition and 6'x28'-6" covered porch requiring a reduced side setback.

DISCUSSION: Small entrance way existing client wants to bring rest of addition out to meet the existing building line. A single side variance on the East side of 1' 6" will be needed along with a 3' 3" combined side variance following the building line.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Fredrick Caswell declares the proposed action to be a TYPE II – 16 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, Dean Witmer

CLOSE PUBLIC HEARING MOTION by Dean Witmer second by Robert Aliasso to close the Public hearing
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 (4) No
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** () Yes (4) 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, Dean Witmer

Motion: to grant a 1' 6" single Eastern side variance and a 3' 3" combined side variance following the building line

HEARING #2

Request of Sean & Rena James

Located at 7056 Hovey Cove Ln

On Parcel # 97.15-1-63

In Lakefront

Bordering Property Owned by Donald & Shirley Kortkamp, William Richmond and Judith Overton

For proposed removal of old cottage and rebuild new cottage requiring a reduced side setback.

DISCUSSION: Taking down the existing cottage and replacing with new cottage. New cottage will be pushed back away from the lake. The property line on the Northeast will stay the same a 4' 1" single side variance will be required along with a 6' combined variance also needed.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: A discussing to possibly move the building over closer to the middle of the lot was had but client will be staying substantially in the same footprint.

SEQR MOTION by Robert Aliasso second by Dean Witmer declares the proposed action to be a TYPE II – 9 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, Dean Witmer

CLOSE PUBLIC HEARING MOTION by Fedrick Caswell second by Robert Aliasso to close the Public hearing

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 (4) No
Reasons: Moving further back from waterfront

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** () Yes (4) 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, Dean Witmer

Motion: to grant a 4' 1" single Northeasterly side lot line variance and a 6' combined side lot line variance, substantially in the same footprint.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Dean Witmer, second by Robert Aliasso accepts the June 22, 2020 meeting minutes.
Roll Call voting yes: Robert Aliasso, Jerry Tackley, Fredrick Caswell, Dean Witmer

BUSINESS: Next possible Meeting August 19th
ZBA member being sought

MOTION by Robert Aliasso second by Dean Witmer adjourns the meeting.
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer

Respectfully Submitted
Wendy Flagg