

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
July 19, 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:

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 TLC Henderson Holdings, Waterside Bar & Grill

Representative Chris Misercola

Located at 13471 Cty Rt 123

On Parcel # 106.05-1-49

In Harbor

Bordering Property Owned by Killius Marine Properties, LLC and Bill Saiff's

West View Lodge

For a 6'X10' walk in cooler with a reduced side setback

DISCUSSION: The 6'X10' Cooler is already installed along with an additional 3 door cooler approximately 2'X4' for produce that is on wheels plus 3 propane tanks and grease buckets. A small tributary that runs into the lake runs on that side of the property and contamination from the grease buckets and/or cooler seepage is possible. Questions were raised as to actual distance between parcels.

PUBLIC COMMENTS: John Killius is concerned with the excess lot coverage. There are several existing structures, decks and concrete patios as well as what is being requested tonight.

William Saiff III believes there is less than 10' between the property lines. He believes that everyone should be treated equal in following and enforcement of the zoning laws and procedures.

Robert Ashodian doesn't believe anything else should be put on the property.

COMMENTS FROM ZEO: The parcel is a conforming lot in the Harbor district. A stop work order was not issued because the project was already finished when Zoning officer saw project.

SEQR MOTION by Robert Aliasso second by Fredrick Caswell 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 Dean Witmer, second by Steve Cote

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 other options to eliminate variance request are available, place in building footprint

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

Reasons: unknown distance of proper lot line

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: cooler installed without permit

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Dean Witmer, second by Fredrick Caswell, accepts the as written June 21, 2017 meeting minutes.

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

BUSINESS: Next possible Hearing Aug 16th
Town Picnic July 20th

Robert Aliasso suggested a possible joint presentation with the County concerning Agriculture (manure pits) & Solar management presentation for all Boards and public could be included as well.

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

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk