

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

June 20, 2018 AT 7:00 PM

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

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.

HEARING #1

Request of John G. Kent

Located at corner of Aspinwall Shores Rd and Cty Rte 178

On Parcel # 105.12-1-32.22

In Business Residential

Bordering Property Owned by Bruce & Donna Thomas, JSE Associates, LLC,
Lawler Realty, LLC and Henderson Harbor Performing Arts

For building a 32' x 56' garage requiring a variance due to size being over 1200
Sq. Ft.

DISCUSSION: Height of garage can be no higher than 35' from grade. John Kent knows it will not be that tall. Location has been issued a 911 address, 12450 Aspinwall Shore Rd. nothing but storage with a gravel brim to drive around outside of building

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Matthew Owen 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, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Fredrick Caswell

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

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: _____ Yes 5 No

Reasons

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

Reasons: Building is over 50% larger than what is allowed for a garage

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 and motion request is granted.

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

HEARING #2

Request of Shawn & Karen Thomas

Located at 13496 Cty Rt 71

On Parcel # 99.13-1-19

In Agriculture and Rural Residence (AR-40)

Bordering Property Owned by Mark & Jesse Blackwell and Deborah Basar

For removal of single wide trailer being replaced with a double wide requiring a variance for a reduced front set back.

DISCUSSION: Old house and trailer will be removed and lot will be leveled to form an even grade. Would like to center the new double wide on the lot and keep away from existing leach field causing the need for a 43' front lot variance from the right of way or 48' variance from edge of road. The driveway by the house will be removed and become lawn. The existing lot cover will be reduced. The existing front set back will be improved by 20 feet.

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 –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, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Robert Aliasso

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

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: _____ Yes 5 No

Reasons: Existing leach field and well to be used

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

Reasons: Existing House that is 13' from edge of road will be removed and 48' variance from edge of road will be required for new home.

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 and motion request is granted.**

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

MOTION: by Robert Aliasso, second by Matthew Owen for a 43' variance from right of way or measured as a 48' variance from edge of road.

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Dean Witmer, accepts the as written March 21, 2018 meeting minutes.

Roll Call voting yes: Fredrick Caswell, Dean Witmer, Robert Aliasso, Matthew Owen
Jerry Tackley - Abstains

BUSINESS: Next possible Hearing July 18th
Zoning Changes to schedule have been made and reviewed by both ZBA & Planning Board representatives. Solar laws have been added and meeting for same representatives to be set up for July 18th after ZBA hearings.

MOTION by Robert Aliasso, second by Matt Owen adjourns the meeting.

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk