

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
June 21, 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: Robert Aliasso excused absence/ Steve Cote 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 Rockney Maxson & Sue Veley

Located at 10887 Sawyers Bay Rd

On Parcel # 105.18-1-26.2

In Lakefront

Bordering Property Owned Michael Smith, James Smith Jr., James & Martha

Holmes and Richard & Sharon Phillips

For a 14'X28' garage with a reduced front and side setback.

DISCUSSION: Discussion of the front setback reduction was held. The lot is deep enough to comply with the required set back it was determined and agreed to by the applicant and the Board to meet the required 50' front lot line setback. An 8' side lot line variance is requested by the applicant which the Board agrees to in order to line the garage up with his existing driveway.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Fredrick Caswell, second by Dean Witmer, 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

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Fredrick Caswell
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 3 No
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** 3 Yes _____No
Reasons

3. **Whether the requested variance is substantial:** _____Yes 3 No
Reasons: Request for 8' lot line variance

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** _____Yes 3 No
Reasons:

5. **Whether the alleged difficulty was self-created:** 3 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.

3 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: Jerry Tackley, Fredrick Caswell, Dean Witmer

MOTION by Dean Witmer second by Fredrick Caswell for south side lot line will be given an 8' variance to comply with 20' setback.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer

HEARING #2 ADJOURNMENT

Request of Keith Clar and Christine Bailey-Clar represented by Joseph Bailey

Located at 10399 Lower Grandjean Rd.

On Parcel # 105.19-3-74

In Lakefront

Bordering Property Owned by Douglas Burdick, Michael Burdick and Richard and Kathy Girvin

Seeking reduced setbacks to remove an existing trailer and rebuild a two story dwelling.

DISCUSSION: Due to a change in the building plans several of the variances have been met. Front and rear setbacks are in compliance. South side lot line boarding Lower Grandjean Tract and water right of way combined require a 25' setback a 1.6' variance is requested. A 1% building lot coverage variance is also required as to the increase from 871sq. ft. original building coverage to 895 sq. ft. new building coverage. The new survey provides a clearer view of the actual lot lines.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Dean Witmer, second by Fredrick, 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

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

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 3 No

Reasons:

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: _____ Yes 3 No

Reasons

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

Reasons:

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: _____ Yes 3 No

Reasons:

5. Whether the alleged difficulty was self-created: 3 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.

3 the Neighborhood or Community and therefore the variance and motion request is granted.

MOTION by Dean Witmer second by Fredrick Caswell for a 1.6’ variance on the water right of way side is granted as well as a 1% building coverage variance.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer

ADOPTION OF PREVIOUS MINUTES:

MOTION by Dean Witmer, second by Fredrick Caswell, accepts the as written May 17, 2017 meeting minutes.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer

BUSINESS: Next possible Hearing July 19th
Town Picnic July 20th

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk