

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
March 15, 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: All in attendance

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 Stephans & Janet Damtoft Rep. by Joe Wasilewski

Located at 12335 Greystone Rd

On Parcel # 105.09-1-30

In Lakefront

Bordering Property Owned Alison Goss, Bruce Peters and Kermit Wagner

For removing an existing cottage and replacing with a new cottage
reduced front set back variance requested.

DISCUSSION: Existing structure will be removed front setback will not be any closer to lakefront than existing. Rear set back variance of 2.6' will be needed. Existing shed will be torn down. Discussion on front variance if it is needed or not was held.

PUBLIC COMMENTS: NONE

COMMENTS FROM ZEO: Asked to have variance put in a motion

SEQR MOTION by Robert Aliasso, second by Fredrick Caswell, declares the proposed action to be a TYPE II – 7 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, Steve Cote, Robert Aliasso, Dean Witmer

CLOSE PUBLIC HEARING MOTION by Steve Cote, second by Robert Aliasso

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Steve Cote, 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 5 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 5No

Reasons: Rear variance of 2.6' will be needed

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, Steve Cote, Robert Aliasso, Dean Witmer

MOTION by Steve Cote second by Fredrick Caswell the new building will not exceed the existing front building line which is 40.6' from iron pipe the variance is 9.4'. An additional 48' to the lake from iron pipe exists. A 2.6' variance will be granted on the rear lot line.

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Steve Cote, accepts the as written February 15, 2017 meeting minutes.

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

BUSINESS: Next possible Hearing April 19th
Tug Hill Conference March 30th

ADJOURNMENT

MOTION by Dean Witmer, second by Robert Aliasso, adjourns the meeting.

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk