

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

May 19, 2021 AT 6:00 PM

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

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 CONTINUANCE

Request of Carbone's Waterside, Inc.

Located at 13471 Cty Rte. 123

On Parcel # 106.05-1-49

In Lake Front

Bordering Property Owned by Bill Saiff's West View Lodge & Marina and Killius Marine Properties, LLC

For placement of a cooler from rear deck to side of restaurant requiring a side lot set back

DISCUSSION: Zoning Board ruled back on June 19, 2017 to move cooler onto back deck when previous Owner had business. Chairman Jerry Tackley explained reason why it was moved to that place back in 2017. New owner was hoping to move off deck to gain more tables, possible portable bar and for aesthetics. Owner is asking for a 8' variance off side lot line. Board discussed a possible solution moving cooler someplace else. It is important everybody work together.

PUBLIC COMMENTS: William Saiff questions why this is being addressed again, it was already decided upon and needs to stay that way. With sewer coming through maybe more space will be gained if digester is not needed.

John Killius the site plan is in total violation and restaurant should have never been allowed to open. All he wants to do is protect his property and his business.

Dwight Davidson – Henderson Business Community Council just wants to promote business in Henderson and Harbor. Is moving of cooler that big of an issue? All businesses should be working together. Truly here to help all businesses flourish.

COMMENTS FROM ZEO: ZBA is to make a decision about variance in front of them not find another location.

MOTION by Robert Aliasso second by Joan Treadwell Woods to keep hearing open as owner reviews other areas that may possibly work for his situation in case a variance is needed.
Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Fredrick Caswell accepts the April 21, 2021 corrected meeting minutes.
Roll Call voting yes: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

BUSINESS: Next possible Meeting June 16th

Letter from Gary Rhodes discussed. Chairman Jerry Tackley explained to Board that he had answered Mr. Rhodes letter he did not understand why he was denied use variance, Mr. Tackley offered to meet Mr. Rhodes he refused for COVID reasons. Mr. Rhodes sent a letter to Mr. Tackley's personal home address and would like to know what the Board feels he should do. Board feels Mr. Tackley answered Mr. Rhodes question and no more response is required.

Lots of good Solar courses for training available. JCIDA looking to use soil grading as to what is available for green energy use.

MOTION by Joan Treadwell Woods second by Robert Aliasso adjourns the meeting.
Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

Respectfully Submitted
Wendy Flagg