

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING**

**12105 TOWN BARN ROAD, HENDERSON, NY**

**Nov 15, 2017 AT 7:00 PM**

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Steve Cote, Dean Witmer**

---

**CALL TO ORDER**

**ATTENDANCE and PLEDGE:** 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 Claude & Kimberly Curley**

Location at 14373 Cty Rt 123

On Parcel # 98.14-1-73.2

In Lakefront

Bordering Property Owned by Janet & Steven Salovitch, Margery

Lange Keskin and Rhonda Lange

For a 480 Sq. Ft addition to an existing garage, garage will be "over" the permitted square footage in Lakefront zone requiring a variance

**DISCUSSION:** Will be adding onto existing garage a shed roof approximately 12'X40' no sides, car port style. All set backs are met on the non-waterfront side of property. Upon original building of garage applicant thought the area was zoned as AR-40 not lakefront. The garage will be 30% more than the allowed square footage in lakefront zoning

**PUBLIC COMMENTS:** Letter in support of the project was submitted by Margery Lange Keskin and placed in file.

**COMMENTS FROM ZEO:** None

**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, Dean Witmer, Robert Aliasso

**CLOSE PUBLIC HEARING MOTION** by Dean Witmer, second by Robert Aliasso  
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Robert Aliasso

**AREA VARIANCE CHECKLIST**

**FACTORS CONSIDERED**

1. **Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties?**      \_\_\_\_\_Yes      4   No  
Reasons:
  
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** \_\_\_\_\_Yes      4  No  
Reasons
  
3. **Whether the requested variance is substantial:**        2  Yes      2  No  
Reasons: 30% greater than allowed floor plan area
  
4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:**      \_\_\_\_\_Yes      4   No  
Reasons:
  
5. **Whether the alleged difficulty was self-created:**   4  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.**

  4   **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

## **HEARING #2**

### **Request of Ronald Pope Represented by Brian Overton**

Location at 14992 Snowshoe Rd

On Parcel # 97.15-2-48

In Lakefront

Bordering Property Owned by Kenneth Vanwormer Jr., Thomas and Geraldine Sippel

For a 30'X50' addition to an existing garage, garage will be "over" the permitted square footage in Lakefront zone requiring a variance

**DISCUSSION:** A 30'X50' addition to be added to existing garage on the lakefront. Combined side lot setbacks are not met a 9' variance will be needed to reach the 25' required combined setback. The garage will also need a variance for the size of the garage in lakefront zone the addition alone is over the maximum square footage allowed. Top of the lot maybe a better place to build addition.

**PUBLIC COMMENTS:** Terry and Dianne Brown submitted a letter of concern for the project that was read and placed in the file. Thomas and Geraldine Sippel are very concerned with the aesthetics of the lake front. Having an 80' long building on a 100' lot is a very noticeable object. Issues with their view also were mentioned.

**COMMENTS FROM ZEO:** A variance would be required for just the addition alone. 2200 Sq. ft. combined is a very large building/garage in lakefront zoning.

After further discussions with contractor Brian Overton the Board agreed to adjourn the hearing until Ronald Pope could be reached for discussions as to possible other plans.

**MOTION BY** Robert Aliasso, second by Dean Witmer to adjourn hearing until Ronald Pope has had time to discuss project further with contractor.

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

## **HEARING #3**

### **Request of Gary & Jolene Rhodes**

Located at 7249 NYS Rt 3

On Parcel # 105.00-1-31.2

In AR-40

Bordering Property Owned by James Rathbun and John & Cheryl Faust

For used car lot which requires a use variance in AR-40 zone

**DISCUSSION:** Due to the fact that the project is on a lot that is adjacent to a National Register of Historic Places a long form SEQR must be filled out. A short form EAF may never be used for Type 1 actions. This is considered an unlisted action as an uncoordinated review.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** Enforcement Officer Eric Sheldon left several packets of information and law to be reviewed by the Board before a decision should be rendered.

A Long Form SEQR was done by Gary Rhodes and the Zoning Board of Appeals as an agreement to keep process of project moving forward. The Type 1 SEQR was accepted by the Zoning Board of Appeals roll call voting below.

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

**MOTION BY** Robert Aliasso, second by Fredrick Caswell to adjourn hearing until Zoning Board of Appeals has time to review information giving to them by Zoning Enforcement Officer Eric Sheldon.

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

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Dean Witmer, second by Robert Aliasso, accepts the as written Oct. 18, 2017 meeting minutes.

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

**BUSINESS:** Joint Meeting Planning Board and ZBA Nov 16<sup>th</sup>  
Next possible Hearing Dec. 20<sup>th</sup>

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

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

**Respectfully Submitted**

**Wendy Flagg, ZBA Clerk**