

TOWN OF HENDERSON PLANNING BOARD MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
November 7, 2018 AT 7:00 PM

Committee Members: Chairman, Ned Martelle, Robert Ashodian, John Treadwell, Michael Contino, Carol McGowan

CALL TO ORDER and PLEDGE OF ALLEGIANCE

ATTENDANCE:

NOTE:

Subdivision Requests do not have to be referred to the County.

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: Site Plans/Special Permits for new buildings or additions consisting of less than 500 sq. ft. where the principle use will occur within the new structure; unless the new building or addition will require a new or improved access point onto a State or County roadway; All Site Plans/Special Use Permits for the placement of individual single and two family houses, including mobile homes, or manufactured houses. No applications that fall within these guidelines will be referred to Jefferson County Planning.

Adjourned Hearing

Request of Dianne Gerrie represented by Sandra Macy and Robert Rothenberg

Located at 13833 Cty Rt 123

On Parcel # 98.17-1-13

In Lake front

Bordering Property Owned by Jeffrey & Sonya Moore and Mary Fults

For a 15'x14' addition on existing cottage requiring a reduced side and rear set back and increase variance in building coverage on a non-conforming lot.

DISCUSSION: Robert Ashodian attended the October ZBA Hearing to discuss if the hearing should be reheard. IT was determined by the ZBA Board that all variances were reviewed and approved and the case would not be reheard. No members from the concerned party attended the October ZBA hearing. Question of why a front variance was not needed were asked but due to the lot being non-conforming the law allows the owner to build as close to the front as the adjacent property owner. Planning Board requests in the future to see all documents and drawings to any project that might be seen by ZBA Board. Project is reviewed.

PUBLIC COMMENTS: None

SEOR MOTION: by John Treadwell second by Michael Contino, declares the proposed action to be a TYPE II action 9 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

CLOSE PUBLIC HEARING MOTION by Carol McGowan, second by John Treadwell

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

DECISION MOTION by Robert Ashodian, second by Carol McGowan approved 15'x14' addition on existing cottage on a non-conforming lot.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan

No: Michael Contino

Request of Signe & James McGowan

Located at 13849 Cty Rt 123

On Parcel # 98.17-1-18

In Lakefront

Bordering Property Owned by Donald Angell, HCMT Willi, LLC and Hall Family Trust Earl & Kim Trustees

For repair and replacement of retaining wall due to flooding on a non-conforming lot.

DISCUSSION: Retaining wall was damaged from flooding after going through the following winter and spring season the wall was severely undermined and needed to be replaced.

PUBLIC COMMENTS: None

SEOR MOTION: by Michael Contino second by John Treadwell, declares the proposed action to be a TYPE II action 10 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by John Treadwell

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

DECISION MOTION by Michael Contino, second by Carol McGowan approved repair and replacement of retaining wall due to flooding on a non-conforming lot.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Request of James Mitchell II represented by Jeffrey Mitchell

Located at 13452 Whites Bay Rd

On Parcel # 105.07-1-14.2

In Lakefront

Bordering Property Owned by Jeffrey & Sherry Mitchell, Harlan & Marcia

Villers, Teitelbaum Family Camp, LLC and Phillips Family Trust

For repair and replacement of retaining wall due to flooding

DISCUSSION: Retaining wall damaged during flooding. Wall to be replaced with stacked quarry stone per requested by DEC. All other required permits have been obtained.

PUBLIC COMMENTS: None

SEQR MOTION: by Michael Contino second by John Treadwell, declares the proposed action to be a TYPE II action 10 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by John Treadwell

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

DECISION MOTION by Michael Contino, second by John Treadwell approves repair and replacement of retaining wall due to flooding.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Request of Jeffrey & Sherry Mitchell

Located at 13478 Whites Bay Rd

On Parcel # 105.07-1-13

In Lakefront

Bordering Property Owned by James Mitchell II and Phillips Family Trust

For repair and replacement of retaining wall due to flooding

DISCUSSION: Retaining wall damage during flooding. Old wall will be replaced with stacked quarry stone per DEC 75' to 100' out. All required permits have been obtained.

PUBLIC COMMENTS: None

SEQR MOTION: by Michael Contino second by John Treadwell, declares the proposed action to be a TYPE II action 10 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by Carol McGowan

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

DECISION MOTION by Michael Contino, second by Robert Ashodian approved repair and replacement of retaining wall due to flooding.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Request of Peyt & Lex LLC (Colleen's Cherry Tree) represented by Michael Bellinger

Located at 8541 NYS Rte 3

On Parcel # 106.09-1-7

In Business

Bordering Property Owned by Barbara Bowman

For a 16'x50' addition on front of existing building on a non-conforming lot

DISCUSSION: Request for a 16'x50' addition to be added to the front of the existing restaurant to serve ice cream on a non-conforming lot. Existing breezeway will be utilized as entrance into restaurant for those patrons who wish to be seated as well as outside service provided at window. No effect on parking because addition will not be any further out, closer to NYS Rte 3, than existing flower bed in front of building and current entry way. If approval is granted seasonal dinner serve will cease so no additional impact will be added to parking. Michael Bellinger responded to each of the concerns the Bowman's had. Bowman's letter mentions concerns with septic system being able to handle project. Michael Bellinger has reports from the Department of Health that the septic system is operating correctly.

PUBLIC COMMENTS: Written correspondence from Gary & Barbara Bowman was read and placed into file against project. Enforcement officer, Eric Sheldon, told Board that he and Michael Bellinger drew site plan.

SEQR MOTION: by Michael Contino second by John Treadwell, declares the proposed action to be a TYPE II action 7 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

MOTION by Michael Contino, second by Carol McGowan to table the hearing until the project is reviewed by Jefferson County Planning per the requirements of NYS General Municipal Law Section 239-m.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Request of Boutilier-Schwencke Living Trust represented by Brian Boutilier & Susan Schwencke

Located at 13151 Cty Rte 123

On Parcel # 106.05-1-24

In Lake front

Bordering Property Owned by Oren Oeschger and 3P's & E, LLC

For repair of a seawall due to flooding on a non-conforming lot.

DISCUSSION: Existing seawall will be repaired and replaced as needed from washout of high water during flooding. Wall will be replaced where it is needed. All required permits have been obtained from other agencies.

PUBLIC COMMENTS: None

SEQR MOTION: by Michael Contino second by John Treadwell, declares the proposed action to be a TYPE II action 10 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by Carol McGowan

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

DECISION MOTION by Michael Contino, second by John Treadwell approves the repair and replacement of a seawall wall due to flooding on a non-conforming lot.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Request of Judith Callahan represented by Michael Contino

Located at 14359 Snowshoe Rd

On Parcel # 97.15-1-26.1

In Lakefront & AR-40

Bordering Property Owned by Michael & Elizabeth Kurtz, Michael & Linda Jones, Carl Wood, Samantha Whitehead, Thomas & Donna Deuson,

Erich & Eileen Minier, Rajan & Christine Julka, Lawrence & Lynn Doyle,

Kenneth Doyle, Francis & Elaine Walter, Patricia Garvey, Brett Handel,

Noreen Mallabar, Philip & Susan Vazquez and Vytautas Penkiunas

For a two lot subdivision

DISCUSSION: A 91 acre parcel will have two parcels subdivided one will be 8.7 acres the other 9.0 acres. Both are considered conforming lots and meet all requirements of the Town of Henderson subdivision laws. Land is currently vacant.

PUBLIC COMMENTS: None

SEQR MOTION: by John Treadwell second by Carol McGowan, declares the proposed action to be a TYPE II action 10 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: Ned Martell, John Treadwell, Robert Ashodian, Carol McGowan
Michael Contino - Abstains

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by Carol McGowan

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan
Michael Contino - Abstains

DECISION MOTION by Carol McGowan, second by Robert Ashodian approved/disapprove for a two lot subdivision.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan
Michael Contino - Abstains

MOTION by Michael Contino second by Carol McGowan to accept the October 2, 2018 revised Planning Board minutes.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

New Business: Next Meeting December 4th

ADJOURNMENT MOTION by Michael Contino second by Carol McGowan adjourns the meeting.

Roll Call voting yes: Ned Martelle, John Treadwell, Robert Ashodian, Carol McGowan, Michael Contino

Respectfully Submitted
Wendy Flagg, Planning Board Clerk