

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

September 19, 2018 AT 7:00 PM

Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Matthew Owen, Dean Witmer

CALL TO ORDER

ATTENDANCE and PLEDGE: All members present

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 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 lot coverage on a non-conforming lot.

DISCUSSION: Discussion was held on actual lot size. County GIS maps differ from drawing. A non- stamped survey was presented by Robert Rothenberg. Board agrees to use for discussion purposes. Square foot of actual cottage is incorrect, actual living space was used not foot print which is only 392 sq. ft. This changes building lot coverage percentage drastically. Total Square footage of lot, both pieces, is actually 2955.5 sq. ft. making building lot coverage 20.36% a .36% variance would be needed. A rear set back variance of 16’ would be needed for the addition using the utility pole as a mark for the 26’ right of way. A 5’ side set back variance, marking form the existing fence, was granted considering the adjoining lot is a 3’ right of way and a non-buildable lot.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Matthew Owen 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, Matthew Owen, Robert Aliasso

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Fredrick Caswell
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Dean Witmer, Matthew Owen, 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 5 No
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** _____Yes 5 No
Reasons:

3. **Whether the requested variance is substantial:** 5 Yes _____No
Reasons: Based on location of property. Due to existing conditions

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, Dean Witmer, Matthew Owen, Robert Aliasso

Motion by Robert Aliasso seconded by Matthew Owen, a .36% building lot coverage variance is granted as well as a 5' side lot set back from the existing fence and a 16' rear set back using a 26' right of way considering the right of way at the utility pole.

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Matthew Owen, second by Dean Witmer, accepts the amended August 15, 2018 meeting minutes.

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

Abstains: Robert Aliasso

BUSINESS: Next possible Hearing October 17th

Shed from Vann hearing that was denied has been moved as requested.

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

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk