

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
Sept. 20, 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 - Excused absence
Robert Aliasso – Excused absence

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 John Muller & Erin Smith

Located at 14546 Snowshoe Rd

On Parcel # 97.15-1-40

In Lakefront

Bordering Property Owned by Leon Selover Jr., Sandra Robinson, Michael & Catherine Miller

For a 24' X24' single story addition requiring a reduced front set back

DISCUSSION: Addition on the East side of property. No closer to lake than existing building. 38' front yard variance required.

PUBLIC COMMENTS: NONE

COMMENTS FROM ZEO: Not crowding any other properties

SEQR MOTION by Fredrick Caswell second by Dean Witmer 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

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Fredrick Caswell
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 3 No
Reasons:
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** _____Yes 3 No
Reasons
- 3. Whether the requested variance is substantial:** 3 Yes _____No
Reasons: 38' front yard variance
- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** _____Yes 3 No
Reasons:
- 5. Whether the alleged difficulty was self-created:** 3 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.

3 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

HEARING #2

Request of Albert Worthington

Located at 12819 NYS Rt. 178

On Parcel # 111.08-1-27

In Agriculture & Rural residence

Bordering Property Owned by Crystal – Dale Farm, LLC, Gary Ramsdell,

George Colburn Jr., Carolynne Taylor

For 14’X36’ garage requiring a reduced front set back

DISCUSSION: Driveway will be enlarged to meet garage. Gravel will be used for driveway. Temporary garage will be removed. A 35’ front yard variance will be required.

PUBLIC COMMENTS: NONE

COMMENTS FROM ZEO: NONE

SEQR MOTION by Dean Witmer second by Fredrick Caswell 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

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Fredrick Caswell

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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 3 No

Reasons:

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: 3 Yes _____ No

Reasons

3. Whether the requested variance is substantial: 3 Yes _____ No

Reasons: 35’ front set back required

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: _____ Yes 3 No

Reasons:

5. Whether the alleged difficulty was self-created: 3 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.

3 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

ADOPTION OF PREVIOUS MINUTES:

Minutes can't be approved as there are not enough members available to approve. Minutes will be approved in October

BUSINESS: Next possible Hearing Oct 18th

MOTION by Dean Witmer, second by Fredrick Caswell, adjourns the meeting.

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

Respectfully Submitted

Wendy Flagg, ZBA Clerk