

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

September 16, 2020 AT 5:00 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: Julie West - 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 Joseph & Elaine Bitonti

Located at 14392 Snowshoe Rd

On Parcel # 97.15-1-52

In Lake Front

Bordering Property Owned by Mason & Cora Argiropoulos, Richard Scroton
and Julie Biondolillo

For proposed additions 8'x12' and 4'x4' requiring a reduced side set back

DISCUSSION: Will be trying to square off cottage along south side requiring a variance. The roof line will match existing and the addition will follow existing building line. Additions will not be any closer to waterfront than adjacent neighbor. Variance of 6' - 6" is required for the South side lot line and a 9'-6" combined variance is needed.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Joan Treadwell Woods declares the proposed action to be a TYPE II – 16 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, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

CLOSE PUBLIC HEARING MOTION by Dean Witmer second by Fredrick Caswell to close the Public hearing
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

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:** (1) Yes (4) No

Reasons:

3. **Whether the requested variance is substantial:** () Yes (5) No

Reasons:

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 are granted.

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

Motion: To approve a 6'-6" south side lot line variance to follow the existing building line and a 9'-6" combined side lot variance.

HEARING #2

Request of Christopher & Amy Rathbun

Located at 15368 Boathouse Rd

On Parcel # 98.50-1-29

In Lakefront

Bordering Property Owned by Francis & Cathy Hughto Delzer, Beverly Hays Life Tenant and Dr Stephen Hays

For proposed rebuild of front 12'x24' corner of cottage and turn into second story requiring a reduced side set back

DISCUSSION: Will be removing existing corner of cottage moving the existing foundation in by one foot and raising the corner to a two story section matching the existing roofline. A 7' South single side variance will be required but improved from existing.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Joan Treadwell Woods declares the proposed action to be a TYPE II – 9 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, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

CLOSE PUBLIC HEARING MOTION by Fredrick Caswell second by Robert Aliasso to close the Public hearing
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

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: () Yes (5) No**
Reasons: Smaller footprint

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 are granted.**

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

Motion: to approve a 7' South side single yard setback variance

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Fredrick Caswell accepts the July 15, 2020 corrected meeting minutes.

Roll Call voting yes: Robert Aliasso, Jerry Tackley, Fredrick Caswell, Dean Witmer
Joan Treadwell Woods - Abstains

BUSINESS: Next possible Meeting October 21st

MOTION by Dean Witmer second by Joan Treadwell Woods adjourns the meeting.

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

Respectfully Submitted
Wendy Flagg