

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

April 17, 2024 AT 6:00 PM

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Jaclyn Wenschhof., Joan Treadwell Woods, Julie West
Dean Witmer-Alternate**

CALL TO ORDER by Chairman Tackley at 6:00PM

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 CONTUATION

Request of Edwin & Dorinda Glaser

Located at 12808 County Route 72

On Parcel #106.09-2-3

In R-15

Bordering Property Owned by Henry Montondo, Robin Vincent and Wm Duane Jr. & Laurie Briggs

For request of 30'X 50' garage, variance required for the additional 300 sq. Ft. over allowable 1500 sq. ft. add fill & driveway

DISCUSSION:

Reviewed new site measurements and map (see below). Discussed measurements and recapped that this is an Area Variance, not a Use Variance as questions arose about future use in a larger garage. Discussed large barn across the road is in back yard, and character of neighborhood suggests that proper placement is rear yard for this project.

PUBLIC COMMENTS:

None

COMMENTS FROM ZEO:

Extra space on yard to move garage, if normal garage could be at 50' setback from ROW

SEQR MOTION by Rob 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 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

CLOSE PUBLIC HEARING MOTION by Jaclyn Wenschhof second by Julie West to close the public hearing

Roll Call voting 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

1. **Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties?** (1) Yes - Jaclyn Wenschhof (4) No – all others
Reasons: Yes reasoning was two (2) garages
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** (1) Yes - Jaclyn Wenschhof (4) No – all others
Reasons: Yes reasoning was two (2) garages
3. **Whether the requested variance is substantial:** (1) Yes - Jaclyn Wenschhof (4) No – all others
Reasons: Yes reasoning was a 25% increase allowable area
4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** (1) Yes - Jaclyn Wenschhof (4) No – all others
Reasons: Yes reasoning was two (2) garages
5. **Whether the alleged difficulty was self-created:** (5) Yes (0) No
Reasons:

DETERMINATION OF ZBA BASED ON ABOVE FACTORS:

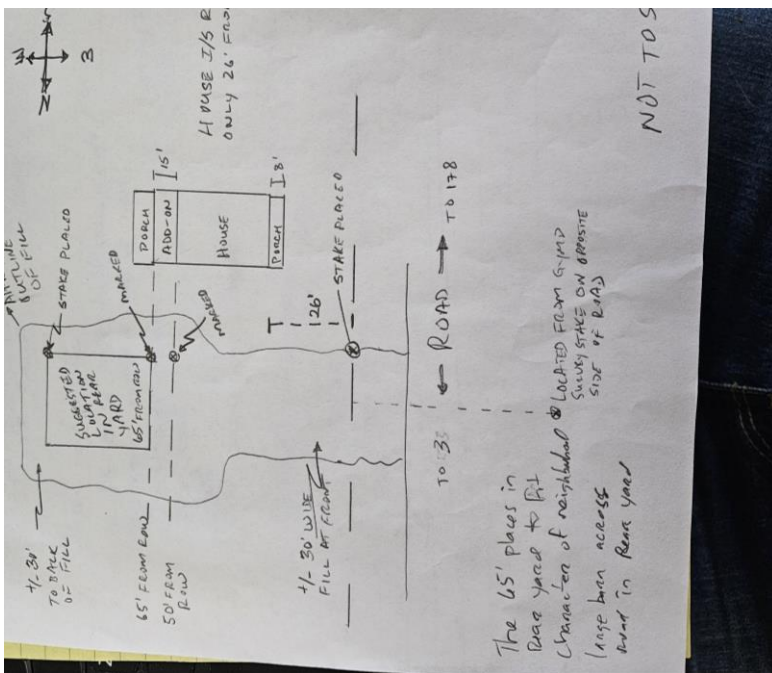
The ZBA, after taking into consideration the above five factors and motion, finds that

(1) 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 are granted.

Roll Call voting 4-1: Jerry Tackley, Jaclyn Wenschhof, Robert Aliasso, Dean Witmer, Joan Treadwell Woods No vote was Jaclyn Wenschhof

MOTION for Variance Granted 300 ft² of increased area to build a 30' wide front x 50' deep side, set 65' from Right of way as measured from GYMO survey marker, staked on site on shown on below map. The front of garage is on same building line as the rear of the home.



HEARING #2

Request of Adam & Sharon Steinfurth

Located at 12882 Eastman Tract

On Parcel #105.08-1-32

In Lakefront

Bordering Property Owned by James & Nancy Spicer, Douglas Allen, Todd Bickford, Jean Bowering Co trustee and Prudence Stelling Co trustee

For request of demo existing cottage and build new cottage requesting a front yard setback variance

DISCUSSION:

Brian Jones of Aubertine & Currier represented the applicant. The map below is revised from that in our packet, showing setbacks from Mean High Water (247.3'). Various discussion to reduce variance and enlarge setback to the lake of the existing structure. The front deck was reduced to 3 feet across existing cottage. Ultimately we reached consensus that non-conforming threshold of not closer to 10 feet should be guideline. Brian agreed he could move everything back. Discussion about digging, which is little, but enhanced draining will be included in the project.

PUBLIC COMMENTS:

None

COMMENTS FROM ZEO:

He preferred that whole project be moved back to 75' setback regardless of topography. After discussion abo environmental effects to that amount of digging, he suggested the "no closer than 10-foot" value.

SEQR MOTION by Rob 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 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

CLOSE PUBLIC HEARING MOTION by Julie West second by Jaclyn Wenschhof to close the public hearing
Roll Call voting 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

- 1. Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties? (0) Yes (5) No**
Reasons: Property is existing and will be moved back slightly from lake front
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: (0) Yes (5) No**
Reasons: already negotiated 100% improvement in front setback
- 3. Whether the requested variance is substantial: (5) Yes (0) No**
Reasons: 10 feet granted, 75 feet required, but appropriate for this situation of an existing structure that will be moved back from the lakefront
- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: (0) Yes (5) No**
Reasons: Cottage is existing and limited additional digging required.
Drainage being placed in the vicinity of new build as well
- 5. Whether the alleged difficulty was self-created: (5) Yes (0) No**
Reasons:

DETERMINATION OF ZBA BASED ON ABOVE FACTORS:

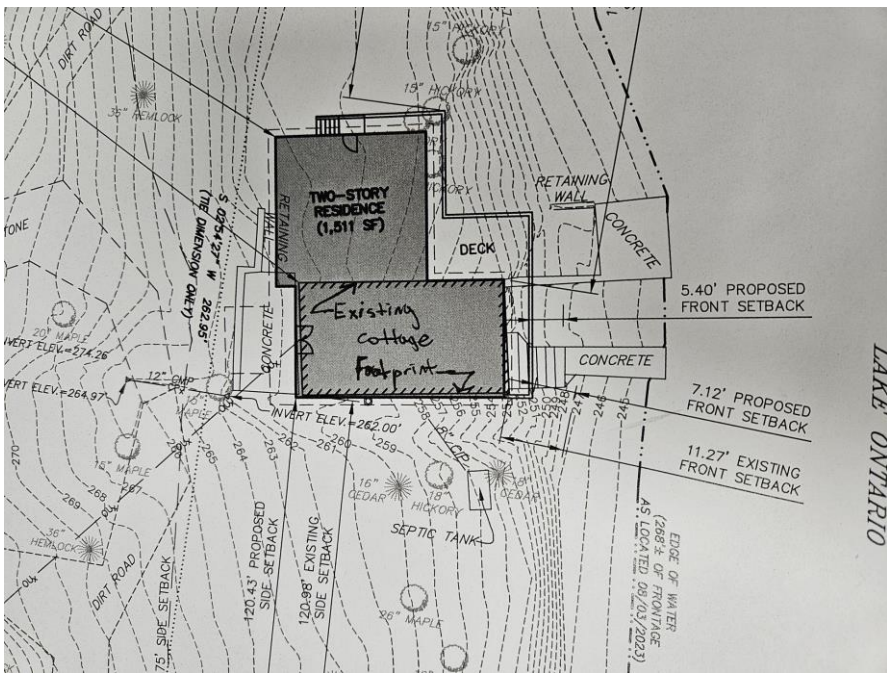
The ZBA, after taking into consideration the above five factors and motion, finds that

(0) 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 5-0: Jerry Tackley, Jaclyn Wenschhof, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

MOTION for Variance Granted front setback will be 10 foot to front of new deck from the Mean High Waterline.



BUSINESS: Next possible Meeting May 15th Jaclyn Wenschhof will be absent.
Gave an update on Solar Law rewrite committee and timeline.

PRIOR MEETING MINUTES MOTION by Joan Treadwell Woods and second by Rob Aliasso to approve with comments.
Roll Call voting 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

ADJOURN MEETING MOTION by Jaclyn Wenschhof second by Joan Treadwell Woods adjourns the meeting.
Roll Call voting 5-0: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

Respectfully Submitted
Rob Aliasso for Mary Cornell