

# TOWN OF HENDERSON ZONING BOARD OF APPEALS AGENDA

12105 TOWN BARN ROAD, HENDERSON, NY

April 19, 2023 AT 6:00 PM

Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Joan Treadwell Woods, Julie West  
Dean Witmer-Alternate

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## CALL TO ORDER

ATTENDANCE and PLEDGE: Jerry Tackley, Rob Aliasso, Julie West, Fred Caswell, Joan Treadwell Woods

## 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 – Continuation from March 15, 2023 meeting

### Request of Mason & Cora Argiropoulos

Located at 14404 Snowshoe Road

On Parcel #97.15-1-51

In LF

Bordering Property owned by George J. and Jeannine H. Wacker, and Joseph and Elaine Bitonti.

Request variance of setbacks to rebuild 2 story home on the existing footprint.

DISCUSSION; Variances needed on SW side 7'4" to bring to 15' to allow combined sideyards to 25'.

**PUBLIC COMMENTS:** Letters from neighbors presented and put in file

**COMMENTS FROM ZEO:** All ok

**SEQR MOTION** by Rob Aliasso, second by Joan Treadwell Woods declares the proposed action to be a TYPE 2 – 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell.

**CLOSE PUBLIC HEARING MOTION** by Fred Caswell, second by Joan Treadwell Woods to adjourn and close the public hearing.

Roll Call voting YES : Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell.

### **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 Already should have from prior size.**  
Reasons:
3. **Whether the requested variance is substantial: (1 ) Yes (4 ) No**  
Reasons: Julie West voted yes due to variance size.
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: (3 ) Yes (2 ) No**  
Reasons: Julie West and Fred Caswell voted no due to previous factors

#### **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 .

(X ) 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell

**Request of Stephen Robert Hays, Trustee**

Located at 11675 Ramsey Shores W

On Parcel #98.50-1-13/14

In LF

Bordering Property owned by Timothy and Diane Cozad, Joseph A and Marie-Claude Delorme Fedorko, Hays Life Tenant, Beverly

Request to build a 28x36' garage.

**DISCUSSION:** Will need a 25' rear set back on a non-conforming lot. Zoned agriculture. 6' off one corner so 19' setback is needed. There are issues with electrical pole on the property as well. A wider and shorter size, 36 x 24 would require only a 15' variance on 1 corner. Recommend buying additional acreage to be able to build desired garage with attic trusses. Fee would be waived for a return to the ZBA. Contractor will meet with owners.

**PUBLIC COMMENTS:** None at this time

**COMMENTS FROM ZEO:** Will review changes when submitted.

**Motion made for continuation by Julie West, seconded by Rob Aliasso.**

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**Request of Frank Shattuck**

Located at 6373 Nutting Street

On Parcel #105.19-1-1

In AR

Bordering Property owned by Nathan Salisbury, c/o Carol Salisbury, Nathan Salisbury Estate

Request to build addition on existing foundation..

**DISCUSSION:** Case heard back on January 19, 2022 – Mr. Shattuck had the existing structure demolished and part of it rebuilt without a permit. Entire foundation is still viable with a 19 x 24' section left that he would like to build onto to enlarge the workshop. He only has a 25' setback and a 50' is needed, but does not cross existing front building line.

**PUBLIC COMMENTS:** No comments at this time.

**COMMENTS FROM ZEO:** Old building was demolished and rebuilt without a permit. He did not rebuild on the entire foundation, there is a 19 x 24 area left.

**SEQR MOTION** by Rob Aliasso, second by Joan Treadwell Woods, declares the proposed action to be a TYPE 2 – 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell. Mr. Shattuck can only build on the existing foundation.

**CLOSE PUBLIC HEARING MOTION** by Joan Treadwell Woods, second by Fred Caswell to adjourn and close the public hearing. A 20' front and 5' rear setback to rebuild on existing foundation approved.

Roll Call voting YES : Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell.

**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: (5) Yes ( ) No Discussed shed alternative.

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: (4 ) Yes (1 ) No – Julie West

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 .

( x ) 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell

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**MOTION** by Rob Aliasso , second by Joan Treadwell Woods to accept the March 15, 2023 meeting minutes.

Roll Call voting ( YES ) : Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Julie West, Fred Caswell. Fee to be waived

**BUSINESS:** Next meeting on May 17, 2023. Rob Aliasso and Fred Caswell will not be here in May, will check with Dean Witmer.

**MOTION** by Julie West second by Rob Aliasso adjourns the meeting.

Roll Call voting YES : Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred Caswell.

**Respectfully Submitted**

**Mary M. Cornell, ZBA Clerk**