

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

March 20, 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

ATTENDANCE and PLEDGE:

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 Edwin & Dorinda Glaser

Located at 12808 Cty Rte 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: Difficult to measure the right of way of road to determine proper set back. Drawing of project has some incorrect information on it. The actual building is set 100' off the edge of the road. Some members would like to see building pushed

back farther towards the back of the lot. Concerns with it being possibly used as a small business. Mr. Glaser has no intentions of using building as a business only wants it to store personal boats and cars and space to work on them.

The grading and fill is wrapped into the same permit as building. Shed to remain on lot. Board asked if members could come to site to actually measure where the building is going.

PUBLIC COMMENTS: Robin Vincent, neighbor of property is concerned with the building being used as a business. Any protection for future if lot sold for new owner to operate it as a business? This is not an allowable use in the zoning district so it would not be approved as a business.

COMMENTS FROM ZEO: None

Board wished to continue this hearing after the site visit to get the actual measurements of where the building is going and how far off the right of way it will be.

MOTION

CONTINUE THE PUBLIC HEARING for April meeting made by Jerry Tackley second by Robert Aliasso to continue hearing

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

SEQR MOTION by _____ second by _____ declares the proposed action to be a TYPE II – _____ 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 ____: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Jaclyn Wenschhof

CLOSE PUBLIC HEARING MOTION by _____ second by _____ to close the public hearing

Roll Call voting ____: 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? () Yes () No**

Reasons:

- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: () Yes () No**

Reasons: Driveway would be in the way

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

Reasons:

- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: () Yes () No**

Reasons:

5. Whether the alleged difficulty was self-created: () 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.

() 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, Jaclyn Wenschhof, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

BUSINESS: Next possible Meeting April 17th

Discussion of process of zoning permit path. Planning Board will be issued application needing variance will then review project and pass onto Zoning Board of Appeals who will then determine if variance should be allowed or denied and send back to Planning Board for final review and approval.

Maut keep Comprehensive Plan top of mind as request for variances are determined. The Comprehensive Plan along with Zoning Laws should be used as guide to determine out come of hearing.

MOTION by Joan Treadwell Woods second by Julie West adjourns the meeting.

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

Respectfully Submitted
Wendy Flagg