

TOWN OF HENDERSON ZONING BOARD OF APPEALS AGENDA

12105 TOWN BARN ROAD, HENDERSON, NY

October 16, AT 6:00 PM

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, 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 clearly state 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 - Revisiting

CONFERENCE CALL –

Request of Lindsay Witmer

Located at 7036 Hovey Cove Lane

On Parcel #97.15-1-65

In LF

Bordering Property owned by Jeffrey, Deborah and Kevin Williams , and Krista and Robert Canham.

Request variance to build a 30x40' garage with 6' side setback on both sides.

DISCUSSION: Several options to review. Lindsey prefers a 26' wide garage shown on Map 3. No issues with rear setback, side variance of 15' on one side and 10' on the other.

PUBLIC COMMENTS : None at this time

COMMENTS FROM ZEO:

SEQR MOTION by Rob Aliasso, second by Julie West 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.

CLOSE PUBLIC HEARING MOTION by Joan Treadwell Woods second by Julie West to close the public hearing. Roll Call voting (**4 YES**) : Jerry Tackley, Robert Aliasso, Joan Treadwell Woods and Julie West.

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 – Rob Aliasso
Reasons: Already negotiated reduce variance
3. **Whether the requested variance is substantial:** Yes No – Julie West
Reasons: Already reduced
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 for a side setback on the left of 7' and the right side of 2'.**

Roll Call voting (**4-YES**)____: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, and Julie West.

HEARING #2 - Revisit

Request of John MacVittie

Located at 11227 Flat Rock E, Adams, NY

On Parcel #98.11-1-31

In LF

Bordering Property owned by John R. Church III, Karen, Kevin Sischo, Deanna Barney-Sischo

Request variance for 3.5% increase in lot coverage and side setbacks to build a 22x32 garage.

DISCUSSION: There are issues with the tax maps on this parcel and ROW for location. Push the garage back 10-12', take out extra pad, would like a 22 x 32' garage. Mr McVitte will notify the board when he has the documentation on the tax maps. Removal of pad likely, eliminates need to coverage variance.

PUBLIC COMMENTS: None at this time

COMMENTS FROM ZEO:

SUSPENDED - 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, Dean Witmer, Joan Treadwell Woods

_Roll Call voting ____: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, and Julie West.

SUSPEND PUBLIC HEARING - MOTION by Rob Aliasso second by Joan Treadwell Woods to suspend the public hearing until further notice from Mr. McVitte.

Roll Call voting 4- YES ____: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West.

AREA VARIANCE CHECKLIST – NOT APPLICABLE

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:

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: NOT APPLICABLE

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 _____.

Roll Call voting ____: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods , Julie West

Request of Scott R and Lynn Brown

Located at 14592 Snowshoe Rd

On Parcel 97.15-1-37

In LF

Bordering Property owned by Charles and Lisa Scrobola, Stephen and Donna Schick

Request variance to build a deck on the side of the structure – side set back is less than required

DISCUSSION: Open deck, needs 3’ variance, really a platform. Deck will be built parallel to the building line requiring an: approximately 4’8” side yard variance.

PUBLIC COMMENTS: Letter from Donna Schick read to the board

COMMENTS FROM ZEO:

SEQR MOTION by Rob Aliasso second by Julie West 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, Robert Aliasso, Joan Treadwell Woods, and Julie West.

CLOSE PUBLIC HEARING MOTION by Rob Aliasso second by Julie West to close the public hearing.

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

AREA VARIANCE CHECKLIST –

FACTORS CONSIDERED

1. **Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties? Yes (4X) No**
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: (4X) Yes No**
Reasons: smaller deck

3. **Whether the requested variance is substantial: (2) Yes (2) No**
Reasons:

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

5. **Whether the alleged difficulty was self-created: (4) 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 for a side setback of 4'8".**

Request of Raymond and Tammy Walseman

Located at 8851 State Route 178

On Parcel #106.09-2-46

In B

Bordering Property owned by Greg and Dawn Scott, Shawn Bennett and Maryann Aubin, c/o Scott Aubin

Request variance to build a personal storage building – side set back is less than required

DISCUSSION: Needs a 10” variance, wants to build a 40x50’ storage unit on existing foot print. Issue is closeness to road. Move back 11’ to 51’, only side yard variance required.

PUBLIC COMMENTS: None at this time

COMMENTS FROM ZEO; OK

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 4 YES: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, and Julie West.

CLOSE PUBLIC HEARING MOTION by Julie West second by Rob Aliasso to close the public hearing. Roll Call voting YES: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, and Julie West.

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:

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.

(X) the Benefit to the Applicant **DOES** Outweigh the Detriment to the Neighborhood or Community and therefore the variance and motion request are **granted**.

BUSINESS: The next meeting will be scheduled for November 20, 2024 at 6:00 pm.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Julie West, second by Rob Aliasso accepts that the August 20 minutes. The September meeting was cancelled due to lack of board members being available.

Roll Call voting **YES**: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Julie West

ADJOURN MEETING MOTION by Joan Treadwell Woods, second by Rob Aliasso adjourns the meeting.

Roll Call voting **YES**: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West

Respectfully Submitted

**Mary Cornell
ZBA Clerk**