

TOWN OF HENDERSON ZONING BOARD OF APPEALS AGENDA

12105 TOWN BARN ROAD, HENDERSON, NY

October 18, 2023 AT 6:00 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:

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.

Request of DG Henderson LLC

Located at 8328 NYS Rte 3

On Parcel #106.13-1-24

In B

Bordering Property owned by Peter Price and MR Burdick Enterprises

Request variance for free standing sign and sign attached to store.

DISCUSSION

PUBLIC COMMENTS:

COMMENTS FROM ZEO:

SEQR MOTION by _____, second by _____ declares the proposed action to be a TYPE ____ – _____ 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, Fred Caswell.

CLOSE PUBLIC HEARING MOTION by _____, second by _____ to adjourn and close the public hearing. Roll Call voting ____ : Jerry Tackley, Dean Witmer, 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 () 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 .
- () 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 ___ : Jerry Tackley, Dean Witmer, Joan Treadwell Woods, Julie West, Fred Caswell

MOTION by _____, second by _____ to accept the June 21, 2023 meeting minutes.

Roll Call voting (___): Dean Witmer, Jerry Tackley, Joan Treadwell Woods, Julie West, Fred Caswell.

BUSINESS:

MOTION by _____ second by _____ adjourns the meeting.

Roll Call voting ___ : Jerry Tackley, Dean Witmer, Joan Treadwell Woods, Julie West, Fred Caswell.

Respectfully Submitted

**Mary M. Cornell
ZBA Clerk**