

TOWN OF HENDERSON ZONING BOARD OF APPEALS MINUTES
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: Jerry Tackley, Julie West, Joan Treadwell Woods, Fred Caswell, Dean Witmer.

Robert Whiteman, Peter Price, Anthony DePerno of Victorysign

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 highways; All 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

The Chairman read the letter from Anthony DePerno of Victorysign pleading the case for larger signage. Letter is attached. The Chairman stated he's not comfortable with

the sign increase because zoning states explicitly maximum size of signs. It was suggested that the Town Board revisit signage for commercial development on Route 3 and adjust zoning laws accordingly. Also, a concern was discussed by the ZBA members; the current Comprehensive Plan for Henderson is outdated and provides no guidance for today's commercial development proposals. A revised/updated Plan would likely affect Town Zoning Laws, including the sections pertaining to signs. In the meantime, the ZBA, thus, should take a conservative approach to evaluating applications for sign variances. It was emphasized that the Town Board should prioritize the Comprehensive Plan review, revisit signage zoning laws for commercial development on NYS Route 3 and adjust zoning laws as appropriate.

PUBLIC COMMENTS:

- Bob Whiteman questioned the sign information as it was different than that presented at the Planning Board meeting.
- Peter Price voiced opposition to B. Whiteman's hearsay from the PB as he was not there representing the PB. Pete stated that Route 3 should be made friendly to future business development. Bigger signs are easier to read.
- Anthony from Victorysign stated that traffic studies have been done and show that signage the size they requested is very readable to highway traffic.

COMMENTS FROM ZEO:

- Eric pulled the maps for the Dollar General which is now going to be upgraded to a DG Mart.
- A smaller monument sign, free standing, with two 4x8 signs on each side is allowable. This free-standing sign will be perpendicular the Route 3 and viewable from either direction. A smaller monument sign ok by the owner?

SEQR MOTION by Joan Treadwell Woods, second by Julie West declares the proposed action to be a **TYPE II – 9 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-YES**: Jerry Tackley, Dean Witmer, Joan Treadwell Woods, Julie West, Fred Caswell.

CLOSE PUBLIC HEARING MOTION by Dean Witmer, second by Joan Treadwell Woods to adjourn and close the public hearing. Roll Call voting **5-YES** : 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 the 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:** (4) Yes (), 1-no from Fred Caswell
Reasons:
3. **Whether the requested variance is substantial:** (3) Yes (2) No – Julie West, Fred Caswell
Reasons: 8 sq ft - variance – 25%

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: (5) 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.

** 8 sq. ft variance on building sign to equal 40 sq. ft is granted. Original sign request of 83.3 sq. ft. was reduced to 40 sq. ft. by client.** No variance was granted for the monument sign.

Roll Call voting 5-YES : Jerry Tackley, Dean Witmer, Joan Treadwell Woods, Julie West, Fred Caswell

MOTION by Joan Treadwell Woods , second by Fred Caswell to accept the June 21, 2023 meeting minutes.

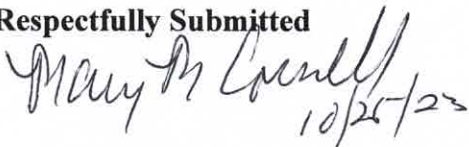
Roll Call voting (4- YES) : Jerry Tackley, Joan Treadwell Woods, Fred Caswell, Dean Witmer.

BUSINESS: Letter from Planning Board - attached

MOTION by Fred Caswell second by Julie West adjourns the meeting.

Roll Call voting 5-YES : Jerry Tackley, Dean Witmer, Joan Treadwell Woods, Julie West, Fred Caswell.

Respectfully Submitted



Mary M. Cornell
ZBA Clerk