

# TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING MINUTES

12105 TOWN BARN ROAD, HENDERSON, NY

September 15, 2021 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:

## 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 Mason & Cora Argiropoulos

Located at 14404 Snowshoe Road

On Parcel #97.15-1-51

In LF

Bordering Property Owned by George & Jeannine Wacker and Joseph & Elaine Bitonti

For interpretation of Zoning Laws pertaining to area variance and request to rebuild house on existing footprint with side setbacks of 5' and 4.5'.

**DISCUSSION:** Continue hearing in October. Motion by Robert Aliasso to continue hearing in October and request that family member or contractor be present at meeting.

**COMMENTS FROM ZEO:** Eric Sheldon, ZEO recommended turning the house 90 degrees so it fits on the lot.

**PUBLIC HEARING MOTION** by Robert Aliasso, second by Joan Treadwell to continue the hearing in October. Roll Call voting **yes:** Roll Call voting **yes:** Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

## **HEARING #2**

### **Request of Daniel & Sarah Radmanovic**

Located at 10411 Bayshore Drive

On Parcel 98.14-1-45

In LF

Bordering Property Owned by Nutmeg Properties, LLC, and James R. MacFarland.

For interpretation of Zoning Laws pertaining to building a new house with side dimensions setback of less than 25 feet.

**DISCUSSION:** House not to be any closer to water than adjoining parcel. 2’8” variance on west side

**COMMENTS FROM ZEO:** Granting a variance of 2’8” less than required

**SEQR MOTION** by Robert Aliasson, second by Joan Treadwell declares the proposed action to be a TYPE II – 37 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:** Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

**CLOSE PUBLIC HEARING MOTION** by Joan Treadwell, second by Fred Caswell to close the Public hearing.

Roll Call voting **yes:** Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, 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 ( 5 ) No Reasons:**

**2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: ( ) Yes ( 5 ) No**

**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: ( 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.

( 5 ) 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: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

**MOTION:** 2'8" variance on west side setback, and no portion of the house closer to the water, that adjacent property

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Robert Aliasso , second by Fred Caswell accepts the July 21,2021 corrected meeting minutes.

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

**BUSINESS:** Next meeting scheduled for Wednesday, October 20, 2021.

1. 20 x 40 foot sign on John Kilius's bldg. at the RCR yachts location – “Welcome to Henderson” proposed by HHBC, Dwight Davidson presenting. Would definitely need a variance –
  - a. Promoting town
  - b. Not on a road
2. Carbone's Waterside, keep application open until end of year.

**MOTION** by Joan Treadwell, second by Robert Aliasso adjourns the meeting.

Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

Respectfully Submitted,  
Mary M. Cornell  
ZBA Clerk