

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING MINUTES

12105 TOWN BARN ROAD, HENDERSON, NY

October 20, 2021 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.

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: Conference call with Mason Argiropoulos. Variance requested is 5’5” on the North side and 10’ on the South Side.

Conditions:

1. Add on to first floor permitted, not a rebuild, not a complete demolition of first floor. 2nd story to be added on existing 1st floor and foundation.
2. Preserve majority of existing 1st floor and foundation. Foundation can be strengthened where needed, but not replaced in its entirety.
3. Second story cannot exceed footprint of existing 1st floor. Roof peak cannot exceed 35’

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: Table until we have the plans

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 **YES:** ; Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

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

Roll Call voting: **YES;** Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick 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 (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: (5) Yes () 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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Rob Aliasso_, second by Joan Treadwell Woods accepts the ammended September 15,2021 minutes.

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

BUSINESS: Next meeting set for November 17, 2021.

MOTION by Joan Treadwell Woods_ second by Julie Woods 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