

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING MINUTES

12105 TOWN BARN ROAD, HENDERSON, NY

January 19, 2022 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, Robert Aliasso, Fredrick Caswell, Joan Treadwell, Julie West

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.

Organizational Meeting: Meeting to be the 3rd Wednesday of each month at 6:00PM (as requested)
Chairman – Jerry Tackley, Vice Chairman – Robert Aliasso, Alternate Member – Dean Witmer, Clerk – Mary M. Cornell, Newspaper – Watertown Daily Times

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

HEARING #1

Request of Frank Shattuck

Located at 6373 Nutting Street Road

On Parcel #105.19-1-1

In AR-40

Bordering Property Owned by Nathan K. Salisbury, c/o Carol Salisbury/Nathan Salisbury Estate.

For request to demolish existing cottage, and replace with new cottage with reduced front setback

DISCUSSION – Mr Shattuck neglected to get a permit before demolishing the building. Grandfather clause is null and void because of this action. The original foundation is intact. A new structure was built before obtaining permits on one side of the foundation. A covered walkway was also rebuilt. The structure is on the old footprint. A 50’ setback from the road is needed, there is a 25’ setback.

PUBLIC COMMENTS:

COMMENTS FROM ZEO – This building was rated an unsafe building. Original building was demolished without a permit. New building on old foundation after the fact. Mistakes occurred. Nutting Street is south of the ROW on the parcel. Built approximately 1955. 18’ ROW on road, 50’ ROW needed. 32’ of parcel in ROW. Non-conforming lot.

SEQR MOTION by Joan Treadwell, second by Julie West declares the proposed action to be a TYPE 2_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 (5):

CLOSE PUBLIC HEARING MOTION by Robert Aliasso, second by Joan Treadwell_ to close the Public hearing
Roll Call voting YES (5) 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: (5) Yes () 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 No (5)

Reasons:

5. Whether the alleged difficulty was self-created: () Yes (4) No (1)

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 NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance and motion request are granted.

- No additional building permitted.

Roll Call voting _YES (5)_: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Julie West accepts the November 17, 2021 minutes with correction.

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

BUSINESS: Next meeting set for February 16, 2022.

MOTION by Julie West, second by Robert Aliasso adjourns the meeting.

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

Respectfully Submitted
Mary M. Cornell
ZBA Clerk