

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING
12105 TOWN BARN ROAD, HENDERSON, NY**

April 20, 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:

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 – Conference call

Request of James Leyden

Located at 3013 Stoney Point Ln

On Parcel #105.13-1-45

In LF

Bordering Property Owned by Walter Winter, M/M Goss and M/M McGivney

For request to demo two (2) existing sheds and replace with a new 12'x16' shed requiring a reduced side setback.

DISCUSSION: The two existing sheds will be removed, and replaced with a 12'wide x16'long shed or possibly longer. Discussions to reduce the width of the shed were had so variance would be reduced to 5'but owner needs the space, and it's an improvement from existing placement. An agreement to move the shed over another

foot from side lot line was reached requiring the variance needed to be 6'. Area shed to be placed was defined as no closer in front lot line, lake side, than existing deck attached to home. Rear lot line, road or right of way, no closer than 10' and East side lot line no closer than 4'.

PUBLIC COMMENTS: Walter Winter, neighbor, stopped into Town Clerk's office and reviewed project and had no issues with placement of shed. Happy to see existing shed closest to road being removed. M/M Goss were not notified of the hearing.

COMMENTS FROM ZEO: Recited zoning law for sheds is 10' of rear lot line and 10' of side lot line. Request that Board stay with their previous decisions and allow nothing less than a 5' variance on side lot line.

SEOR MOTION by Robert 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 Fredrick 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: two existing sheds to be removed and further set back from rear lot line will improve this
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: (1) Yes (4) No**
Reasons:
3. **Whether the requested variance is substantial: (5) Yes () No**
Reasons: Improvement over existing
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

(1) the Benefit to the Applicant **DOES NOT** Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

(4) 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: Fredrick Caswell, Robert Aliasso, Julie West, Joan Treadwell Woods

No: Jerry Tackley

MOTION : A six (6) feet variance was granted on the East side lot line.

HEARING #2

Request of Kathryn Renzi

Located at 14321 Cty Rt 123

On Parcel #98.17-1-49.2

In LF

Bordering Property Owned by Mark Wise, Montgomery Trustee William & Christine

For request of a new 28'X38' garage requiring a reduced side lot line setback.

DISCUSSION: The Timeline of events was discussed. A bunch of misunderstandings seems to have created this situation. Contractor brought in permit request on enforcement officer's day off. Town Clerk discussed the Schedule I lot setbacks and height requirements with contractor that is posted showing the single yard setback. County allowed contractor to get building permit with the understanding the zoning permit would be faxed up upon day the enforcement officer would be in. Contractor very reputable done several projects through out area and very well versed in set back requirements for town, even discussed project 5 to 6 months prior with enforcement officer to make sure it was allowed. The one major hang up of project is this building is on a conforming lot requiring it to be a minimum of 20' off side lot lines. Unlike most parcels along the waterfront this is one of the few conforming lots. Contractor started project poured footers and floor with only being 13' off northeast side lot line. Driveway to be placed across the front of the garage will not cause drainage issues on neighbors as culvert and slope is toward the property owner. A 7' variance is required to allow the project. Large open lot, trying to line up the driveway of garage with the home that is kitty corner, across the road to make the area aesthetically pleasing.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: Believes it was a misunderstanding by all involved and by all rights a variance should be allowed for the project.

SEQR MOTION by Robert 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 Joan Treadwell Woods second by Julie West 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: No drainage issues, culvert in place

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: (5) Yes () No
Reasons: misinformed on the required Northeast side setback

3. Whether the requested variance is substantial: (1) Yes (4) 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

(1) the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

(4) 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: Fredrick Caswell, Robert Aliasso, Julie West, Joan Treadwell Woods

No: Jerry Tackley

MOTION: a 7' northeast side lot line variance is granted

MOTION by Robert Aliasso, second by Fredrick Caswell accepts the January 19, 2022 amended meeting minutes.

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

BUSINESS: Next possible Meeting May 18th

MOTION by Robert Aliasso second by Joan Treadwell Woods adjourns the meeting.

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

Respectfully Submitted
Wendy Flagg