

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

June 15, 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: J. Tackley, R. Aliasso, Joan Treadwell Woods, 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.

HEARING #1 –

Request of Shawn M. Herrmann

Located at 13422 County Route 72, Henderson, NY 13650

On Parcel #106.05-1-5.23

In R-15

Bordering Property Owned by Six Town Heights, and Paulette Fish, and John Bateman.

Request variance for reduced side setback.

DISCUSSION: (Mary's notes)

Article V - 150-15 – When establishing measurements to meet the required yard and structure setbacks, the measurement shall be taken from the lot line or nearest mean high water mark elevation to the building line in accordance with 150-10C of this Law.

ROAD: A right-of-way for vehicular traffic, including street, highway avenue, lane or other way which is an existing public way or a way shown upon a subdivision plat approved by the Planning Board. The term does not include private ways, driveways, or easements for the common access to roads. All roads shall meet construction standards prescribed by the Town Board.

LOT, CORNER – A lot at the junction of and fronting on two or more streets intersecting at an interior angle of less than 135 degrees.

In the case of a corner lot, both yards adjoining the intersecting roads shall meet the appropriate setback for the front yard.

The current setback is 43' to the road (CR 72), 40' and 70' to the lot lines, and 70' to the back line. The side yard does have a conforming lot. Propane tank is buried.

Other options were discussed.

PUBLIC COMMENTS:

Paulette Fish sent a letter via email stating not in favor of garage as they are negotiating the purchase of additional property from Six Town Heights that will border Mr. Herrmann's property on the west side and they prefer nothing change regarding variances at this time.

COMMENTS FROM ZEO: Check with Eric on front setback.

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.

CLOSE PUBLIC HEARING MOTION by Rob Aliasso, second by Joan Treadwell Woods to adjourn and keep the hearing open.

Roll Call voting YES: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, 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 () 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: () Yes () No
Reasons:
3. Whether the requested variance is substantial: () Yes () No
Reasons: Improvement over existing
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: () Yes () No
Reasons:
5. Whether the alleged difficulty was self-created: () 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.

() 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:

MOTION :

MOTION by Joan Treadwell Woods, , second by Julie West accepts the April 20, 2022 amended meeting minutes.

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

BUSINESS: Next possible meeting on July 20, 2022.

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.

Respectfully Submitted

Mary M. Cornell
ZBA Clerk