

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

December 21, 2022 AT 5:30 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 Jr., 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

Request of Christopher and Teri Clement

Located at 14277 County Route 123

On Parcel #98.17-1-51

In LF

Bordering Property owned by Montgomery Trustee, William L., Christine L
Montgomery Trustee and William and Christine Montgomery Family.

and Thomas W and Marjorie D Coppinger.

Request variance for side setback for new home

DISCUSSION:

Previous structure was demolished. Slab is in place, will be removed. Looking for variance, needs 6' variance on west side. House is 30' from cliff.

PUBLIC COMMENTS:

N/A

COMMENTS FROM ZEO:

N/A

SEQR MOTION by Rob Aliasso, second by Joan Treadwell Woods declares the proposed action to be a TYPE 2 - Action 16 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, Fred Caswell.

CLOSE PUBLIC HEARING MOTION by Julie West, second by Fred Caswell to adjourn and close the public hearing. Roll Call voting YES : Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fred 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 (X) No
Reasons:
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: () Yes (X) No
Reasons:
3. Whether the requested variance is substantial: () Yes (X) No
Reasons:
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: () Yes (X) No
Reasons:
5. Whether the alleged difficulty was self-created: (X) 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 .
- (X) the Benefit to the Applicant DOES Outweigh the Detriment to the Neighborhood or Community and therefore the variance and motion request are granted.

MOTION by Julie West, second by Robert Aliasso to accept the November 16, 2022 meeting minutes.
Roll Call voting: YES: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Julie West, Fred Caswell.

BUSINESS: Next possible meeting on January 18, 2023

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

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

Respectfully Submitted

Mary M. Cornell
ZBA Clerk