

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

April 21, 2021 AT 5:00 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 CONTINUANCE

Request of John & Debbie Peterson

Located at 13799 Cty Rte. 123

On Parcel # 98.17-1-8

In Lake Front

Bordering Property Owned by Kenneth & Tina Vance and Mary Gale McGuane
For removal of existing cottage and proposed replacement of new two (2) story,
2,816 square foot, approximately 54' x 30' cottage requiring a reduced side
setback and reduced rear setback variance on a non- conforming lot.

DISCUSSION: A new survey was provided by Storino Geomatics showing right of way, existing house placement and proposed new house placement as well as existing rear and proposed rear decks. The concern of the existing rear decks being right on the water's edge have been reconfigured as asked by Board. A 2.5' side yard variance on the Northeast side of the structure will be required and a 19.6' variance on the rear will also be needed.

PUBLIC COMMENTS: No additional comments

COMMENTS FROM ZEO: None

SEQR MOTION by Robert Aliasso second by Fredrick Caswell 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 Julie West 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: () Yes (5) No**
Reasons: 2.5' variance on NE side / rear decks reconfigured to reduce the variance
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**

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

MOTION: by Robert Aliasso second by Fredrick Caswell to grant a 2'.5" variance on the NE side of the new home and a 19'.6" variance on the rear lot line this is an improvement from the existing decks.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Julie West accepts the March 17, 2021 corrected meeting minutes.
Roll Call voting yes: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

BUSINESS: Next possible Meeting May 19th
The passing away of Charlotte Richmond recognized
Discussion on moving time of meeting to 5:30PM or 6:00PM

MOTION by Joan Treadwell Woods second by Fredrick Caswell adjourns the meeting.
Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

Respectfully Submitted
Wendy Flagg