

**TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING**

**12105 TOWN BARN ROAD, HENDERSON, NY**

**Aug 21, 2019 AT 7:00 PM**

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Matthew Owen, Joan Treadwell Woods, Dean Witmer-Alternate**

---

**CALL TO ORDER**

**ATTENDANCE and PLEDGE:** Matt Owen recuses himself due to family member request  
Dean Witmer attends

**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 Patrick Owen**

Located at 15271 Snowshoe Rd

On Parcel # 97.15-2-76.43

In Lakefront

Bordering Property Owned by Kevin & Krystle Chandler and Michael Owen

For 30'x50' garage, variance required for the additional 300 sq. ft. over allowable 1200 sq. ft.

**DISCUSSION:** All required setbacks are satisfied. Building is surrounded by woods only the front will be viewed from the road. Two doors will be installed for storage only.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** None

**SEQR MOTION** by Robert Aliasso second by Dean Witmer declares the proposed action to be a TYPE II – 12 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, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**CLOSE PUBLIC HEARING MOTION** by Joan Treadwell Woods second by Fredrick Caswell to close the Public hearing

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

## **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:** Boat will be moved inside instead of outside that's what added footage is needed for.
  
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:** ( ) Yes ( 5 ) 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**

**( ) 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 is granted.**

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**HEARING #2**

**Request of Randolph Schafer & Norma Jean Kenna ( Represented by Ryan Schafer**

Located at 14497 Cty. Rte. 123

On Parcel # 98.14-1-14

In Lakefront

Bordering Property Owned by Kurt & Susan Barnes

For 20' x 24' addition to existing building requiring a reduced front and side set back

**DISCUSSION:** Lot Coverage is no issue and will not be built any closer to water than adjacent property owner. A 4' side variance will be needed as well as a 39' front variance but addition will be approximately 22' behind the existing structure. The addition will be single story to be a recreational area.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** None

**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, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**CLOSE PUBLIC HEARING MOTION** by Dean Witmer second by Joan Treadwell Woods to close the Public hearing

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**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:** ( 3 ) Yes ( 2 ) No

**Reasons:** Would hamper the flow of the home

3. **Whether the requested variance is substantial:** ( 5 ) Yes ( ) No

**Reasons:** Addition is attached to existing structure and will be approximately 22’ behind front building line.

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**

( ) **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 is granted.**

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Robert Aliasso, second by Joan Treadwell Woods accepts the June 19, 2019 meeting minutes.

Roll Call voting yes: Robert Aliasso, Joan Treadwell Woods, Jerry Tackley, Fredrick Caswell  
Dean Witmer – abstains

**BUSINESS:** Next possible Meeting Sept. 18<sup>th</sup>  
Review SEQR changes

5G Antennas are cropping up research needs to be done as to zoning laws  
New SEQR codes have been issued review changes  
Solar and zoning changes to review with County

Questions on if whole property/structures should be made into compliance not just current project Board decides not at this time.

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

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Dean Witmer, Joan Treadwell Woods

**Respectfully Submitted**

**Wendy Flagg**