

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

June 19, 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:

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 Russell & Trudy Youngs

Located at 7083 Cty Rte 152

On Parcel # 105.19-3-2.1

In Agriculture and Rural Residence (AR-40)

Bordering Property Owned by Rosanna Ross and Mary Anne Aubin

For 10'x36' front porch requiring a reduced front set back

DISCUSSION: House was measured 40' from edge of road. Right of way figured by using road as 20' wide, house being parallel to road and centered. A front variance of 49.75' will be required although a large variance the house is grandfathered in requiring the deck be no closer to the road than the existing garage. The deck will be a single level with no rail or roof.

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 – 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, Matthew Owen, Joan Treadwell Woods

CLOSE PUBLIC HEARING MOTION by Joan Treadwell Woods second by Matthew Owen to close the Public hearing
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Matthew Owen, 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? Zero () Yes Five (5) No**
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Zero () Yes Five (5) No**
Reasons:

3. **Whether the requested variance is substantial: Five (5) Yes Zero () No**
Reasons: No closer to road than existing garage +/- 2' behind garage

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Zero () Yes Five (5) No**
Reasons:

5. **Whether the alleged difficulty was self-created: Five (5) Yes Zero () No**
Reasons:

DETERMINATION OF ZBA BASED ON ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and motion, finds that

Zero (0) the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

Five (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, Matthew Owen, Joan Treadwell Woods

ADOPTION OF PREVIOUS MINUTES:

MOTION by Matthew Owen, second by Fredrick Caswell accepts the May 15, 2019 meeting minutes.

Roll Call voting yes: Robert Aliasso, Matthew Owen, Joan Treadwell Woods
Jerry Tackley, Fredrick Caswell

BUSINESS: Next possible Meeting July 17th

Please note: All previous Type II SEQR action codes including June hearing have been based off the 2018 listing.

MOTION by Robert Aliasso, second by Matthew Owen adjourns the meeting.

Roll Call voting yes: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Matthew Owen, Joan Treadwell Woods

Respectfully Submitted

Wendy Flagg