

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

June 22, 2020 AT 5:00 PM

**Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., 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 Justin & Julie Walsh via phone/ contractor

Located at 13773 Cty Rte 123

On Parcel # 98.17-1-2

In Lakefront

Bordering Property Owned by Richard Whittenburg, Lynn Kellock, Robert Whiteman & Janis Griggs, Marvin Kaplin, Carl & Jennifer Egeberg and Burnell & Lori Haney

For proposed 20'X 15' deck requiring a variance to be less than the rear lot line.

DISCUSSION: Conforming lot, Walsh would like to extend deck out as far as seawall. Board agrees to allow new deck to be even with existing building / structure of house on waterfront or lakeside but no closer to the water. Deck would be 12'X 25' not to exceed existing rear building line on waterfront may go 25' westerly towards Wittenburg property with stairs also towards that direction.

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, Joan Treadwell Woods, Dean Witmer

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:** () Yes (5) No

Reasons: Already changed / modified the original plan took deck from 15' wide to 12'

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

Reasons: building new deck within existing building lines

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

Motion: Deck not to exceed the rear building line of existing home, on waterfront side approximately 12'. The 25' will be built westerly, toward Wittenburg property with stairs off the westerly side as well not towards lake front.

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Fredrick Caswell accepts the March 18, 2020 meeting minutes.
Roll Call voting yes: Robert Aliasso, Jerry Tackley, Fredrick Caswell, Joan Treadwell Woods
Dean Witmer -Abstains

BUSINESS: Next possible Meeting July 15th
ZBA member being sought

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

Respectfully Submitted
Wendy Flagg