

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

March 21, 2018 AT 7:00 PM

Committee Members: Jerry Tackley, Chairman and Robert Aliasso, Fredrick Caswell Jr., Matthew Owen, Dean Witmer

CALL TO ORDER

ATTENDANCE and PLEDGE: Jerry Tackley - absent

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 David & Shelly Card

Located at 13683 Bishop St Rd

On Parcel # 106.00-2-5.3

In Agricultural 40

Bordering Property Owned by Paul Fiegl and Michael & Kristina Burger

For removing and replacing a mobile home requiring reduced front set backs non-conforming lot.

DISCUSSION: Existing trailer will be demo and a 1996 trailer, with required code stickers, will be moved onto lot. Front set back is 42' from right of way and will require a 33' variance. Side set back is 69' from right of way requiring a 6' variance per section 150-10-C2 of Town of Henderson zoning laws.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: Section 150-41-A7 of Town of Henderson zoning laws refers to 150-18 sending project to the ZBA but actually should refer to section 150-12 making more sense.

SEQR MOTION by Dean Witmer second by Fredrick Caswell 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: Fredrick Caswell, Dean Witmer, Robert Aliasso, Matthew Owen

CLOSE PUBLIC HEARING MOTION by Fredrick Caswell, second by Matthew Owen
Roll Call voting yes: Fredrick Caswell, Dean Witmer, Robert Aliasso, Matthew Owen

AREA VARIANCE CHECKLIST

FACTORS CONSIDERED

1. **Whether undesirable change would be produced in the character of neighborhood or a detriment to nearby properties?** _____Yes 4 No
Reasons:

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** 2 Yes 2 No
Reasons Keep moving back to lessen variance

3. **Whether the requested variance is substantial:** 1 Yes 3 No
Reasons:

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** _____Yes 4 No
Reasons:

5. **Whether the alleged difficulty was self-created:** 4 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.

4 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: Fredrick Caswell, Dean Witmer, Robert Aliasso, Matthew Owen

ADOPTION OF PREVIOUS MINUTES:

MOTION by Dean Witmer, second by Fredrick Caswell, accepts the as written February 21, 2018 meeting minutes.

Roll Call voting yes: Fredrick Caswell, Dean Witmer, Robert Aliasso
Matthew Owen - abstains

BUSINESS: Tug Hill Local Government Conference March 29
Next possible Hearing April 18th

MOTION by Dean Witmer, second by Matthew Owen, adjourns the meeting.

Roll Call voting yes: Fredrick Caswell, Dean Witmer, Robert Aliasso, Matthew Owen

Respectfully Submitted

Wendy Flagg, ZBA Clerk