

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

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

**May 15, 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 Shawn & Karen Thomas**

Located at 13496 Cty Rt 71

On Parcel # 99.13-19

In Agriculture and Rural Residence (AR-40)

Bordering Property Owned by Mark & Jesse Blackwell and Deborah Basar

For 8'x20' front porch requiring a reduced front set back, 6'x6' rear porch and

14'x20' rear deck

**DISCUSSION:** Applicant Shawn Thomas spoke on his own behalf to review project. The Board used online DANC mapping tools to determine ROW and setbacks. These mapping tools established 43' 6", less 7' for new home closer to ROW, resulting in 36' 6" to ROW before deck is considered. The 8' deck reduces location to ROW to 28' 6" resulting in a 46' 6" variance. The deck will remain uncovered except at front doorway with a 4' wide by 8' deep canopy.

**PUBLIC COMMENTS:** None present

**COMMENTS FROM ZEO:** No comments

**SEQR MOTION** by Robert Aliasso 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: 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 ( 0 ) Yes Five ( 5 ) No**

**Reasons:**

- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Zero ( 0 ) Yes Five ( 5 ) No**

**Reasons:**

- 3. Whether the requested variance is substantial: Five ( 5 ) Yes Zero ( 0 ) No**

**Reasons:** Consistent with past variance for this lot to place new home and still behind front yard lot line of the removed home.

- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Zero ( 0 ) Yes Five ( 5 ) No**

**Reasons:**

- 5. Whether the alleged difficulty was self-created: Five ( 5 ) Yes Zero ( 0 ) 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

Motion adopted: 46' 6" variance to ROW with the deck measured 8'towards ROW from building line.

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Robert Aliasso second by Matthew Owen accepts the amended January 16, 2019 Organization meeting minutes.

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

**MOTION** by Matthew Owen, second by Robert Aliasso accepts the amended March 20, 2019 meeting minutes.

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

**BUSINESS:** Next possible Meeting June 19th

**MOTION** by Joan Treadwell Woods, second by Matthew Owen adjourns the meeting.

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

**Respectfully Submitted**

**Robert E. Aliasso, Jr.**