

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

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

**November 17, 2021 AT 6:00 PM**

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

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**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 – Conference call**

**Request of Kathleen Dobie**

Located at 14415 County Route 123

On Parcel #98.14-1-6

In LF

Bordering Property Owned by Edward Charles Rice, Patricia Rice, Elizabeth Rice Giffen, Mary Catherine Rice Trust, James Haney, Matthew Mc Kenna

For request to replace existing shed with a new 10'x10' shed requiring a reduced side setback.

**DISCUSSION:** Would like to change the size of shed to 10'x12' moving the shed inward would create or put the shed in the driveway. The new shed will be smaller than existing requiring a 4' variance on the side lot line.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** Personally, feels it still will be to close to property line even if it is improving the existing situation.

**SEOR MOTION** by Robert Aliasso second by Fredrick Caswell 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

**CLOSE PUBLIC HEARING MOTION** by Joan Treadwell Woods second by Julie West to close the public hearing  
Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

**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:** Driveway would be in the way
  
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: ( 2 ) Yes ( 3 ) 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 are granted.**

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

**HEARING #2**

**Request of Daniel Bunnell**

Located at 5766 Nutting St Rd

On Parcel #105.18-1-21

In LF

Bordering Property Owned by Robert and Lisa Sutkus, Zofia Brown, Luttinger Trust, John and Diane Kermes

For request for a new 24'X36' garage requiring rear lot line setback.

**DISCUSSION:** Size of garage has changed to 18'x21' now requiring a 7' rear lot line variance. Front of garage will be in line with the neighbors. Existing storage shed has been removed and vacant lot with scrub brush is what is behind the garage.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** None

**SEQOR 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, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

**CLOSE PUBLIC HEARING MOTION** by Joan Treadwell Woods second by Fredrick Caswell to close the public hearing  
Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

**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: ( 5 ) Yes ( ) No**

**Reasons:** Yes, but the benefit to the neighborhood is lining up the garage with the existing neighbors and maximizing the distance from the lake

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 are granted.**

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

**MOTION** by Robert Aliasso, second by Joan Treadwell Woods accepts the October 20, 2021 corrected meeting minutes.

Roll Call voting yes: Robert Aliasso, Jerry Tackley, Joan Treadwell Woods, Fredrick Caswell, Julie West

**BUSINESS:** Next possible Meeting December 15th

**MOTION** by Joan Treadwell Woods second by Julie West adjourns the meeting.

Roll Call voting yes: Jerry Tackley, Robert Aliasso, Joan Treadwell Woods, Julie West, Fredrick Caswell

**Respectfully Submitted  
Wendy Flagg**