

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

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

**November 21, 2018 AT 5:00 PM**

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

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**CALL TO ORDER**

**ATTENDANCE and PLEDGE:** Dean Witmer – Excused 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 Lee & Jane Cagwin represented by Rick Hatch**

Located at 13644 Cty Rte 123

On Parcel # 106.05-1-62

In Lake front

Bordering Property Owned by Michael Patchen, Constance Clasby, Patrick & Martha Bouculat and Maureen Meylor

For removal of an existing 24'x20' attached garage to be replaced with a 24'x 20' addition in same footprint requiring a side lot line variance on a non-conforming lot

**DISCUSSION:** Attached 20'x 24'garage will be removed and replaced with a 20'x 24' addition for a master bedroom. An actual 5' northeast side set back will be required. New construction will stay within existing footprint of old garage.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** None

**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

**CLOSE PUBLIC HEARING MOTION** by Matthew Owen, second by Robert Aliasso  
Roll Call voting yes: Jerry Tackley, Fredrick Caswell, 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:** \_\_\_\_\_Yes \_\_\_\_\_4\_\_\_\_\_No  
**Reasons:**
  
3. **Whether the requested variance is substantial:** \_\_\_\_\_Yes \_\_\_\_\_4\_\_\_\_\_No  
**Reasons:** new addition to be built in existing footprint
  
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:** \_\_\_\_\_Yes \_\_\_\_\_4\_\_\_\_\_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: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Matthew Owen

**MOTION** by Robert Aliasso, second by Matthew Owen, a 5' northeast side lot line variance was granted new addition not to exceed the existing footprint.

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Matthew Owen, second by Fredrick Caswell, accepts the amended October 17, 2018 meeting minutes.

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

**BUSINESS:** Next possible Meeting December 19<sup>th</sup>

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

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

**Respectfully Submitted**

**Wendy Flagg, ZBA Clerk**