

TOWN OF HENDERSON ZONING BOARD OF APPEALS MEETING

12105 TOWN BARN ROAD, HENDERSON, NY

October 21, 2020 AT 5:00 PM

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

CALL TO ORDER

ATTENDANCE and PLEDGE: Julie West - 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 Jude & Leslie Renzi

Located at 14837 Windward Lane

On Parcel # 98.14-1-42.1

In Lake Front

Bordering Property Owned by Ronald & Brenda Rogers, Michael Carbone,
Michael Fontaine, Kenyon Plumpton and Dennis Brown

For proposed guest quarters/ garage, carriage house style, requiring a 5' height
variance for a decorative copula.

DISCUSSION: The project was approved for a zoning permit by Zoning Enforcement officer. Upon further development of the project the decorative copula was seen by Eric Sheldon Enforcement Officer as been much higher than he remembered the plans being. The Client was called and an explanation from Zoning enforcement officer as to why the project now must go in front of Zoning Board of Appeals was given. The client was available for discussions and explained how the copula was part of the carriage style design of the guest quarters. The project needs a 5'-6" variance in height. There is enough surrounding vacant area to allow for any issues should a disaster occur.

PUBLIC COMMENTS: None

COMMENTS FROM ZEO: Discussed height and allowable area agrees with 5'-6"

SEOR MOTION by Robert Aliasso second by Joan Treadwell Woods declares the proposed action to be a TYPE II – 9 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

CLOSE PUBLIC HEARING MOTION by Fredrick Caswell second by Robert Aliasso to close the Public hearing

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

- 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**

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 are granted.

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

ADOPTION OF PREVIOUS MINUTES:

MOTION by Robert Aliasso, second by Joan Treadwell Woods accepts the September 16, 2020 corrected meeting minutes.

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

BUSINESS: Next possible Meeting November 18th

MOTION by Joan Treadwell Woods second by Fredrick Caswell adjourns the meeting.

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

**Respectfully Submitted
Wendy Flagg**