

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

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

**Sept 18, 2019 AT 5:00 PM**

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

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**CALL TO ORDER**

**ATTENDANCE and PLEDGE:** Joan Treadwell Woods - 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 Larry & Maureen Morse and Ryan & Tiana Morse represented by Mary Stockman and/or Douglas Behner**

Located at 10522 Lasher Rd

On Parcel # 105.19-2-53.9

In Lakefront

Bordering Property Owned by Charles & Melissa Elve, Douglas Behner and Russell Haines

For 30'x 48' garage, variance required for the additional sq. ft. over allowable.

**DISCUSSION:** A correction to the application was asked to be changed from 150 sq. ft to 240 sq. ft. in the denial section of application. All setbacks are met just the size of the garage itself is over the allowable square footage. A boat that requires this size will be stored in garage that's why applicant does not want to go smaller.

**PUBLIC COMMENTS:** None

**COMMENTS FROM ZEO:** None

**SEQR MOTION** by Robert Aliasso second by Matthew Owen 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 Robert Aliasso second by Matthew Owen to close the Public hearing  
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: ( 4 ) Yes ( ) No**  
**Reasons:** Will be storing a boat that requires that size building
  
3. **Whether the requested variance is substantial: ( 4 ) Yes ( ) No**  
**Reasons:** Approximately 20% over allowable per zoning regulations
  
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: Jerry Tackley, Fredrick Caswell, Robert Aliasso, Matthew Owen

**ADOPTION OF PREVIOUS MINUTES:**

**MOTION** by Robert Aliasso, second by Fredrick Caswell accepts the August 21, 2019 meeting minutes.

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

Matthew Owen – abstains

**BUSINESS:** Next possible Meeting Oct 16th

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

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

**Respectfully Submitted**

**Wendy Flagg**