

TOWN OF KENDALL  
ZONING BOARD OF APPEALS  
MEETING MINUTES

Tuesday, March 17, 2009 – 7:00 p.m.

CALL TO ORDER: Chairwoman Rowles called the meeting to order at 7:00 p.m.

ROLL CALL:           Pamela Rowles, chair           - present  
                          Kevin Banker                   - present  
                          Michael Hanlon               - present  
                          Gay Smith                     - present  
                          Patrick Bolton               - present

ALSO PRESENT:     Paul Hennekey, Deputy Code Enforcer  
                          Marianne Wilson, Recording Secretary

Welcome aboard Pat Bolton, appointed March 2, 2009.

TRAINING: Information distributed re: May 15 Regional Local Government Workshop at Burgundy Basin Inn. Will form carpool. Discuss again in April.

MINUTES: Minutes from February 17, 2009 were presented. Motion made by Mike to accept with minor changes; seconded by Kevin. All in favor.

CODIFICATION: Several ZBA board members attended the presentation. Cost is now nearly \$11,000, considerably more than when the system was first viewed.

NEW BUSINESS: Pam was contacted by CEO Larry Gurslin regarding decision in Forte variance application. Larry states he will be taking measurements prior to issuing a building permit. Kevin states the addition does not add greater than 50% in value of the existing home. Larry informed Pam there will likely be a hearing next month for Kludt Brothers to obtain a setback variance for installation of a new grain silo. May also need a variance at 16085 Carr Rd where owners wish to add a detached 2-car garage on an oddly configured lot. Pam and Larry discussed interpretations of setbacks.

Pam also spoke with Paul Gray, Planning Bd chair. ZBA members are invited to join them at their meeting Tuesday, March 24 to discuss gray areas in respect to variances. Area of most frequent concern is waterfront: fences, vegetation as fences, etc. Town Ordinance does not agree with NYS pool fence height. Waterfront residential and development districts have 3 ft. height restrictions to preserve water views. Lot frontage is also an issue: Ordinance states 100 ft, but a typical lakefront lot is 60 ft. There is no pre-existing parcel at 100 ft unless 2 lots have merged. Paul Hennekey asked for clarification re: Kludt variance. This board states there are no exceptions: all setbacks are as defined. Any construction within the setback requires a variance, regardless of pre-existing structures. Kevin believes the NYS Parkway fence is not on the property line. The Ordinance does not address signage. House number size and location is determined by NYS fire code: 4 inches high on the house or visible from the road. The Ordinance was consulted regarding fences: Section 610, page 35 under waterfront development. There

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needs to be minimum criteria to meet NYS code yet preserve lake views. Need to review this section to fine-tune. An area variance applies to a property or structure until the structure is dismantled. Discussion regarding kennels: another area that needs to be reviewed. How do they dispose of waste? Need to define the scope of a home business. Paul states a home business is defined as making an income at that location.

Paul states Eagle Creek Marina may come before this board before issuance of a Certificate of Occupancy. Paul is conducting Junk Vehicle Surveys. Supervisor Gillman is taking a survey of his own, by sector, and reporting findings to CEO. There is an issue on Norway Rd; on Kendall Rd with a “camp ground” with growing number of campers. One RV is allowed per property and there is a 72 RV occupancy rule. Need to clarify the wording in the Ordinance. Paul Gray is suggesting changing frontage for properties that are not in water districts. In agriculture district, cannot sell building lots or construct houses until more than 7 years after a water line is installed; this is to preserve farmland. NYS General Municipal Law Section 239 addresses exemption for variance request. It would help to list exclusions.

TOWN BOARD: No representative. No report.

ADJOURNMENT: Pat moved to adjourn. Seconded by Gay. All in favor. Meeting adjourned at 8:09 p.m.

NEXT MEETING: March 24, Planning Board is a good opportunity for the two boards to work together. Kevin cannot attend. Pam, Pat and Gay intend to. Mike unsure. Paul reminds members they must consider enforceability.

Next regular ZBA meeting: Tuesday, April 21 at 7:00 p.m.

Respectfully submitted,

Marianne Wilson  
Recording Secretary