

TOWN OF KENDALL  
ZONING BOARD OF APPEALS  
MEETING MINUTES

April 17, 2007, 7:00pm

CALL TO ORDER: Chairman Banker called the meeting to order at 7:02 p.m.

ROLL CALL: Kevin Banker, chair - present  
Pamela Rowles - present  
JoAnn Herman - present  
Michael Hanlon - present  
Charles Patt - present

ALSO PRESENT: David Schuth, town board representative  
Scott Hardenbrook, Code Enforcement Officer  
Rick, Seaman, Deputy Code Enforcement Officer  
Marianne Wilson, secretary

PUBLIC REPRESENTATION:

Donald Pritchard	1543 Norway Rd
Beverly & Bill Daubney	16743 Lakeland Beach Rd
Richard Lynch	16611 Roosevelt Highway
Tom Cascini	16149 East Lomond Shores

APPROVAL OF MINUTES: Minutes from March 20 were presented. Pam moved they be accepted as presented. Seconded by Chuck. All in favor. Motion carried.

JUNK CAR SURVEYS: All surveys presented to Rick. Raised concern of missing house numbers. He states it is part of the fire code that all houses be properly numbered, as per town ordinance. Scott suggests the town issue public notice in the Hamlin Herald to bring to residents' attention. Scott says the rules are the same for all towns. He will work with the newspaper to get an article printed.

TRAINING: Empire State Wind Energy presentation by Tom Golisano was interesting. Kevin approved two hours credit per attendee, to be placed on file with Town Clerk.

OTHER CORRESPONDENCE: Copies of variance application for the Baxter residence were distributed to committee members for preview. Kevin received a letter from Don Ras and Wendy Balka of Lakeland Beach Road, requesting rezoning from lakefront to rural district. LWRP dictates the properties are designated lakefront. Kevin will investigate.

PUBLIC HEARING, 7:15 P.M. Thomas Cascini, application #07VAR04 requesting front setback variance of 29 ft at 16149 East Lomond Shores, pursuant to Article V, Section 560. Home owner proposes to add a second story to existing house which is 31 feet from the lakefront. Mr. Cascini states the east side of the house is rotted. He wishes to move the propane tanks back to that side but needs to cover the tanks and change the grade so water damage does not recur. There will be an overhanging

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eave with 2 sides remaining open. He wants to elevate the height of the second story. The porch is rotted. Electric is not to code and dangerous. The footprint of the house will remain the same. Photos presented. Scott stated this property is not in the coastal erosion hazard zone.

7:30 p.m. Beverly and William Daubney, application #07VAR05, 16743 Lakeland Beach Road, requesting a 1 ft height variance in swimming pool fencing. Town of Kendall Zoning Ordinance limits lakefront fencing at 3 feet to prevent disruption of lake views. NYS law sets a 4 foot minimum fence surrounding in-ground swimming pools. Reference Section 680-C. Safety concerns will overrule aesthetics; therefore NYS law is deemed more restrictive in this matter. State code defines spacing between fencing rails/posts. The Daubneys have selected a style that is both attractive and least visually restricting. There must be 60 feet between the pool and lake. Scott states this property is in a designated coastal erosion hazard zone. Discussion regarding distance between the house and pool: there is a 12 ft deck and 3 ft sidewalk. Plantings around the fence are not currently planned, but would be kept towards the house, if they should change their minds, as they do not wish to obstruct views. Mike stated the house to the west is at higher elevation and the house to the east has a row of trees and shrubs along a small creek that already presents a visual barrier; thus this pool fence would not obstruct their view.

7:45 p.m. Richard Lynch, application #07VAR06, 16611 Roosevelt Highway, requesting 41ft-3inch front setback, pursuant to Article V, Section 512. Mr. Lynch proposes to construct a single story 600sf addition on the east side of the existing house. Leach field is located behind the garage. A deck is currently situated on the rear of the house. Any addition to this house would require a setback variance, as it is situated so close to the road. The owner wishes to maintain the exterior style of the house. He requests the application be amended to a 30 ft front setback variance. Environmental assessment form is attached.

Application Review: Taken out of order to accommodate applicants. Daubney application #07VAR05 considered first. Neighbor Bonnie Briggs, 16739 Lakeland Beach, inquired at the Town Clerk's office yesterday regarding this request. The Daubneys had already shown her their fencing selection. She was given the facts as presented and indicated she has no concerns. The 5 criteria were reviewed. JoAnn moved the application be accepted as presented. Second by Mike. Passed by unanimous roll call vote.

Lynch application #07VAR06 review: Five criteria considered. This property is surrounded by farm land, so no immediate neighbors to be impacted. Any addition would require a variance. Adding to the rear of the house would be costlier. Pam moved the application be accepted with the amended 30 ft setback variance. Second by Chuck. Passed by unanimous roll call vote.

Cascini application #07VAR04 review: Vacant land to the south is owned by Kludts; unknown what their intentions may be for future use. Structural changes are necessary. Scott states that it is not in the Coastal Erosion Hazard Zone. Any method chosen would require a variance in this situation. The owner has chosen the least obstructive plan. Adding a second story does not increase land area use. The 8 ft cantilevered projection is an extension of the existing roof-line - to be supported by one post at the corner with existing wall as main support. Chuck moved the application be accepted. It was seconded by Pam. Kevin moves for an amendment stating the cantilevered section must remain open and be supported by a single post. Mike seconded. No further discussion. The original motion was passed by

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unanimous roll call vote. The amended motion was also passed by unanimous roll call vote.

Reconsideration of the Daubney application. JoAnn raises concerns about clearly stating the limitation of plantings around the pool fence. Kevin further states that fencing was not defined on the application. The law was reviewed. JoAnn moved the Board amend the resolution for the Daubney application approval to include use of Ultra UAB200 3rail-flush or similar NYS approved swimming pool fence, as presented; and, there can be no plantings or structures higher than 3 feet that would create a visual barrier around the pool. Motion seconded by Kevin. Passed by unanimous roll call vote.

NEW BUSINESS: Russell Baxter, 2310 West Kendall Rd. preview application for a side setback variance to be heard at May 16 meeting. Owner proposes to add to existing garage. It would remain in keeping with existing architecture. It is approximately 100 ft to neighbor's house, situated well back from the road. There are trees between the properties.

OLD BUSINESS: Rick started following up on junk vehicle surveys. Letters are ready. He will be visiting property owners. The Munzert property has 20 or more vehicles: a long term problem. Surveys show improvement over past years. Rick asks Scott regarding process of dealing with out of town owners. Scott says letters should be sent to show attempts to make contact. Best method is a personal visit, when possible. Value of scrap metal is up – this should be added incentive to clean up properties. JoAnn asked if Mr. Henhawk is living in camper parked at his residence. Scott has not seen lights on inside the camper at night; nor has Rick. Beehler property clean up status – Scott cannot get onto the property until the land dries.

EAGLE CREEK MARINA: Bob Nelson, Planning Board Chair is dealing with the project's architect. Approval of Planning Board is contingent on receipt of latest plans. SPDES permits received for septic and runoff. The town is not delaying the project. There is still some town money to release but Mr. Freemesser must begin paying on his loan.

NEXT MEETING: Wednesday, May 16, 7:00 p.m.

JoAnn moved to adjourn the meeting. Seconded by Pam. Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Marianne Wilson, secretary  
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