

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

March 20, 2007, 7:00pm

CALL TO ORDER: Chairman Banker called the meeting to order at 7:00 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
Rick Seaman, Deputy Code Enforcement Officer
Marianne Wilson, secretary

PUBLIC REPRESENTATION:

Donald Pritchard	1543 Norway Road
Chris & Jim DiNatale	1332 Norway Road
Roger McCleary	1442 Norway Road
Lindsay Booth	1517 Norway Road
Rudy M (Mike) Zingler jr	1479 Kendall Road
Darryl & Ginny Byers	1459 Norway Road
Paul & Bonnie Gray	1734 Norway Road
Chris Perrin	1488 Norway Road

APPROVAL OF MINUTES: After review, a motion was made by JoAnn and seconded by Mike to accept minutes of the February 20 meeting as presented. All in favor. Motion carried.

TRAINING: Town Board proposed requirement is 4 year per individual per calendar year. Any surplus may carry forward to subsequent years. Kevin presented a flyer for March 26 when Tom Golisano will present at Albion High School regarding Empire State Wind Energy. Dave Schuth indicated that attendance would be credited toward training hours.

OTHER CORRESPONDENCE: Junk Car Surveys are to be submitted to Kevin before April 9. Mike Hanlon indicated he has completed his section. Rick Seaman stated a final tally will be presented to the Town Board. Kevin distributed business cards to committee members from a local business that will remove junk vehicles.

The Planning Board issued a letter indicating they have tabled the Codification System for 6 months until they have sufficient time to devote to researching its feasibility.

Copies of 2 new variance applications were distributed to committee members for consideration in April. Some discussion ensued.

PUBLIC HEARING, 7:15 P.M. In the matter of Chris Perrin's application 07VAR03 requesting setback variance of 10 ft at 1488 Norway Road, so that he can apply for Special Use Permit to convert

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the existing house to a labor camp, to be sold to Rudy Mike Zingler. The setback is currently 80 feet. This application pertains to Article V, Section 512 and subsequently Article VII, Section 708 – a change of use from single family residential to farm labor camp. The chairman explained the 5 criteria the committee must consider in deciding to grant a variance.

Mike Zingler explained that the labor camp would be used to house H2A laborers, and explained that it is a federal program to bring laborers into the country on a temporary basis. The farmer must provide all transportation and housing. These laborers must pass government background checks. There are rigid guidelines for the farmer to adhere to, with frequent inspection by Departments of Health and Labor. These laborers will only be here for the harvest season, late August to early November. They will work 7 days per week for 10 to 12 hours per day.

There was some discussion as to whether the well and septic can accommodate up to 25 people. Mike says the Department of Health will not issue him a permit to house workers if any requirements are not met in full. Chris Perrin indicated the sale of the house to Mike is contingent on his ability to utilize it as a farm labor camp. Mike says he already has all the full-time, year-round employees he needs, so he does not foresee changing the employment status of the house occupants. Chuck Patt stressed the inspection process is a difficult one.

The meeting was opened to discussion from the public in attendance. Donn Pritchard expressed his concern about this type of housing in an otherwise single family housing area with well-kept homes and any impact it may have on property values. He questions if other options may be available to Mr. Zingler. Mr. Zingler responded that his orchards surround the area and he needs to strategically house workforce, as they will not have transportation. He cited other farm labor camps in similar settings that present no concerns. Mr. Zingler says he will maintain the property; there will be no changes in appearance. Jim DiNatale questioned whether the septic system can handle 25 people. Mike has ample room to expand it as mandated by the Department of Health, as his farm land surrounds the house. Ginny Byers says she lives adjacent to Zingler farms and has never had any problem and does not foresee this causing any concerns. Also stated by Lindsay Booth. Roger McCleary expressed some concern about drainage, but otherwise is confident Mike will maintain the property as well as he currently maintains all his properties.

Kevin asked Mike Zingler if he has other properties with the same consideration. Answer: yes, on West Kendall Road. That application goes before the County Planning Board this week for approval. Mike stated that he is committed to living and farming here for a long time and will maintain all his properties.

The Public Hearing was closed, and returned to the remaining agenda items before the Zoning Board.

JUNK CAR SURVEY: Many missing house numbers. Expressed concern as to emergency response situations, as well as the inconvenience to committee members. Discussed need with Dave for public awareness.

REVIEW PUBLIC HEARING: 10 ft setback on existing structure. Again cited the 5 criteria. Kevin talked with the Assessor today regarding laws on farm labor camps. The town is free to adopt _____ or not. Only the house itself would be tax exempt, none of the adjoining land would be excluded. It would be realistic to expect this type of housing in an agricultural zone, which encompasses most of Kendall properties. H2A housing is under rigid inspection and well maintained. JoAnn requests to abstain from voting as her husband sometimes works for Zingler Farms. Chuck moved to accept the

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application. Mike seconded. Review of the 5 criteria. Roll Call Vote: Pam Rowles, aye; JoAnn Herman, abstain; Chuck Patt, aye; Mike Hanlon, aye; Kevin Banker, aye. Motion carried.

NEXT MONTH: Discussion ensued regarding new application by Beverly and William Daubney, 16743 Lakeland Beach Road, requesting variance for 4ft fence around an inground pool between the house and the lake, to be scheduled for public hearing April 17. Mike thinks it needs to be well researched with other towns. Pam cited a case last year on Lomond Shores in which case the fence was on the opposite side of the house. Discussion over which law is more restrictive: New York or Kendall, and the concern for safety over esthetics. Rick says state law will supersede. Zoning Board sets the guidelines: no shrubs higher than 3 ft to maintain neighbors' lake view. The proposed fencing provides safety without blocking view. Scott Hardenbrook has indicated to Kevin that several 4 ft fences have been approved in the past.

JUNK VEHICLES: Rick read the New York State law, Section 103 which states only 1 unregistered vehicle will be parked on a property. Our notice allows 2. The Town will support the 2 as publicized for this year, but will comply next year. Rick expressed need to rewrite the Town of Kendall Ordinance. The local law cannot be less restrictive than the state's; local law can be more restrictive. Codification System will force compliance, as it is preloaded with state laws. New York State law describes junk vehicles as anything that can be registered, which includes trailers and snowmobiles.

HOUSE NUMBERS: Reviewed New York State law.

JoAnn moved to adjourn the meeting. Seconded by Pam. Meeting adjourned at 8:38 p.m.

Respectfully submitted,

Marianne Wilson, secretary
Zoning Board of Appeals