

TOWN OF KENDALL  
ZONING BOARD OF APPEALS  
MEETING MINUTES

Tuesday, April 12, 2011 – 7:00 p.m.

CALL TO ORDER: Board Chair Kevin Banker called the meeting to order at 7:01 p.m.

ROLL CALL:           Kevin Banker, chair           - present  
                          Patrick Bolton               - present  
                          Tony Cammarata             - present  
                          Fletcher Rowley            - present  
                          Gay Smith                   - present

ALSO PRESENT:     Paul Hennekey, Deputy Code Enforcement and Zoning Officer  
                          David Schuth, Town Board Representative  
                          Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES: Minutes from February 8, 2011 were reviewed. Gay moved to accept the minutes with corrections. Seconded by Pat, all in favor.

**MORATORIUM**

The joint meeting between the zoning and planning boards regarding the moratorium was discussed. Dave said the town board had not heard back from the town attorney regarding the moratorium document. He also said Donn would like to see more definitions added to the document. Discussion took place about possible ways to measure the high water mark for lakefront property. Kevin asked when the moratorium ended. Dave responded June 2011. Dave said the moratorium document needed to be reviewed by the county planning board and that the town board was hoping to have a public hearing for the document in the beginning of May 2011.

**CERTIFICATION CREDITS**

Discussion took place about how to obtain certification credits and if the credits carried over from year to year. Discussion took place about the different types of seminars given and how many credits could be obtained from them. Discussion took place about upcoming seminars.

**MURRAY VARIANCE REQUEST DENIAL**

Paul said the code enforcement office had issued the Murrays an order to remedy. He said the Murrays were ordered to rectify the situation by April 30, 2011. Paul said he had contacted the Murrays and they told him the situation was in the hands of the lawyers.

**MARINA**

Discussion took place about whether Eagle Creek Marina will be operational for the upcoming season. Paul said the Marina was open and being dredged. He said the Army Core of Engineers issued permits to the Marina.

**TOWN WIDE SURVEY**

Dave said that the town board had passed a resolution to put a legal notice in the Hamlin Herald announcing a town wide survey for zoning violations. Kevin described how past

zoning board members had conducted the survey. Paul passed out a list of property maintenance issues and the state code regulations. Paul discussed what possible violations the board members should report to the code enforcement office. Paul asked the members to be specific about the location when reporting a violation. Dave discussed how the members should conduct the survey from the road and they should have no contact with the residence. Dave said the survey would be conducted from May 1<sup>st</sup> to May 15<sup>th</sup>. Dave said he and Kevin would get town maps to the members denoting the location the members would survey. Paul suggested that the board members carry a copy of the public notice with them while they conduct the survey.

#### BURNING IN THE TOWN OF KENDALL

Tony asked if open burning was allowed in the Town of Kendall. Paul said the New York State law prohibits open burning of trash. He said burning of vegetation is allowed in Kendall as long as neighbors do not complain. Discussion took place about outdoor boilers.

#### TOWN REVITALIZATION

Kevin discussed that a resident was interested in purchasing the empty hardware store and putting a restaurant in the space. Discussion took place about the possible need for a special use permit and the surrounding areas septic issues.

#### CODIFICATION

Dave said that there was no set time scheduled for the codification process to be completed. He said when the town board replies to general codes with guidelines they will move forward.

#### NEXT MEETING

Tuesday May 10, 2011 at 7:00 pm

ADJOURNMENT: Fletcher motioned to adjure. Seconded by Gay, all in favor. Adjourned at 8:26 pm.

Respectfully submitted,

Joyel Miesner  
Recording Secretary