

**TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES**

Tuesday, June 9, 2015 - 7:00 p.m.

CALL TO ORDER: Chairman Bolton called the meeting to order at 7:03 p.m.

ATTENDANCE:	Chair, Patrick Bolton	- present
	Fletcher Rowley	- present
	Becky Charland	- present
	Kevin Banker	- absent
	Shad Speer	- present

Also present: Karl Driesel, 1250 Peter Smith Rd., Kent, NY, Mary Donahue, 250 Holley Street, Brockport, NY, Rich Miller, 16729 Lakeland Bch, Kendall, NY, Code Enforcement Officer Paul Hennekey and Recording Secretary Bakutis.

APPROVAL OF MINUTES: Minutes from the May 12, 2015 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer motioned to accept the minutes as presented, seconded by Becky Charland. All in favor.

CODE ENFORCEMENT UPDATE:

CEO Paul Hennekey invited Mary Donahue to attend the meeting. She owns property on Carton Road. They are seeking an interpretation from the board whether or not the structure would be considered an agricultural building. The primary structure and garage burnt down. She would like to rebuild a garage/barn type structure on the existing foundation and eventually a house. CEO Hennekey, Mary Donahue and the Zoning Board had a brief discussion about what she intended on doing with the property. She would utilize the structure to house the chickens and ducks on one side and farm equipment on the other. The size of the structure she is planning on rebuilding is 24ø x 28ø Ms. Donahue says the property consist of 12.4 acres of land. There is a pond and gardens on the property. After reading the definitions of agricultural property the zoning board agrees that the structure would be considered agricultural.

PUBLIC HEARING FOR A VARIANCE - TAX ID 32.-2-8.1

Chairman Bolton opened the public hearing at 7:15 p.m.. He read the public notice.

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, June 9, 2015 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Karl Driesel, owner of 1750 Kendall Road, Tax ID 32.-2-8.1. Applicant seeks a variance for a front set-back of 75ø from the 100ø required by Article V, Section 538 for the construction of a light

industrial building. Property is zoned light industrial. All persons wishing to speak on this matter will be heard at this time. Application is on file in the Town Clerk's Office.

Patrick Bolton
Chair, Zoning Board of Appeals

Chairman Bolton gave the applicant Mr. Driesel a chance to explain to the board why he is seeking a variance. Mr. Driesel handed out his packet of information to the board. He stated after a long drawn out research project he found out there was a discrepancy in ownership of a part of Crandall Avenue. Crandall Avenue was originally a north south road that ran parallel to Kendall Road. Starting at Kenmore at the south end and ending at the rail road tracks on the north end. He believes at one point it serviced the cold storage that once existed. Somewhere between 1875 and 1975 it became a common use short cut where people drove across the railroad property to connect to the north south side section of Crandall and the north south section of Kendall Roads. Over time it became Stone Road and RJ Smith remembers paving it for the first time in the 1970's while he was superintendent. Research shows that the Town of Kendall never took ownership to that strip of land approximately 560' of the east west leg of Crandall that connects the Kendall and Crandall Roads. There is no recorded right of way, easement or any other permissible use for the road on the property that he now owns. As of right now that east west section of Crandall Avenue is a private drive, it is not a public road. Mr. Driesel's intent is to convey that land back to the town at which point it will be a public road and he will be creating a second front on his corner lot rather than a front and existing side like he has now. Mr. Driesel explains the building that is illustrated on the map is not in need of a variance, but he will be creating a nonconforming structure when he deeds the land back to the town, so he could apply for a variance in advance as long as himself, the Town Board, the Zoning and Planning Boards and the Code Enforcement Officer are all in agreement.

Mr. Driesel pointed out that there was an error on the map, there is a small building north of the big building, it reads 8x32' this is a typo, it should be 18x32'

Zoning Board member Shad Speer made a motion to accept the application as presented with the correction of the typo on the map regarding the size of the small building. It reads 8x32' and the actual size of the building is 18x32'. Seconded by Fletcher Rowley.

Chairman Bolton closed the public portion of the public hearing at 7:23 p.m.

Chairman Bolton and the Zoning Board members discussed the appropriate criteria for the variance. The board reviewed all the documents submitted by the applicant and voted with the following results:

15VAR01 (Driesel) - ROLL CALL VOTE: Becky Charland - Yea
Shad Speer - Yea
Chairman Bolton - Yea
Fletcher Rowley - Yea

Approval granted.

ADJOURNMENT:

Shad Speer motioned to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 7:30 p.m.

NEXT MEETING:

Tuesday, July 13, 2015 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary