

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

Tuesday, January 8, 2013 - 7:00 p.m.

CALL TO ORDER: Chairman Banker called the meeting to order at 7:00 p.m.

ATTENDANCE:	Kevin Banker, Chair.	- present
	Patrick Bolton	- present
	Tony Cammarata	- present
	Fletcher Rowley	- present
	Gay Smith	- present

Also present: Town Board Liaison Schuth, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

APPROVAL OF MINUTES:

Minutes from December 8, 2012 submitted by Recording Secretary Bakutis were reviewed. Gay Smith moved to accept minutes. Seconded by Patrick Bolton, all in favor.

PRESENTATION FOR THE COTTAGES AT TROUTBURG'S VARIANCE APPLICATION:

Town Board and Supervisor came up with a schedule they would like everyone to consider. Submission to county planning board by January 17, 2013, their meeting is the Thursday after the 24th which would be January 31, 2013. David Schuth feels a Zoning Board member should be present, along with himself, Supervisor Gaesser, maybe Mr. Wegman, the town attorney if needed. County Planning Board generally pulls their recommendation together at that meeting or within a few days. They were looking to hold the public hearing on Feb. 12, 2013. Zoning board has until the following month to consider it.

DISCUSSION:

Discussion took place between Zoning Board, Town Liaison Schuth and CEO Paul Hennekey: Zoning Board needs to review criteria and the LWRP and they need to do their own review of this variance regarding the beach and near shore area and outflow and decide if they feel it will be an adverse or negative effect and if pollutants are entering water. 4.2 of Coastal Erosion Local Law states applicant is supposed to answer any and all questions zoning board may have, which they will request to happen at the public hearing. Chairman Banker feels that it is important to review what they have and go through their criteria so they can ask intelligent questions or at least understand what their presentation is at the hearing, so that the Zoning Board can have a full understanding of

what they need to look at and don't need to look at and any prudent questions they may have for them that night. Discussed if the outflow will have an adverse effect on waterfront and will it cause pollutants. CEO Paul Hennekey said near shore is also in water and the local law also says the same. Local Law prohibits anything near shore. Page C6.1 gives all details of the doc, it is going to be constructed of concrete and steel with 10 foot wide steel planking. Fletcher Rowley asked CEO Paul Hennekey if the town would need a railing around the doc. Paul said they are looking into it. It's not intended for boat dockage, it's intended for viewing and fishing. Chairman Banker asked CEO Hennekey if there will be a bond required for this installation of the doc. CEO Paul Hennekey said the town can require a bond, but there is nothing currently in discussion. Paul stated along with the application they have to provide him with a detailed maintenance plan for the doc and whatever they do along the lakeshore and anything they do in the hazard area has to be removable. Example: foundation for the ramp would be in the erosion hazard area, so they would have to demonstrate that they can remove that and give him a plan that tells him how it will be maintained. Zoning Board does have concerns regarding doc safety, size of doc and water/wave deterioration.

Town Board Liaison Schuth discussed with board members the C2.0 complete site plan. Zoning Board reviewed, Wegman Group does not want job broken into phases rather they would like it to be related to as sections because they don't really want to have dead lines on anything. Before they place a cottage anywhere on the next section, all mechanicals have to be in and no C of O can be applied for or granted to any buildings on that property until it is done. In other words they have to completely They have to do all the mechanicals at any point of time, but before a cottage is placed, that loop has to be completed. There can be no dead ends. Gay Smith asked Paul Hennekey if there is a detailed picture of outflow pipe. They viewed a diagram of it but it was not very detailed. Paul Hennekey explained that it is permitted and the permit has to be obtained and approved by the DEC, he as CEO and the Zoning Board does not have a lot of say. Zoning Board's approval will be contingent on their approval.

Regarding approvals from Planning Board, Chairman Banker asked if Zoning Board can use same determination, description or arguments as Town Board. David said yes but Zoning Board needs to have their own consistency review. Board discussed local and town laws briefly.

COASTAL EROSION MANAGEMENT PERMITS

Chairman Banker asked CEO Paul Hennekey if the coastal erosion management permits have already been issued, signed and submitted. Paul said it's been submitted but has not been approved, he can't approve it without this variance being reviewed.

FURTHER DISCUSSION

Chairman Banker, board members, CEO Hennekey and Town Board Liaison Schuth discussed definition of the sanitary outflow. Placement of pipe, considered development, excavation, erosion protection. Near shore area (pipe in question) that leads out to lake, near coastal shore area - excavation, etc. is prohibited. All of this was researched and

discussed. Board members looked up definitions of development, drilling, excavating and if it would diminish erosion protection. Kevin wants to know what someone (DEC, Town Attorney) saw to make them need a variance, because zoning board of appeals is supposed to respond to what was denied degreed etc. CEO Paul Hennekey said he will ask if the pipe has to be included in the variance request and a specific reason why.

To summarize everything discussed: Chairman Banker said their goal by the next meeting is to look at everything they possibly can for the LWRP consistency review. Anything they need to get clarification on will give them another 30 days. Right now they can look at the set of prints they have and be very familiar with and understand the local town law. That's about how much they can accomplish at this time.

TOWN BOARD REMARKS

David said board can still work on the consistency review. It would be nice to have complete package, reviewed, considered and voted on by March 12th zoning board meeting. David Schuth said at the last meeting they appointed Gay Smith another 5 year term. Kevin Banker another year as Chairman with conditions, he agreed to the first quarter, due to the current project. David Schuth asked the zoning board members if the second Tuesday of month at 7:00 p.m. still worked for everyone, zoning board members said yes.

NEXT MEETING

February 12, 2012 at 7:00 p.m.

ADJOURNMENT

Patrick Bolton motioned to adjourn, seconded by Gay Smith. Adjourned at 9:04 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary

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