

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Tuesday, February 17, 2009 – 7:00 p.m.

CALL TO ORDER: Chairwoman Rowles called the meeting to order at 7:00 p.m.

ROLL CALL: Pamela Rowles, chair - present
 Kevin Banker - present
 Michael Hanlon - present
 Gay Smith - present

ALSO PRESENT: David Schuth, Town Board Representative
 Paul Hennekey, Deputy Code Enforcer
 Marianne Wilson, Recording Secretary
 Peter Forte, 100 Payne Beach Road, Hilton

MINUTES: Minutes from January 20, 2009 were presented. Motion by Kevin to accept them as presented; seconded by Mike. All in favor.

NEW BUSINESS: Monday night at 7:00 p.m. interviews will be conducted with applicants for the open position on Zoning Board of Appeals. Pam distributed applicant letters to each board member. Applicants will be given 15 minutes each. All members should make efforts to attend.

TOWN BOARD: Pam asked Dave regarding details of training to be provided by the town's attorney. Dave states he presented the proposal to the Town Board and it was accepted. Money is available to cover the cost. Pam will discuss with Paul Gray.

A representative from General Codes will make a presentation on the Codification System to the Town Board at February 26 workshop session. All should try to attend; Pam is not available. This board was in favor of implementation several years ago when it was first presented. All policies and laws would be centralized, with search capability. Costs would be spread over 2 to 3 years. Grant monies may be available. The Village of Albion's site is online and viewable.

CODE ENFORCEMENT: Paul has nothing to report at this time. Larry Gurrslin is on vacation.

PUBLIC HEARING: 7:15 p.m. Variance application #09VAR01. Peter Forte, owner of 15693 Thompson Dr. for 5 ft south setback and 57 ft north setback for addition to existing structure.

Mr. Forte states he first approached CEO Scott Hardenbrook in 2007, and was advised that he could proceed with plans to add onto the existing structure. The new CEO says the current plans are not acceptable. Pam relates that the town's attorney determines that measurement must be taken from the center of the ROW, extending 25 feet to the north and south. According to the tax map, the lot is 125 feet deep. The proposed new construction would be 5 feet from the ROW. The Fortes wish to sell their primary residence in Greece and live full-time at this residence. No alteration of septic system with addition of second story. There is no basement.

It was noted that Thompson Drive is a public road. Emergency vehicle access is not currently

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impeded. The Highway Superintendent expressed his concerns with proposed proximity to the roadway and water lines. It was noted that several structures are already as close to the ROW, but it was also noted they are portable utility sheds. Paul stated that CEO Gurslin's concerns were addressed in the letter to ZBA and he has nothing to add. Pam asked that Mr. Forte clarify the drawings. The proposed garage is mainly for storage.

The hearing was closed at 7:35 p.m.

DISCUSSION AND DECISION: Kevin noted the scale conforms with current trend to convert pre-existing cottages to larger, year-round homes. This can be classified as a substantial change to that property, but not to the area. Pam reiterated the Highway Superintendent's concerns; also CEO Gurslin's concerns regarding use of hand-drawn maps may not accurately reflect the scope of the project. Mr. Forte states that he tried to purchase adjacent lot for construction of a garage, but the neighbor was not interested in selling.

Pam read the 5 decision criteria on page 67 of the Town Ordinance. It was noted the neighboring structure to the east is very close to the water. This is a self-created situation. The proposed project could be scaled back to better fit the lot size. It was again noted that a number of structures on the road are at least as close as the proposed new construction.

No neighbors attended. No written input received. Supervisor Gillman contacted Pam by phone to express his disapproval. Power lines are noted to be partially over the existing house. Referencing the January 7, 2009 letter from the offices of attorney Edward O'Brien, it is the determination of this board that the property line begins at the northerly line of the ROW.

Kevin moved to approve the application as stated in the legal notice to include a 15 foot rear (south) setback and 3 foot front (north) setback. Seconded by Gay. No further discussion. Passed by unanimous roll call vote.

ADJOURNMENT: Mike moved to adjourn. Seconded by Kevin. All in favor. Meeting adjourned at 8:05 p.m.

NEXT MEETING: Tuesday, March 17 at 7:00 p.m.

Respectfully submitted,

Marianne Wilson
Recording Secretary