

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Tuesday, March 9, 2010 – 7:00 p.m.

CALL TO ORDER: Zoning Board Member Pamela Rowles called the meeting to order at 7:16 p.m.

ROLL CALL: Kevin Banker, chair - absent
 Gay Smith - absent
 Pamela Rowles - present
 Tony Cammarata - present
 Patrick Bolton - present

ALSO PRESENT: Paul Hennekey, Deputy Code Enforcement Officer and Zoning
 Paul Gray, Planning Board chair
 Dan Gaesser, Town Supervisor
 Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES: Minutes from February 9, 2010 and February 11, 2010 were reviewed. Pat moved to accept. Seconded by Tony.

LETTER PRESENTED TO THE ROBINSONS

Pam presented a letter to the Zoning Board members. This letter was sent to Mr. David Robinson from Larry Gurslin. This letter was regarding Larry's decision on the housing of animals in Dave Robinson barn. The Zoning Board had approved this barn for a zero variance on February 11, 2010. Larry's decision was to allow animals to be housed in the barn. Paul Hennekey discussed how this decision was made and how Larry and he interpreted the laws.

JUNK ORDINANCE

Discussion took place about the Junk Ordinance approved by the Planning Board. Questions were posed about the term primary residence used in the Junk Ordinance. It was wondered if term primary was intended to prevent storage on seasonal lakefront property. Tony posed a question regarding people that own second homes in Kendall and wanted to store a valued vehicle on the property. He wondered if they would be able to store that vehicle without penalty. Discussion took place on whether or not the Junk Ordinance would be looked at during the Town Board meeting. The members continued to read through the Junk Ordinance and discuss it. Paul Gray and Dan Gaesser joined the meeting. Pam asked Dan if the Junk Ordinance would be discussed at the town board meeting. Dan said that it would be briefly mentioned at the town board meeting, but would not be discussed thoroughly. Paul Gray briefly discussed the process that takes place once the Junk Ordinance is presented to the town board. Pam posed a question to Paul Gray about the term primary residence used in the Junk Ordinance. Paul Gray stated that the term primary residence describes the home on the lot and does not describe the number of months a person resides in the home. A vacant lot contains no home, therefore contains no primary residence. Paul Hennekey said that the word primary was not necessarily needed in the wording. Paul Gray stated that he would highlight the term and look at the definition of the term primary residence. Paul Gray stated that he would send the final revision of the Junk Ordinance to the members of the Zoning Board. Paul Hennekey asked a question about the section of the Junk Ordinance that stated, " For the purpose of this section, stored or located shall mean any location were the junk vehicle is visible from a public highway or from a dwelling unit on a neighboring property." He

wanted to know if the statement needed to be clarified so that people do not hide vehicles and junk. Paul Gray responded that unless somebody complains the code officers will not be looking for violator. Further discussion took place about the rules in the junk law ordinance. Paul Gray read through and made clarification of some of the rules in the junk law. Tony asked a about the lot size of a junkyard. Paul Gray responded that to create a junkyard someone must have a minimum of five acres and a maximum of 15 acres. Paul Gray mentioned that it is difficult create a legal junkyard and that the Code Enforcers have the power to give an application to those they feel are starting a junkyard. Discussion took place about specific examples of junk businesses in Kendall and about land being sold as camping grounds in Kendall. Paul Hennekey asked Paul Gray if he had a realistic time frame of when the Junk Ordinance would be approved. Paul Gray stated that it usually takes about three months. Paul Gray then discussed the process that would take place in order for the Junk Ordinance to be approved.

NEW BUSINESS

Pam asked Paul Hennekey if there was anything new from Code Enforcement. Paul Hennekey mentioned a vacant home on West Kendall south of Route 18. The owner of the home is refurbishing it and had questions about building codes. The owner was told that if he refurbished 80% of home that he would need to be in full compliance to new building codes. Paul told him that this was not true.

Pam asked if the Planning Board is working on anything new that the Zoning Board would need to look at. Paul Gray said the Planning Board was working on the moratorium at the moment. They are talking about the accessory structures on the lakefront and the hamlet. The lakefront and the hamlet homeowners are now limited to adding accessory structures of 900 square feet or less, unless they come before the Town Board. The Planning Board is now trying to decide on what would be a reasonable allowance for accessory structures on the waterfront and in the hamlet. Paul Gray told Pam to ask the Zoning Board to bring any concerns about existing ordinances regarding anything they have worked on in the past to the Planning Board. Paul Gray gave examples, such as, setback regulations and pool regulations. Pam stated that she would like the Planning Board to make stipulations about fencing and trees used as fencing. Paul Gray stated that the Planning Board will not only be addressing the setbacks on the waterfront side of the lake properties, but also the properties on the south side of the roads. The Planning Board will be addressing the setbacks off the private roads. Paul Hennekey posed a question to Paul Gray about what the Planning Board is considering for the hamlet regulations. Paul Gray said that he has not discussed the hamlet much, but has talked with Larry about the 90-foot setback in the hamlet. The Planning Board is looking to make the setbacks for accessory structures either a strait distance or a percentage based on the lot size.

Pam asked a question regarding future zoning of the homes by the lake and wanted clarification for the current zoning codes. She asked how the Town of Kendall should deal with the large additions being added to the cottages by the lake. Paul stated that the cottages were primary structures and the moratorium is dealing with accessory structures. Pam wondered if this issue also needed to be addressed.

ADJOURNMENT: Tony moved to adjourn. Second by Pat. All in favor. Adjourned at 8:31 pm

Respectfully submitted,

Joyel Miesner
Recording Secretary