

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Tuesday, April 13, 2010 – 7:00 p.m.

CALL TO ORDER: Chairperson Kevin Banker called the meeting to order at 7:15 p.m.

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

ALSO PRESENT: Larry Gursslin, Code Enforcement and Zoning Officer
David Schuth, Town Board Representative
Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES: The minutes from March 9th could not be approved due to the absence of members. Kevin deemed the time to be used as a group work session.

VARIANCE APPLICATION

Donald Ward would like to construct a garage with a porch. The site where Mr. Ward would like to place the garage and porch would require a 20-foot variance. Kevin said he would go to the property to perform a site inspection and take pictures. Discussion took place about the property layout using a map. Dave mentioned that the property is located near Sandy Creek. He talked about the creek bed and the flooding of the creek. A conclusion was made that the creek was perhaps the reason why the owner chose the location for the garage and porch. Larry said he tried to encourage Mr. Ward to place the structure as far away as possible to try and meet the code. A public hearing will take place May 11, 2010 at 7:15 pm. Discussion took place about the process of notifying the adjacent property owners.

LAKEFRONT

Discussion took place about lakefront assessments and additions being added to lakefront property. Kevin stated that lakefront property owners owned to the high water mark. Kevin asked who owned the property after the high water mark. Larry answered that the state owns the property and it is controlled by the DEC. Discussion took place about an article mentioning wind towers being placed in the lake.

JUNK REGULATIONS

Kevin said that the intent of the junk regulation law was so that code enforcement could have better guidelines and could take care of existing problems. Dave said that the code enforcement is not to go from house to house with a template, but rather to go after problem sites. Pat asked if the junk regulations document had gone to the county. Dave said it has not and that it is at the attorney's office. Specific problem cases were discussed. Larry mentioned that the previous code enforcer worked with the zoning board to spot problem areas. The zoning board members would canvas an area of Kendall and

report back to the code officer any problem sites. Kevin said the process was canceled two years back. Dave asked Larry if it would be helpful if that process were implemented again. Discussion took place about how the process was implemented in the past. Specific problem cases and procedures were discussed. Discussion took place about properties in Kendall that had vehicles registered in different states, why owners register their vehicle in different states and the problems that it causes. Kevin asked if questions about the junk ordinance should be posed to the town board. Dave said yes, questions should be referred to the town board before or during the public hearing. Larry asked if there was a consensus on the permit fee. Dave said no and asked what Larry's opinion was about the subject. Larry said it would be easiest to have one fee per unit. Discussion took place about permit fees and the state laws about permit fees.

WINDMILL APPLICATION

The Akey's have met with the planning board and requested to place a windmill on their property of 1.55 acres. Paul and Larry visited the property and told the Akey's they would need many variances to put up the windmill. Larry said he and Paul discussed whether or not getting one variance allows the eligibility for other variances. Larry said he would get a legal opinion or call the county chair. Larry said the Akey's contractor stated that the wind energy laws made it impossible to place a windmill on the minimum amount of land allowed by the law, two acres. The Akey's would like to meet with the planning board again and meet with the town board to discuss changing the wind energy law. Larry discussed the types of variances that the Akey's would need. Kevin said he would like to meet with the planning board to ask specific questions so that he is educated about the specific laws before any variance hearings take place.

SPECIAL USE PERMIT APPLICATION

Larry presented a completed application for a special use permit from the Robinson's. The Robinson's would like to provide trail rides, riding lessons and horse boarding. In response the planning board will be having a hearing on April 27, 2010. Dave asked if this could be done without a variance. Larry said the decision was made that the Robinson's could house animals in a barn that was previously given a zero variance. He said that decision also covered boarding horses. Dave asked a question about the definition of boarding. Larry described boarding as keeping horses for money. Discussions took place about the Robinson's previous variance hearing. Larry said he discussed the types of questions that would be asked by the planning board with the Robinson's. Discussion took place about home businesses and home occupations.

ADJOURNMENT: There was no official movement to adjourn. Kevin ended the meeting.

Respectfully submitted,

Joyel Miesner