

TOWN OF KENDALL
TOWN BOARD PUBLIC HEARING

Tuesday, May 3, 2011, 7:30 P.M.

**PUBLIC HEARING –LOCAL LAW 1 OF 2011, Revisions to the Town of Kendall Zoning Regulations
within HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

Supervisor Gaesser called the public hearing to order at 7:31 p.m. and led the Pledge of Allegiance.

ROLL CALL

Councilman Pritchard	present
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present, Deputy Clerk Joyel Miesner, Code Enforcement Officer Gurslin, Planning Board members Paul Gray and Joyce Henry, Zoning Board member Tony Cammaratta, Al and Bev Lofthouse, Donald Beers, James Ferris, Bruce and Cathy Newell, Marina Kondakov, Keith and Barbara Germano, James MacMaster, Bonnie-Anne Briggs, Thomas and Margaret Rivera, Rob Malin, Don Short, Richard Windhauser, Andrew Engelbert

SUPERVISOR’S REMARKS

Supervisor Gaesser outlined how and why this document has been created. In December 2009, a Local Law placed a temporary moratorium on the development of accessory structures in excess of 900 square feet in the Hamlet, Waterfront Residential, and Waterfront Development Zoning Districts. The Town Board asked the Planning Board to examine the zoning regulations in these three districts. Countless hours have been spent defining and refining the regulations to better protect and preserve the unique scenic character of the Lake Ontario shoreline. In December 2010, the moratorium was extended. The Planning Board has revised their recommendations approximately eleven times, using input received at joint Planning, Zoning and Town Board workshops, and public input. The Planning Board presented its final draft to the Town Board on March 15, 2011 at the regular Town Board meeting. Since then, the recommendations from the attorney for the town have been incorporated, and comments by the Orleans County Planning Board have been positive and supportive. This document is still in draft form, and the purpose of this meeting is to gather opinions and comments from the public before this document is finalized.

Planning Board Chairman Paul Gray described the process the Planning Board used to review the regulations and to devise comprehensive definitions.

Councilman Schuth commended the Planning Board for the work put into this document, and commented on the representation provided for the lakefront by two members of the Planning Board being lakefront property owners, and he being a representative of the hamlet area. The proposed revisions to the zoning regulations will more specifically define and describe details, making the process of development easier for the property owners and Code Enforcement.

Supervisor Gaesser opened the floor to public comment.

Keith Germano, Norway Hts. – good document; wanted clarification of whether a building could be placed closer to the lake than a neighboring house is to the lake, thereby obstructing the view. Supervisor Gaesser indicated where this is addressed in the document.

Rob Malin, Norway Hts. – said the County Health Department has input as to where a house can be placed at the lake. Supervisor Gaesser and Chairman Gray directed Mr. Malin to where this is addressed in the document. Mr. Malin expressed concern that too many regulations may lead to unreasonable requests of existing residents when new residents move in. An expectation of 100% vista preservation is unrealistic. A “vista” should be considered the width of what you bought.

Don Short, Bald Eagle Drive - expressed his opinion that this document is too restrictive on privacy plantings. He has used shrubs to hide an unsightly nearby house from his view. Chairman Gray responded that this does not alter the current rules, but prevents people circumventing the rules for fencing with shrubbery. Supervisor Gaesser said that pre-existing landscaping is exempt.

Margaret Rivera, Norway Hts. - opposed to restrictiveness of document; wants freedom to improve property without interference; wonders why there is any need to update the current document, and said the law seems “self-serving” and does not understand the rationale of trying to set rules on others.

Richard Windhauser, Norway Hts. – said the moratorium was put into place because of him. When he bought his property, he began clearing it, and complaints were lodged. He said the “5% rule” is far too restrictive, and would not allow adequate storage buildings to be erected. He said CEO Gurslin had assured him that he could build a home and pole barn on his property. Code Enforcement Officer Gurslin said these regulations balance the rights of property owners to privacy with the rights of property owners to enjoy their views. This has been a challenge. Many complaints about blocked views are lodged. Chairman Gray clarified what is included in the “5% rule”.

Rob Malin, Norway Hts. – was encouraged by a previous Code Enforcement Officer to plant privacy hedges to guard against intrusive attention from neighbors. He suggested those who want a full view of the lake walk to the shoreline. Restrictions may devalue property values rather than preserve them.

Don Beers, Kendall Road – asked the CEO how many individuals have complained about lake views. CEO Gurslin responded approximately 7 or 8 annually. Mr. Beers expressed concern that so much effort has been spent to address the concerns of 7 or 8 dissatisfied individuals, when town resources could be directed elsewhere.

Bruce Newell, Norway Hts. – speaking as president of the Norway Heights Association rather than as Planning Board member, stated that he chose Kendall for the unique openness of the lake front and the country atmosphere. The opportunity to protect those qualities is addressed in this document. Perhaps there needs to be flexibility in areas such as privacy shielding, but this document protects the current attractiveness. Also, this document creates more awareness of the process, and procedures to be followed to obtain variances.

Ty Whitehair, Norway Hts. – this area is zoned as a resort area, and with the higher taxes paid, there do need to be stricter and clear guidelines as to what is allowed, and is in favor of the document.

Bonnie-Anne Briggs, Lakeland Beach – supportive of this law being put into place

An unidentified resident spoke in support of this being a good start and showing an understanding of the unique needs of lakefront residents.

Tony Cammarata, Banner Beach Road – excellent document

Don Beers, Kendall Road – questioned the setbacks for Hamlet District
Chairman Gray explained the wording and the difference between different types of roads.

Mr. Malin questioned the need for larger setbacks in the lake properties.
Councilman Joseph gave reasons for the decision to increase these setbacks in some instances.

Kathy Newell, Norway Hts. – thanked the boards for the work done to create this document, and commented that the fact that the County Planning Board suggested no changes is an indication of its thoroughness.

Councilman Joseph entered an e-mail he received into the public hearing. (attached to minutes)

A question about pool installation and fencing was raised. This is addressed in the document.
With no one else wishing to address the Board, Supervisor Gaesser closed the public hearing at 8:27 p.m.

Recording and notes were prepared by Deputy Clerk Joyel Miesner.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk