

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Tuesday, May 11, 2010 – 7:00 p.m.

CALL TO ORDER: Board Member Pam Rowles called the meeting to order at 7:03 p.m.

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

ALSO PRESENT: Paul Hennekey, Deputy Code Enforcement and Zoning Officer
David Schuth, Town Board Representative
Joyel Miesner, Recording Secretary
Donald Ward, 2539 Norway Road

APPROVAL OF MINUTES: Minutes from March 9, 2010 were reviewed. Gay moved to accept. Seconded by Pat. Minutes from April 13, 2010 were reviewed. Pat moved to accept. Seconded by Tony.

ORLEANS COUNTY SELF ASSESSMENT HEALTH FORM

Dave discussed the Orleans County self-assessment health form and urged the board members to complete it. He said that it should be returned to Lynn Szozda and if there was privacy concerns that it should be sealed in an envelope labeled County Workers Comp. Board.

VARIANCE HEARING FOR DONALD WARD

Pam read the public notice aloud. The notice stated, notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, May 11, 2010 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Donald Ward, owner, 2539 Norway Road, Tax ID 44.-1-55.2, for a side setback . Applicant proposes to construct a 384 square foot garage with a porch, requiring a 20-foot side setback variance. Relief is being sought from Article V, Section 512.

Property is zoned Residential Agriculture (RA). All persons wishing to speak will be heard at this time. Donald Ward described the location where the garage was to be placed using a map of the property. Pam asked Donald about the design of the garage and asked if it would be similar to the picture he had attached to his application. Donald described what the design of the garage. He said the only differences from the picture shown would be that the entrance door would be on the side and that there would be no cupola. Donald described the colors he intended on painting the garage. He said that in the fall he intended on adding a cement floor. Board examined and discussed the map and the location of the garage. Discussion took place about why Donald had chosen the placement for the garage. Pam asked Donald about the location of the leach lines on the property. Donald showed where the leach lines were on the map. Donald said that if the garage was moved closer to the road there would be an electrical line in the way. He said

he chose a 20-foot variance because it gives him 10 feet to plant shrubs and be able to mow the grass. He also showed where a drainage ditch was located on the map. Discussion took place about Sandy Creek's location to the garage. Discussion took place about the location of the surrounding neighbors. Pam read through the list of zoning questions that needed to be discussed to determine if this case was an appropriate use for a variance. Pam read the first question that pertains to whether an undesirable change would be produced in the character of the neighborhood or would be created by granting the variance. The board agreed that there would be no undesirable change of the neighborhood or detriment of near by property. Pam presented the second question, is there another feasible method other than an area variance. The board agreed that there would not be another feasible method other than an area variance. Pam asked the third question, is the requested variance substantial. The board agreed it was. Pam said that she felt the shrubs would add to the property value. Pam presented the fourth question, is there an adverse affect on impact on the physical environmental conditions. Pam said that it would be an improvement. Pam read the fifth question, was the alleged difficulty self-created. Gay said the need for a variance is always self-created. Gay made a motion to accept the variance. Gay stated the variance. Applicant proposes to construct a 384 square foot garage with a porch, requiring a 20-foot side setback variance. Relief is being sought from Article V, Section 512. Property is zoned Residential Agriculture (RA). The motion was seconded by Tony. Pam called for a roll call vote, with the following results:

Patrick Bolton - Aye
Tony Cammarata - Aye
Pamela Rowles - Aye
Gay Smith - Aye

TOWN BOARD REMARKS

Dave said that code enforcement has been working to clean up burned down properties. He mentioned one specific case in Morton. He said that court dates were set and deadlines hopefully going to be achieved.

Dave mentioned that the Planning Board was having a workshop that night and would be working on junk law and storage law regulations. He said that the documents had been given to the Town Board and were forwarded to the attorney. The Planning Board would be reviewing the attorney's comments that night. Dave said that the plan was to present the document to the Town Board by June, but it depended on getting the document to the County Planning Board by the deadline. Dave said that the document would be an asset to code enforcement. Discussion took place about specific problem cases and specific aspects of the laws. Dave said that he felt there would a great deal of public participation during the hearing.

Dave said the Town Board is looking at permit fees for energy conversion systems. He said he thought the fee would be a project cost percentage. Possible fee percentages were discussed. Dave discussed having a statement at the bottom of town permits that would ensure that the person getting the permit would reimburse any contracted services paid for by the town. He discussed cases in which the town had a reinvestment agreement.

Dave said that Memorial Day Celebration would be on Sunday May 30th at the Morton Union Cemetery. The parade will be at 7:00 pm followed by the ceremony. Discussion took place about what community groups will be attending the event. The keynote speaker will be George Mazyar. Dave said that Bart Joseph was working on regulations for fireworks displays.

The Town Board is working on updating the firework form and adopting the proper permits and regulations.

Dave discussed the courtroom renovations. Carl Dreisel is the contractor building the court bench. He said that he believed that the town received a grant for the bench production. Discussion continued about the renovations.

Dave said that the town has entered into a contract with the school system for the gazebo property. The school will be mostly caring for the maintenance of property, but wanted the town to be on board because it is in the Town of Kendall. Dave said that he had not heard of a schedule for construction at this point. He said he was pretty sure all the funds had been raised. Discussion took place about uses for the gazebo. Paul Hennekey asked if a contractor had been decided upon. Dave said he believed Jeff Miller and Danny would do the work. Discussion took place about the name of the park the gazebo is in.

The town is also discussing with school about the Braise drive said there are still a lot of details to work out. He listed different details. Discussion took place about the drainage in the surrounding area of the road.

Dave mentioned that the highway department would be replacing the sidewalk on Kenmor road this year.

MARINA

Discussion took place about the Marina forecloser. Dave said the Bank of Lions has called the loan. The Marina is looking for additional financing to pay off the Bank of Lions. Dave said the Town of Kendall is the second lien holder behind the Bank of Lions. Dave said that it was possible for the town to be liable to reimburse the state for the \$265,000 grant. Discussion continued about the town's liability. Discussion took place about Dan Gaesser and Don Prichard meeting with grant department. An extension was given to the Marina on the completion date. The one completion item the Marina must meet is to have 32 employees by a specific date in September. Discussion took place about how the Marina could obtain the needed number of employees. Discussion took place about whether the Marina was completed or not. Paul Hennekey said that The Marina has a COO for the first floor only.

REPORT FROM CODE ENFORCEMENT

Pam asked if Paul Hennekey if he knew of any variances that would need the attention of the Zoning Board in the near future. He said that he did not know of any.

BICENTENNIAL

Tony mentioned that the Bicentennial Committee would be hosting a pancake breakfast on Fathers Day. Tony discussed different possible future fundraisers.

NEXT MEETING

Tuesday June 8, 2010 at 7:00 pm

ADJOURNMENT: Gay motioned to adjure. Seconded by Tony. All in favor. Adjourned at 8:00 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary