

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Tuesday, July 17, 2010 – 7:00 p.m.

CALL TO ORDER: Board Member Kevin Banker called the meeting to order at 7:01 p.m.

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

ALSO PRESENT: Larry Gursslin, Code Enforcement and Zoning Officer
 Paul Hennekey, Deputy Code Enforcement and Zoning Officer
 David Schuth, Town Board Representative
 Paul Gray, Planning Board Chair
 Daniel Gaesser, Town Supervisor
 Joyel Miesner, Recording Secretary
 Kathleen Akey, 16175 Carr Road
 Charles Akey, 16175 Carr Road
 Robert Malin, 17085 Norway Heights
 Jacquelyn Mosher, 2369 Petersmith Road
 Don Norson, 2256 Kendall Road
 James Gaylord, 2369 Petersmith Road
 Rg Bell, 2310 Center Road

APPROVAL OF MINUTES: Minutes from June 8, 2010 were reviewed. Pam moved to accept. Seconded by Gay.

RV VARIANCE REQUEST

Kevin discussed residents on Creek road that have concerns about not being able to have their parents/in-laws stay on their property in a RV for an extended amount of time. Kevin said a neighbor had made a complaint about the extended stay of the RV. The residents on Creek road asked if they could apply for a variance that would allow the RV to be on their property for an extended time. Kevin said the RV is permitted on the property as long as it remains for only 72 hours or they property owners obtain a two-week special use permit. Kevin mentioned that the RV laws do not explain when a new 72 hours or two-week period can begin. He said Larry's interpretation for the two-week special use permit is one two-week period per year. Larry said the rules did not explain whether or not the RV must be removed after the 72-hour period or just the people staying in the RV must leave after the 72-hour period. Kevin described the NYS park laws and said an RV must be removed after two weeks and must be gone for 48 hrs. Kevin said he would tell the residents that a use variance would be required if they wanted to have a RV on their property for an extended amount of time. Kevin said that based on the current laws, a use variance would be hard to obtain because of the properties current usage and value. Larry discussed and

dismissed a rumor that the camper was connected directly into the sanitary sewer. Paul Gray said the intent of the 72-hour RV law was to prevent people living in a RV for an extended amount of time on a particular property.

POLE BARN

Kevin discussed the Lakeland Beach drive residence on which a pole barn was erected on the wrong side of the property. Kevin said he had a discussion with the contractor of the barn. The contractor asked Kevin if a one foot and four inch variance could be obtained. Kevin said he told the contractor that obtaining a one foot and four inch variance was not very likely. Kevin continued to discuss the conversation he had with the contractor and said the contractor understood that there is a possibility that the barn may need to be moved. Larry discussed the conversation he had with the contractor and conversations the contractor had with the adjacent neighbor about purchasing property. Larry mentioned a meeting the contractor is setting up between the owner of the property and the neighbor. Larry said he might attend the meeting.

WIND ENERGY SYSTEM

Larry passed out a time line of the Akeys wind energy project, copies of the wind energy application, a wind energy requirement worksheet, and a site map of the Akeys property. Larry discussed the time line. Larry discussed the, wind energy requirement worksheet and the wind energy application. Discussion took place about the property site map. Paul Gray asked Mr. Akey about the dimensions of the site map. Discussion took place about the two variances required by the Akeys to put up the windmill. Paul Gray said that distance from the fall zone to the nearest neighboring property is 503 feet and that a variance will not be required. He said that only one variance for the windmill's tower height will be required. Discussion took place about the design of the windmill. Kevin asked Paul Gray if he saw the new wind energy application produced by Wind Tamers as a big challenge to wind energy document. Paul Gray responded no. Discussion took place about the weight and size of the windmill. Discussion took place about the application and the purchase of property from a neighbor. Pam made a resolution that the zoning board take the Akeys formal windmill application and send it to the county planning board along with the site plans. Gary seconded the motion, all in favor. Kevin reminded the board that windmill construction was conditional based on the purchase of additional land.

REPORT FROM CODE ENFORCEMENT

Larry discussed a case in which the zoning board in Ogden overturned the code enforcement office's decision. He said that some people that have been sited by code enforcement might be looking for the opinion of the zoning board. He reminded the zoning board that they have the power to overrule decisions made by code enforcement.

TOWN BOARD REMARKS

Dave discussed the public hearings presented by the town board regarding the Storage Container Regulation and Junk Yard Regulation. Dave mentioned that there were many

people in attendance. He said great comments were made and a good discussion was had. Dave said the town board would be taking the comments into consideration, revisiting the regulations and putting the information into a comprehensive plan. At this point there is not a deadline for when the regulations will be voted on.

PLANNING BOARD

Paul Gray said that there was a SEQR and an ag data statement for the Akeys wind energy application. Paul Gray discussed Storage Container Regulation and Junk Yard Regulation public hearings and comments made by the public at the hearings.

PUBLIC HEARING

Kevin discussed the hearing for Akeys wind energy application and set the hearing date for August 10, 2010. Discussion took place about the public notice.

NEXT MEETING

Tuesday August 10, 2010 at 7:00 pm

ADJOURNMENT: Pam motioned to adjure. Seconded by Gay. All in favor. Adjourned at 7:57 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary