

TOWN OF KENDALL
ZONING BOARD
MEETING MINUTES

Tuesday, July 31, 2007 - 7:00 p.m.

ROLL CALL: Members:

Kevin Banker, Chairman - present
Pam Rowles - present
Chuck Patt - present
JoAnn Herman - present
Mike Hanlon - present

ALSO PRESENT: Scott Hardenbrook, Code Enforcement

Marianne Wilson, recording secretary
Ernest & Connie Walls, 1147 County Line Road
Lynn & Candi Mael, 16687 Kenmor Road
Raul Estela, 17028 Kenmor Road

CALL TO ORDER: Meeting was called to order at 7:04 p.m.

APPROVAL OF MINUTES: JoAnn moved the minutes from July 11 be accepted as amended. Seconded by Pam. All in favor.

NEW BUSINESS: A new use variance request has been filed by Mr. Burr to move a used mobile home to his property at 15679 Roosevelt Highway. Article V, Section 507 and Article VI, Section 620 were reviewed and discussed. A hearing will be scheduled for August 21. Scott says he is authorized to permit temporary mobile home use in cases of emergency, as in the case of the Rissew family whose home was fire damaged. Mr. Burr is applying under the hardship rule; however, zoning ordinance stipulates a 7 year age limit on mobile homes. He has a 1986 model. No grandfather clause is applicable. Tabled for later discussion.

PUBLIC HEARING: 7:15 p.m. for Ernest and Connie Walls, 1147 County Line Road, 07VAR10, requesting 16 foot rear setback variance to construct a storage shed, pre-manufactured kit. No changes to the application. There is no other place to situate the shed. No public opposition. The 5 criteria were discussed. Pam moved the application be approved as presented. Seconded by Chuck. Unanimously carried by roll call vote. Application accepted.

NEW BUSINESS CONTINUED: Chuck attended Orleans County Planning Board last week. Town of Gaines is dealing with an application by Kirby Farms to place H2-A farm laborers in mobile homes on their farm land. New York state law supersedes local laws.

PUBLIC HEARING: 7:30 p.m. for Lynn Mael, 16687 Kenmor Road, 07VAR11, requesting 13 foot side setback variance to construct a lean-to on rear of existing barn. Reference Article V, Section 505. Two neighbors provided written input. No opposition. New structure will be in line with existing barn, which is 2 feet from property line. No changes to the application. JoAnn moved the board agree to grant the variance as stated. Mike seconded. Five criteria reviewed. No other option, as the leach field is on the west and driveway to south No further discussion. Unanimously approved by roll call vote.

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NEW BUSINESS CONTINUED: Discussion on policy for notification of public hearings. Must be at least 5 days notice. Standard procedure is to notify one land owner in all four directions except in cases of waterfront and hamlet locations in which 2 property owners in each direction will receive notice. Applicable to all variance and change of use applications. There will be a maximum of 3 hearings per meeting.

CORRESPONDENCE: Scott received information from Ag & Markets clarifying that dog kennels are commercial not agricultural businesses.

PUBLIC HEARING: 7:45 p.m. for Raul Estela, 17028 Kenmor Road, 07VAR13, requesting 23 foot front setback variance to add a covered front porch on existing residence, pursuant to Article V, Section 518. Structure will be 7 ft by 12 ft, on front of existing house. It will be open with one step and possible railing. No public attendees. No opposition. Chuck moved the application be accepted as presented. Pam seconded. The 5 criteria were reviewed. New garage constructed last year is in line with the house. No further discussion. Unanimously accepted by roll call vote.

NEW BUSINESS CONTINUED: Discussion of future revision of town ordinance. Kevin states next year, in general, the ordinance will be rewritten in committee with Town Board input.

TOWN BOARD: The Town Board voted to support the dedication of Banner Beach Road as a public road at the last town board meeting.

SCOTT HARDENBROOK: Nothing further regarding pending variance applications. Status of property clean up: Paeth house burn is taking place tonight; Swierkos house on Norway Road is demolished; State supreme court has not yet ruled on the Lemcke property. All certified letters to Mr. Lemcke have been returned with no known address. Former Union Hall: Ken Rush from Orleans County Legislature attended Kendall Town Board meeting and states the county is willing to return it to the town. The county says the town did not meet set deadlines. County property auctions are always "as is". Approximately 7 to 9 feet of this structure is on adjacent property since a survey map error some years back. A re-survey will resolve this issue so the town can demolish the structure. Eagle Creek Marina update: construction has slowed due to lack of funding. New architect terminated contract and is suing Mr. Freemesser. She has not pulled her plans for landscaping and septic system. The third story is accessible by ladder truck, as determined by a test drill with local fire companies. Scott and Mike Kludt, Fire Chief, signed off on that issue.

ADJOURNMENT: JoAnn moved the meeting be adjourned. Seconded by Chuck. All in favor. Adjourned 8:03 p.m. Next meeting will be August 21.

Respectfully submitted,

Marianne Wilson
Secretary