

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

June 18, 2008, 7:00pm

CALL TO ORDER: Chairman Banker called the meeting to order at 7:00 p.m.

ROLL CALL: Kevin Banker, chair - present
 Pamela Rowles - present
 Michael Hanlon - absent
 Charles Patt - present
 Gay Smith - present

ALSO PRESENT: David Schuth, Town Board Representative
 Marianne Wilson, Recording Secretary

APPROVAL OF MINUTES: Pam moved to accept the minutes from May 21, 2008 with changes. Seconded by Gay. All in favor.

OLD BUSINESS: Mike spoke with the Town's Attorney regarding decision-making processes. The attorney recommends use of parliamentary procedure and Roberts Rules of Order when entering into debate. He recommends a motion be made to enter into discussion to consider a decision. Kevin has also researched since last meeting. This board tends to follow an informal process. Formal processes, as recommended by the Town's Attorney, are generally followed in larger towns/municipalities with multiple levels of complex issues and involved parties. Often parties in a formal process are represented by an attorney or similar. It was agreed this board would rather continue with an informal process. As mentioned many times in previous meetings, the emphasis needs to be placed on the documentation of relevant information provided by all parties heard from at a public hearing. There is need to be consistent and clearly demonstrate why the board made the decision it did and when appropriate, individual board members comments of why they voted the way they did based upon the "finding of the facts" in each case presented. Entering into a public hearing announces intent to debate once the chairman has opened the hearing and reads the announcement; a controlled discussion and process follows. A court of law would look into the finding of the facts and any decisions would be made based on those facts. Dave states that this follows the Town Board's informal type of process.

WIND ENERGY: Dave reports that the draft WECS document was presented to the Town Board two weeks ago. On Thursday June 26 the Town Board, Planning, and Zoning Boards are to meet to discuss this draft document. The Town's Attorney and LaBella are to provide input prior to, or at that meeting. Copies were distributed to all Zoning Board members. One option before the Town Board is to disallow wind towers. To do so, it would have to be proven that it is a safety concern, for example. All input is to be directed to the Supervisor before June 26. Dave will turn the document over to OCPB by July 17 and plans to attend their meeting July 24. A public hearing will be held August 14 at the regularly scheduled Town Board meeting. Adoption is planned for end of August/early September.

NEW BUSINESS: Board notes a significant decrease in hearing applications and prospective possibilities for applications as compared to years past, especially for this time of year. Also, board notes the need for a new and updated Zoning Ordinance (last revised 1996).

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NEXT MEETING: Tuesday, July 15 at 7:00 p.m., back on schedule.

Pam moved to adjourn the meeting. Seconded by Gay. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Marianne Wilson, Recording Secretary,
Zoning Board of Appeals