

TOWN OF KENDALL  
ZONING BOARD OF APPEALS  
MEETING MINUTES

Tuesday, September 16, 2008 – 7:00 p.m.

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              - present  
                          Charles Patt                 - present  
                          Gay Smith                    - absent

ALSO PRESENT:    David Schuth, Town Board Representative  
                          Paul Hennekey, Deputy Code Enforcer  
                          Marianne Wilson, Recording Secretary

Barbara and Lawrence Matrese, 24 Old Post Rd, Fairport  
Sandra Schieb, 16083 Lomond Parkway  
Robert J Bissell, 1832 County Line Rd  
Edward Czerniak, 1821 County Line Rd

MINUTES: Minutes August 19, 2008 were presented. Motion by Pam to accept them as written; second by Chuck. All in favor.

NEW BUSINESS: Kevin met with Paul Gray, Chairman of the Planning Board, regarding the Thulin property on Norway Heights, which was brought before this board last month. They determined the property is grandfathered in and therefore, no variance is required. Larry Gurslin is to provide a letter stating as much for the prospective buyers, the Windhausers, to present to their attorney to proceed with purchase.

Kevin has submitted his input for the 2009 budget.

TRAINING: Orleans County fall workshop will be held September 24 at 4:30 to 9:00 p.m. It is an approved training course board members certification.

TOWN BOARD: Dave thanks Kevin for his budget submission. Local Law #1 on Wind Energy Systems was passed and has been filed with New York State. Kevin clarified that every tower will require a Special Use Permit, thus, under review by the Planning Board.

EAGLE CREEK MARINA: Kevin asked if Mr. Freemesser has obtained a Certificate of Occupancy. Dave says no, but Mr. Freemesser has indicated interest in obtaining a temporary CofO. The parking lot must be complete as well as sprinkler systems throughout the structure. There are a couple dozen conditions to be met, as established by the Planning Board. Dave is unsure where the project stands in relation to those conditions. The Planning Board is the governing agency that set up and administered this project. Dave thinks the first floor may be nearing completion.

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PUBLIC HEARING: 7:15 p.m. The public notice was read concerning application 08VAR04, pertaining to 16085 Lomond Parkway, parcel ID 9.12-1-30.1, owned by Barbara and Lawrence Matrese. The Matreses wish to construct a wraparound deck with a maximum height of 18 inches covering a rocky, unlevel area, and will have no railings. This deck will encompass the north and east sides of the existing house, and approximately 12 feet on the south side. It was noted that notice of hearing mailed to Mark Geotz, 16087 Lomond Parkway, was returned as undeliverable, with no forwarding address. Neighbor Sandra Schieb is in attendance to show her support. No other representation or opposition. It is determined the property does not lie within the Coastal Erosion Zone. There was no further input. The hearing was closed at 7:22 p.m.

DECISION: Chuck moved to accept the variance application for construction of a deck as presented in this hearing and as posted by public notice, without railings. Seconded by Pam. Passed by unanimous vote at 7:25 p.m. Applicants were advised to meet with Larry Gurrslin, CEO.

PUBLIC HEARING: 7:30 p.m. The public notice was read concerning application 08VAR05, requesting a variance at 1821 County Line Rd, parcel ID 44.-1-20, owned by Edward Czerniak, to add a 10 feet bay to the existing 2-car attached garage, to within 5 feet of the north property line. As discussed last month, due to placement of the septic system, he is unable to build anywhere else on the property and have driveway access. Kevin noted the existing house is a nonconforming structure if it is indeed 83 feet from the front property line, as indicated on drawings presented. The garage addition will extend the existing roofline. The existing driveway is ample for the addition. Mr. Czerniak has begun clearing the hedgerow on the north property line. It is adjacent to Mr. Bissell's property, who is present to state that he has no objections. The neighbor to the south inquired at the town hall for details of the application this week and stated he has no objections. There was discussion as to whether a front setback variance is required or could this application be amended to include it. It was proposed to hold a special session September 30 for this purpose, suspending tonight's hearing; whereupon, Mr. Czerniak departed.

After further discussion and investigation, it was questioned if the front setback was in compliance with the zoning ordinance, and therefore, no further action would be required. Mr. Czerniak was not available by telephone. Kevin left a voice message.

After further review of the surveyor's map, utilizing an architect's scale as conducted by the Deputy Code Enforcement officer, it is demonstrated that the house is further back from the road than indicated on the hand-drawn map provided by the applicant. Therefore, the Zoning Board determines the house is in compliance with the required 90 feet front setback and, therefore, the application does need to be modified. A second public hearing does not need to be held, as the information is not in contrast to the original application

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and published notice of public hearing.

DECISION: Therefore, a motion was made by Pam to approve the application as provided, eliminating any need for the previously approved motion for a second public hearing. This was seconded by Chuck. Approved by unanimous roll call vote.

Pam then moved to approve the application for a 10 feet side setback variance on the north side of the pre-existing non-conforming structure. Seconded by Chuck. Approved by unanimous roll call vote.

As a side note: Pam states that the application needs to be more fully completed by the CEO to better instruct the Zoning Board to its intent. It was agreed.

ADJOURNMENT: Mike moved to adjourn. Seconded by Chuck. All in favor. Meeting adjourned at 8:22 p.m.

NEXT MEETING: Tuesday, October 21 at 7:00 p.m.

Respectfully submitted,

Marianne Wilson  
Recording Secretary