

**TOWN OF KENDALL  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

**Tuesday, April 10, 2018 – 7:00 p.m.**

ATTENDANCE:	Chair. Patrick Bolton	- present
	Fletcher Rowley	- present
	Becky Charland	- present
	Shad Speer	- present
	Dan Mattle	- present

Also present: Eric Maxon, Dean and Betsy Brightly, 555 Redman Road, Hamlin, NY, Paul Brightly, 3350 Roosevelt Hwy., Kendall, NY, Richard Hill, 2073 Kendall Road, Kendall, NY, Kurt Charland, 16878 Roosevelt Hwy., Kendall, NY, Town Board Liaison Newell, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Chairman Bolton called the meeting to order at 7:00 p.m.

**PUBLIC HEARING FOR SIDE SET-BACK VARIANCE – TAX ID #32.20-1-26**

Chairman Bolton opened the public hearing at 7:01 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, April 10, 2018 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Richard Hill of 2073 Kendall Road, Kendall, New York, Tax Id #32.20-1-26. Applicant seeks a variance of 7-feet from Article V, Section 265-21E of the Town Zoning Ordinance requiring a 15-foot side set-back for construction of a shed. Property is zoned residential hamlet (RH). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office.

Patrick Bolton  
Chair. Zoning Board of Appeals

Mr. Hill explained to the board that he was seeking a variance of 7-feet so he can build a shed. He would like to store tools, kid's toys, etc. in the shed and clear out his garage so he can use it for his vehicle. The shed will be built at the south-east portion of the lot, it will be set back behind the garage. There is a mature tree he would like to leave, so he would like to push the shed over a little because he would like to put an overhead door on it.

Chairman Bolton closed the public hearing at 7:06 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Becky Charland motioned to approve the variance, seconded by Shad Speer. All in favor. Chairman Bolton asked for a roll call vote with the following results:

18VAR1(Hill)-ROLL CALL VOTE:	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

APPROVAL GRANTED: For a variance of 7-feet for a side set-back for construction of a shed from Article V, Section 265-21E.

**PUBLIC HEARING FOR VARIANCE – TAX ID #33.-1-35.1**

Chairman Bolton opened the public hearing at 7:15 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, April 10, 2018 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Kurtis Charland of 16878 Roosevelt Hwy., Kendall, New York, Tax ID #33.-1-35.1. Applicant seeks a variance of 15-feet from Article V, Section 265-23E of the Town Zoning Ordinance requiring a 25-foot side set-back for construction of a pole barn. Property is zoned rural residential (RR). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk’s Office.

Mr. Charland explained to the board why he was seeking a variance of 15-feet. He’s looking to build a 30’ x 50 pole barn with the roof line running east to west, he would also like to extend his turn around driveway. The main reason he is asking for the set-back is because he has two mature spruce trees and if he must push the shed closer to the driveway he would have to remove them both. Also, there is a feeder stream close by that tends to flood every year and he would like to get as far away from that as possible. Member Mattle asked the applicant if the feeder stream will restrict his access to the shed at various times of the year. Mr. Charland stated currently they have a little culvert they put in when they regraded the property, that might have to be upsized if he runs his driveway over it, but right now it does not restrict access. Member Mattle also questioned the land to the east, asking if it is leased to hunters, and if they would have a problem maintaining the required distance from the structure to while hunting. Mr. Charland told the board he never sees any activity in that area.

Chairman Bolton closed the public hearing 7:19 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Shad Speer motioned to approve the variance, seconded by Chairman Bolton. All in favor. Chairman Bolton asked for a roll call vote with the following results:

18VAR4 (Charland)-ROLL CALL VOTE:	Dan Mattle	- aye
	Becky Charland	- abstained
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

APPROVAL GRANTED: For a variance of 15-feet for construction of a pole barn from Article V, Section 265-23E.

**PUBLIC HEARING FOR VARIANCE – TAX ID #20.-2-1**

Chairman Bolton opened the public hearing at 7:30 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, April 10, 2018 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Michael Maxon of 1387 W. Kendall Road, Kendall, New York, Tax ID #20.-2.1. Applicant seeks a variance of 20-feet for a side set-back from Article V, Section 265-22E of the Town Zoning Ordinance requiring a 30-foot side set-back for construction of a pole barn. Property is zoned rural agricultural (RA). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office.

Applicant Michael Maxon could not be at the hearing, so his father Mr. Eric Maxon stood in for him. Mr. Maxon explained to the board why his son was seeking a variance for a side set-back of 20-feet. Chairman Bolton asked Eric if that was a cement pad he's seeing at the northwest corner of the photo he's looking at. Eric said no that is a lean-to.

Chairman Bolton closed the public hearing 7:36 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Fletcher Rowley motioned to approve the variance as application reads for 10-feet, seconded by Shad Speer. All in favor. Chairman Bolton asked for a roll call vote with the following results:

18VAR3(Maxon)-ROLL CALL VOTE:	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

APPROVAL GRANTED: For a variance of 10-feet for construction of a pole barn from Article V, Section 22E.

**PUBLIC HEARING FOR VARIANCE – TAX ID #31.-1-24.113**

Chairman Bolton opened the public hearing at 7:46 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, April 10, 2018 at 7:45 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Brightly Farms LLC of 1857 Transit Road, Kent, New York, Tax ID #31.-1-24.113. Applicant seeks a variance for a front set-back distance of 78-feet for proposed agricultural worker housing. Article V, Section 265-56 of the Town Zoning Ordinance states applicant to require a 12-foot variance for a farm labor camp outside of the certified Ag district. Property is zoned rural agricultural (RA). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office.

Applicants Dean and Paul Brightly explained to the board why they were seeking the variance for a side set-back of 20-feet. Paul explained to the board that the existing house is too close to the road, its stands 78-feet from the road. The structure will stay the same size, they already

hooked up to the waterline and now their working on the septic and the inside of the structure. The health department had already been out to the location and they are satisfying code requirements.

Chairman Bolton closed the public hearing 7:36 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Shad Speer motioned to approve the variance, seconded by Fletcher Rowley. All in favor. Chairman Bolton asked for a roll call vote with the following results:

18VAR2 (Charland)-ROLL CALL VOTE:	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

**APPROVAL GRANTED:** For a variance for a front set- back distance of 78-feet for agricultural worker housing from Article V, Section 265-56.

**APPROVAL OF MINUTES:**

Approval of minutes will be postponed until the next scheduled meeting.

**ADJOURNMENT:**

Fletcher Rowley made a motion to adjourn, seconded by Shad Speer. All in favor. Meeting adjourned at 8:08 p.m.

**NEXT MEETING:**

Tuesday, May 8, 2018 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary