

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

**Tuesday, October 9, 2018 – 7:00 p.m.**

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

Also present: Beverly Robinson, 46 Roadside Dr., Hamlin, NY, Robert and Truda Slocum, 17011 Lakeshore Road, Kendall, NY, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

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

**PUBLIC HEARING FOR VARIANCE – TAX ID #22.-1-1.3**

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, October 9, 2018 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Terry and Beverly Robinson, Lake Shore Road, Tax ID #22.-1-1.3. The applicants are requesting a variance from Article V, Section 265-22C for construction of a 60x80 accessory structure without a primary structure (residence) on the parcel. Property is zoned (RA). 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

Mrs. Beverly Robinson explained to the board the reason she and her husband are seeking a variance, they would like to build a 60x80 storage building to store equipment for gardening and in the future her husband will store collective cars. Beverly told the board they plan on having a bathroom in the barn and the barn will be climate controlled. The shop will be used primarily for her husbands' collection of cars. She also expressed to the board that she grew up on the property and she and her husband have every intention of building a home on the property and obtaining a building permit as soon as the plans are approved. They will be living in Kendall for five months out of the year and the remaining winter months living in Arizona. Beverly told the board they are 100% committed to building the house next year, meanwhile they would like to know if they can build the outbuilding prior to building the house.

Public comments: Steve DiNatale of 16930 Lakeshore Road told the board he was just attending the meeting to hear what his neighbor's plans were. Truda Slocum and Robert

Slocum, neighbors across the street told the board they are happy about the project and are in favor of the Robinson's plans.

Chairman Bolton closed the public hearing at 7:18 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 contingent on the applicants requiring a building permit for the primary principal structure first and second obtaining a building permit for the storage building/garage. Board member Fletcher Rowley seconded the motion. All in favor. Chairman Bolton asked for a roll call vote with the following results:

18VAR8(Robinson) – ROLL CALL VOTE:	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

**APPROVAL GRANTED:** Variance unanimously approved 5-0 for Terry and Beverly Robinson, Lakeshore Road, Tax ID#22.-1-1.3, the request for the variance from Article V, Section 265-22C for the construction of a 60' x 80' structure without a primary structure currently on site. The property is zoned Residential Agriculture (RA).

Zoning Board approval with following condition:

1. Variance approved contingent on requiring a building permit for the primary (residential) structure.

Patrick Bolton  
Chairman, Zoning Board of Appeals

Regular scheduled meeting resumed at 7:24 p.m.

**APPROVAL OF MINUTES:**

Minutes from the September 11, 2018 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as presented, seconded by Patrick Bolton. All in favor.

**CODE ENFORCEMENT UPDATE:**

CEO Hennekey gave an update on the property owners on Peter Smith Road started an excavation and mining business and last November he came in wanting to get a permit, he also visited the planning board a couple of times and even applied for a permit. Last March he was told he needed a SWPP storm water preventative plan and a SEQR from an engineer to send to the county for their site plan review. The property owner never obtained those documents from the planning board, and you need a complete application

to send to the county. In the mean time he had gone to CEO Hennekey to apply for variance to build a poll barn and a variance to operate a service business, which is not allowed in that district. At that time CEO Hennekey brought it before the zoning board and that time the board said they would like to see what the planning board decided for the excavation and mining aspect of the application. The owner was sited for operating a business without a permit and for not obtaining an excavation and mining permit. The business operating out of the property is Lake Shore Developemnt and not owned by the property owner/applicant. The property owners went to court a month or so ago saying the Town of Kendall was holding them up, which is not so, they never had a complete application. The owners then expressed an interest once again on applying for a variance to operate a business (a use variance) in the Residential Ag (RA) district and a variance to build a pole barn. The owners were supposed to submit an application to CEO Hennekey so he can then forward it to county for review by the end of this month and it should be ready for review by the zoning board at next months meeting. CEO Hennekey hasn't heard from the applicants since meeting with them last month. The applicant is scheduled to go back to court on the 16<sup>th</sup> of September. CEO Hennekey advised the applicants that it is very hard to get a use variance and they have the option of getting their property rezoned.

**ADJOURNMENT:**

Shad Speer mad a motion to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 7:38 p.m.

**NEXT MEETING:**

Tuesday, November 13, 2018 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary