

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

**Tuesday, February 12, 2019 – 7:00 p.m.**

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

Also present: Planning Board Chairman Andrew Kludt, Town Board Liaison Newell, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Chairman Bolton called the meeting to order at 7:04 p.m.

**APPROVAL OF MINUTES:**

Minutes from the January 8, 2019 meeting submitted by Recording Secretary Bakutis were reviewed. Becky Charland moved to accept the minutes as presented, seconded by Shad Speer. All in favor.

**CODE ENFORCEMENT UPDATE:**

CEO Hennekey informed the board he may have a property owner coming in to apply for a variance for a pole barn.

**DISCUSSION OF TOWN CODE:**

Andrew Kludt, Chairman of the Planning Board came to the meeting tonight to discuss a few lines in the town codes that are vague and open to interpretations. He has gathered many resources and opinions as he could to aid the zoning board, as well as the planning board, in making a judgement as to whether the renting of units on the third floor of the building at Bald Eagle Marina is a permitted use.

Andrew Kludt would like this board to make an interpretation on this one line of code. What is in question if the zoning believes the planning board has the authority to make the determination whether it is a permitted use or not.

What is in question is does the zoning board feel rental of rooms is part of mixed-use facility as allowed under the code.

The zoning board members, along with Andrew Kludt and CEO Hennekey discussed what was presented to them by Andrew Kludt.

Chairman Bolton asked for a roll call vote regarding the zoning board handing over to the planning board the decision making on determining whether renting rooms is part of a mixed-use facility at the marina is an allowed use under the code.

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

The Zoning Board of Appeals unanimously voted (5-0) in favor of the planning board having the ability to approve or not approve the renting of rooms being be part of a mixed-use facility at the marina in the LWRP.

A letter of decision will be mailed to Andrew Kludt.

**ADJOURNMENT:**

Fletcher Rowley made a motion to adjourn, seconded by Dan Mattle. All in favor. Meeting adjourned at 7:27 p.m.

**NEXT MEETING:**

Tuesday, March 12, 2019 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary