

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

March 8, 2022 at 7:00 p.m.

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

Also present: Town Board Liaison Jennings, Code Enforcement Officer Hennekey, Deputy Code Enforcement Officer Strong and Recording Secretary Bakutis.

Public Attendees:	Joseph Tomasino	16183 Lakeshore Rd.
	Ron Tomasino	15722 Bridge Rd.

Chairman Bolton called the meeting to order at 7:02 p.m.

DISCUSSION REGARDING A SPECIAL USE VARIANCE:

Chairman Bolton asked Joe to explain why he is interested in seeking a special use variance. Joe told the board right now he currently has a used car lot in Spencerport, it's a very small lot but it does allow him to hold a dealer license and it is something he's always wanted to do. He explained since starting his business it has grown very rapidly and to be honest with the board, he would like to do all the work at his house in his personal garage because the lot he rents in Spencerport is too small and it is a lot of driving to meet folks out there to sell a car. He also expressed to the board he works out of his home as much as he can because he has young kids at home. He has 6 1/2 acres on that lot and another reason he's asking is he would like to bring some commerce into Orleans County. He would like to be able to use his property for his personal use and for business use for what he deems would be profitable. Chairman Bolton explained the code is set up the way it is for a reason or otherwise we would have many things popping up and it could become an issue, plus the area where you are is not permitted for that type of business, the board suggested he might be better off looking for a property in Kendall in an area where it would be allowed. DCEO Strong explained even the wording of the criteria for a special use permit rules him out. Chairman Bolton read him the wording of the five criteria for a special use permit as requested. Joe told the board he eventually would like to put up a pole barn. Joe asked the board can he put a business there in the barn as a registered repair facility, Chairman Bolton explained that may be a possibility as a repair shop and the board could look into it more. He also explained to Joe that there is not an established business there currently which brings them back again going against the intention of the code. Chairman Bolton asked DCEO Strong if he has any input on the matter. DCEO Strong expressed to Joe

that you are aware automobile sales are only allowed in the General Business sector and you indicated you want to conduct automobile sales in a Residential Ag (RA) district, that's why the board is saying you're not even zoned to conduct automobile sales there, as well as the fact the DMV is going to require some substantial paperwork from the town making sure that it's OK to operate such a business. DCEO Strong read him the code under Section 265-83. He also explained that the property can be used for a single family dwelling, the uses within a residential ag district are specific on what you can do, as far as the business plan goes it may be unique, but it doesn't follow the zoning code. DCEO Strong and the board discussed other options with Joe.

CODE ENFORCEMENT UPDATE:

Has a property owner that would like to build a 40'x40' pole barn. There is a leaching field in the back of the house, DCEO Strong suggested leaving ten-feet between the house and the barn in case of a fire. The owner would need a variance of ten-feet. Schedule for a public hearing at next months meeting, along with the Heberle variance.

TOWN BOARD UPDATE:

Town Board Liaison Jennings told the board the last TB work meeting back in February 24th they viewed the sewer district. The next work meeting on April 5th they have representatives coming from a couple of companies, one is called Joule the other is called Roctricity, they are going to come down and make presentations about community choice aggregation, discussion will be regarding how to bring electricity billing down for the town. By using renewable resources. There will also be a couple of public meetings at the end of the month being held at the high school, one for a campground and the other for wastewater district

APPROVAL OF MINUTES:

Minutes from the Tuesday, February 8, 2022 submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as presented, seconded by Fletcher Rowley. All in favor.

ADJOURNMENT:

Shad Speer made a motion to adjourn, seconded by Fletcher Rowley. All in favor. Meeting adjourned at 8:15 p.m.

NEXT MEETING:

Tuesday, April 12, 2022 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary