

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

October 12, 2021 at 7:00 p.m.

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

Also present: Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Public: Tom and Peggy Gavin, 107 Guinevere Dr., Rochester, NY 14626
Ellen and Robert Pelkey, 15921 Ed Rose Shores
George Michaels, 15884 Bridge Rd.
Paul Jennings, 16705 Banner Beach Rd.

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

PUBLIC HEARING FOR A VARIANCE 21VAR13(GAVIN) – TAX ID # 20-1-8.121

Chairman Bolton opened the public hearing at 7:02 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 12, 2021 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Tom Gavin, Peter Smith Rd., Tax ID #20.-1-8.121. Applicant seeks a variance for construction of a pole barn on an unimproved parcel. Seeking relief from Article V, Section 265-9, requiring a principal building located on the same parcel as an accessory structure. Property is zoned Residential Agriculture (RA). All persons wishing to speak will be heard at this time. ALL current COVID-19 restrictions regarding public gatherings will be in effect. A copy of the application is available for review by contacting the Town of Kendall Clerk's Office at (585) 659-8721.

Patrick Bolton
Chair, Zoning Board of Appeals

The applicant, Tom explained to the board their reason for seeking the variance to construct a pole barn on an unimproved parcel. He grew up in Greece and came out to visit family for holidays, etc. He had always loved this town and when the opportunity came up to purchase the property from Ron Tomasino they jumped at the chance. They would like to move out here in the future. Right now, they would like to store their recreational vehicles and implements to maintain property. A driveway was put in and they have a meeting with the Orleans Soil and Water tomorrow regarding the drainage ditch that is overflowing. They have cleared 500-foot of road frontage and keep it maintained. They have started cleaning up the lot to keep it

looking nice. They would like to build a house as soon as they can but electric and water is a big issue. The board questioned the fact that they have been stuck in the past with applicants saying they have plans on building a primary structure and never following through. The board would like to make their decision contingent on the owner looking into obtaining electric on the property. George Michaels, a neighbor, expressed to the board he has no issues with the Gavin's plans, with that being said he agrees with the board that there should be more of a commitment with the applicant's future plans of building a primary structure on the property. Chair. Bolton asked for a motion to table the application. Shad Speer motioned to table the application, seconded by Patrick Bolton. All in favor. Chairman Bolton closed the public hearing at 7:26 p.m.

APPROVAL OF MINUTES:

Minutes from the September 14, 2021 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer motioned to accept the minutes as presented, seconded by Fletcher Rowley. All in favor.

PUBLIC HEARING FOR A VARIANCE 21VAR12(PELKEY) – TAX ID # 9.11-1-19

Chairman Bolton opened the public hearing at 7:31 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 12, 2021 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Robert Pelkey, Jr., 15917 Ed Rose Shore, Tax ID #9.11-1-19. Applicant seeks a variance for a home addition with a 5-foot side setback. Seeking relief from Article V, Section 265-28 E.(2)(a)(2), requiring a continuous 12-foot side setback. Property is zoned Waterfront Residential (WR). All persons wishing to speak will be heard at this time. ALL current COVID-19 restrictions regarding public gatherings will be in effect. A copy of the application is available for review by contacting the Town of Kendall Clerk's Office at (585) 659-8721.

Patrick Bolton
Chair, Zoning Board of Appeals

Mr. Pelkey passed out copies of the plans to the board, along with a letter he had written to the board. (Attached) He proceeded to explain to the board why he and his wife are seeking a variance for construction of a home addition with a 5-foot side setback on both sides. He reads his letter to the board. In short, he says for the last four years they have been planning to renovate their cottage and make it their dream home. It has been trying to work with limiting setback rules on a lot that is only 60-feet wide and being in the high erosion zone. The first problem was on the waterfront side. The high erosion limits them to an 8-foot by 20-foot addition on the waterfront side, instead of the 16-feet they originally planned. The next item that they were most concerned with was the footprint of the house and garage and the location of the septic system. They hired James Glogowski to develop a plan that would provide a septic service and allow them to have a 2-car garage with some storage space. The septic plan was approved by Orleans County Health Department with the requirement that they close off 3 leech lines and move 3 leech field lines to the west of their property. The other condition was to relocate the existing water service to the east side of the house. This permit is

active. With the announcement of the recent Redi Projects, they are very excited to have the sewer line coming down the shore, however, this does not alleviate the current problem. They want their house to have both curb appeal and great views of the lake so they decided to move the garage closer to the east property line. He tells the board this is not out of character of other homes on the street. Several years ago, they were asked the same question by their neighbor at 15915 Ed Rose Shores, and they felt it was acceptable to have a garage built approximately 5-foot off of their west property line. The two structures stand approximately 11-feet apart. The house to the east of their property at 15921 Ed Rose Shores has setbacks of 5-feet and 3.7-feet respectively. In addition, their plans do not obstruct neighbors' views of the lake and their current shed is within the distance of the proposed garage. The members of the board reviewed documents submitted by the applicant.

No public comment.

Chairman Bolton closed the public hearing at 7:44 p.m. Chair. Bolton read the five criteria. He asked for a motion to approve or deny the variance application. Shad Speer motioned to approve, seconded by Patrick Bolton. All in favor. Chairman Bolton asked for a roll call vote with the following results:

21VAR12(PELKEY) – ROLL CALL VOTE:	Dan Mattle	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

APPROVAL GRANTED: In regard to the Robert Pelkey, Jr. variance at 15917 Ed Rose Shores, Tax Parcel ID #10.-1-11 variance for a home addition with a 5-foot side setback. Seeking relief from Article V, Section 265-28 E.(2)(a)(2), requiring a continuous 12-foot side setback. Property is zoned Waterfront Residential (WR). Variance request is unanimously approved 4-0.

CODE ENFORCEMENT UPDATE:

CEO Hennekey would like the board to interpret the code for camping units, pg. 265.37. It reads: Camper units shall not be occupied outside an approved campground for more than 72 hours on any basis. Is it yearly, bi-yearly, by the decade, monthly, weekly?

ADJOURNMENT:

Shad Speer made a motion to adjourn, seconded by Dan Mattle. All in favor. Meeting adjourned at 8:07 p.m.

NEXT MEETING:

Tuesday, November 9, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary