

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

**August 9, 2022 at 7:00 p.m.**

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

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

Public Attendees:	Edward LaDue	1059 Kent Rd.
	Michael and Stephany Holland	16678 Roosevelt Hwy.
	Jonathan Steffen	Kendall Rd.

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

**PUBLIC HEARING FOR VARIANCE 22VAR05 (HOLLAND) – TAX ID #42.-1-49**

Chairman Bolton opened the public hearing at 7:05 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, August 9, 2022 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Michael and Stephany Holland, Tax ID #42.-1-49. Applicant seeks a variance for placement of a double-wide mobile home on a parcel located within the Residential/Agricultural (RA) district. Seeking relief from Article V, Section 265-37A. All persons wishing to speak will be heard at this time. A copy of the application is available for review at the Town of Kendall Clerk's Office.

Patrick Bolton  
Chair., Zoning Board of Appeals

Chair. Bolton asked the applicants to explain to the board why they are seeking the variance. Stephany expressed to the board they were hoping to put up a brand-new double-wide mobile home and says they were informed the Town of Kendall code clearly states a mobile home is not allowed for a new structure. The Holland's expressed to the board it is a brand-new home and the size they are looking at is around 1600 sq. ft. and it looks like a normal structure. They asked the board why mobile homes are not allowed, the board explained it has a metal frame and it is on wheels, regarding modular homes the code states the home needs to be on a

slab/foundation. If the board were to allow this, it would set precedent in the future. The applicants would like to pursue this and were advised to contact the Town Board and present a plan with their intentions. Chair. Bolton closed the public hearing at 7:26 p.m. Fletcher Rowley read the five criteria. He asked for a motion to approve or not approve the variance. Shad Speer made a motion to deny the variance, seconded by Fletcher Rowley. Chair. Bolton asked for a roll call vote with the following results:

ROLL CALL VOTE:	Dan Mattle	- nay
	Shad Speer	- nay
	Patrick Bolton	- nay
	Fletcher Rowley	- nay

The variance request for Michael and Stephany Holland seeking a variance for placement of a double-wide mobile home on a parcel located within the Residential/Agricultural (RA) district, Tax ID #42.-1-49 has been unanimously denied 4-0.

**NEW BUSINESS:**

Mr. Edward LaDue, property owner on Kendall Rd. explained to the board he has the property listed for sale, he understands the code and it states the owner of a property can change out a mobile home for another if one exists and it is considered grandfathered in. He tells the board his realtor would like in writing something that states if the property is to be sold the new owner will have capability to replace the existing mobile home with another. Code explains the new property owner has the same rights as the previous owner, (Section 265-40). The new structure would have to be on the same footprint to meet code. Chair. Bolton asked for a motion to accept that this accepts that this is an existing mobile home. Fletcher Rowley made a motion that according to the town code this mobile home can be replaced by another mobile home seven years or newer, seconded by Shad Speer. Chair. Bolton asked for a roll call vote with the following results:

ROLL CALL VOTE:	Dan Mattle	- aye
	Shad Speer	- aye
	Patrick Bolton	- aye
	Fletcher Rowley	- aye

**APPROVAL OF MINUTES:**

Minutes from the Tuesday, June 14, 2022 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as presented, seconded by Fletcher Rowley. All in favor.

**CODE ENFORCEMENT UPDATE:**

No new business.

**TOWN BOARD UPDATE:**

- Short term rental situation is now in the hands of Hodgson Russ, LLP, a firm that specializes in this field; this will help the town to make knowledgeable assessments regarding STR's in the Town of Kendall.
- Parking lot was paved now it will be getting striped.
- Citizens are having concerns with STR's leaving garbage out for days which is encouraging wildlife to come around and make a mess, this situation needs to be addressed.
- Town of Kendall citizens and beyond are welcome to attend Town, Planning and Zoning Board meetings. Dates of all meetings can be found on the Town of Kendall website, (TownofKendall.com). TB Liaison Jennings told the board this is going to take many, many, many months to have the right outcome for the town and its residence, property owners and renters.

Chairman Bolton asked if homeowners of the VRBO's will be given a year grace period for their renters. CEO Hennekey explained the way it was presented to him was the town would like to make it a non-conforming use and the town will allow the non-conforming use for one year, in order to continue in the future, the owner would have to reapply yearly for a license. This all came about due to the problems caused by some renters, not respectful of the property owners in the area where they are renting, there are loud parties going on, parking on surrounding properties, garbage cans being left out for prolonged periods of time which is attracting wildlife and creates a mess and a hazard to humans.

**ADJOURNMENT:**

Dan Mattle made a motion to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 8:16 p.m.

**NEXT MEETING:**

Tuesday, September 13, 2022 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary