

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

March 14, 2023 at 7:00 p.m.

ATTENDANCE:	Chair. Patrick Bolton	- present
	Fletcher Rowley	- present
	Shad Speer	- present
	Dan Mattle	- present
	Reed Heidemann	- present
	Dave Bentley	- present

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

Public Attendees:	Ed Breslawski	126 Priem Rd., Hamlin, NY
	Sharon Lochman Smith	16031 W. Lomond Shores
	Timothy Smith	16031 W. Lomond Shores
	Rudy Zingler	1479 Kendall Rd.
	James Bonafini	16027 W. Lomond Shores

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

PUBLIC HEARING FOR VARIANCE 23VAR01 (ZINGLER CAMPS) – TAX ID #22.-1-13.11

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, March 14, 2023 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Zingler Camps, LLC. for property located at 1561 Norway Rd, Tax ID #22.-1-13.11. Applicant seeks a variance for a farm labor camp with a front setback of 86.9-feet. Seeking relief from Article V, Sections 265.56 and 265.22 E, requiring a 90-foot front setback. Property is zoned Residential Agriculture (RA). 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 Clerks Office.

Patrick Bolton
Chair, Zoning Board of Appeals

Chairman Bolton asked the applicant why he was seeking the variance. Mr. Zingler said the farm is growing and they need more space for the workers. Mr. Zingler told the board he takes good care of his farms and property's and takes pride in their appearance and the way they're run. The properties are always kept clean and neat, and there have been no issues regarding the farm workers. The workers will be housed between April and November. Neighbor Jay Kopajeski, a neighbor that resides next door to the property, has nothing against the housing he just has concerns for his young family (he has three young daughters) and would just like to know what he can expect. Mr. Zingler informed Mr. Kopajeski he has never had a complaint regarding his workers and if he should feel the need to contact him for any reason, he is welcome to do so. Chair. Bolton closed the public hearing at 7:06 p.m. Shad Speer read the five criteria. Chair. Bolton asked for a motion to approve or not approve the variance. Shad Speer made a motion to approve the variance, seconded by Reed Heidemann. Chair. Bolton asked for a roll call vote with the following results:

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

The variance request of Zingler Camps, LLC. requesting a variance for a farm labor camp with a front setback of 86.9-f, seeking relief from Article V, Sections 265-56 and 265-22(E) requiring a 90-ft setback has been unanimously approved 5-0.

APPROVAL OF MINUTES:

Minutes from the Tuesday, February 14, 2023 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as amended, seconded by Fletcher Rowley. All in favor.

Minutes from the Tuesday, October 11, 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.

PUBLIC HEARING FOR VARIANCE 23VAR02 (BONAFINI) – TAX ID #9.12-1-1.11

Chairman Bolton opened the public hearing at 7:15 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, March 14, 2023 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of James Bonafini, property located at 16027 Lamond Shores, Tax ID #9.12-1-1.11. Applicant seeks a variance for an addition to an accessory structure. Seeking relief from Article V, Sections 265-28 E and 265-28 F, Addition to a non-conforming structure and exceeding the maximum 1200-sq. ft. property. All persons wishing to

speaking will be heard at this time. A copy of the application is available for review at the Town of Kendall Clerks Office.

Patrick Bolton
Chair., Zoning Board of Appeals

Chairman Bolton asked the applicant why he was seeking the variance. Mr. Bonafini said he is looking to build a workshop on the back of his garage. He had plans to work on a boat if the variance is approved. He told the board it will be a wood structure with siding. He also expressed to the board that the drainage on his property will be redirected to the culvert which is on the side that needs two variances. Timothy and Sharon Smith, neighbors to the east, are concerned about the applicants' lot size for the size of the addition (purpose of the variance), drainage to the culvert, he says being a private road the residents are responsible, and their concern is where is that water going to go, the drainage from the roof, has the D.E.C. done an environmental assessment, etc. (Letter attached). They do not want it draining into their yard. CEO Hennekey told the board there are drainage issues in that area. Mr. Bonafini said the water is coming onto his property also and is coming from the Parkway not from his property. Chair. Bolton closed the public hearing at 7:53 p.m. Shad Speer read the five criteria. Chair. Bolton asked for a motion to approve or not approve the variance. Dan Mattle made a motion to approve the variance, seconded by Fletcher Rowley. Chair. Bolton asked for a roll call vote with the following results:

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

The variance request of James Bonafini requesting a variance for an addition to the rear of an existing accessory structure, seeking relief from Article V, Section 265-28 (E) and 265-28 (F) has been unanimously approved 5-0.

NEW BUSINESS:

- Dan Strong discussed an application for a variance of James Bonafini, 16027 W. Lomond Shores. The applicant was told his hearing will be held at the next scheduled meeting in March.
- Chair. Bolton asked CEO Hennekey about the application by Mike Zingler for migrant housing and that will be scheduled for the meeting in March. A resolution is needed prior to sending the information to the county. Chair. Bolton proposed to send the information to the county, seconded by Shad Speer. Chair. Bolton asked for a roll call vote with following results:

CODE ENFORCEMENT UPDATE:

- CEO Hennekey informed the board a mobile home located on Kendall Rd. has been purchased. The owner is wondering if she can get a variance for a mobile home that is seven years old. She would like some guidance getting rid of the existing trailer. Demolition may be an idea and a permit for demolition is good for a year, she would then need a building permit by the end of that year. As the demo permit expires owner will need to attain a building permit prior to it expiring and that shall be in good standing for one (1) year.
- Dep. CEO Strong has a property owner that would like to have a horse on the property. The Town Code reads one acre of land per one animal, the board felt it would not be in the best interests of the animal, lot is under an acre and the width of the lot is an issue.

TOWN BOARD UPDATE:

Councilwomen Flow and Warren Krueger have been working together with the Health Dept. to apply for a CCAP grant for a septic system in town. The W. Kendall Rd. solar project pilot program looks like it will provide the town with \$11,300.0 and the Center Rd. solar project pilot should double that. Councilwoman Szozda proposed a letter that the board will sign to help appeal to the state for additional funding for district 11. The application for the rezoning for the Partyka land was received but they have not acted on that yet.

ADJOURNMENT:

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

NEXT MEETING:

Tuesday, April 11, 2023 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary