

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

**Wednesday, June 20, 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, Alt.	- present

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

Public Attendees:	David Gouveia	16883 Bald Eagle Dr.
	Joel and Debbie Wall	15697 Thompson Dr., Kent, NY

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

**PUBLIC HEARING FOR VARIANCE 23VAR07 (DUDLEY) – TAX ID #10.-1-28.11**

Chairman Bolton opened the public hearing at 7:00 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, June 20, 2023 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Kyle Dudley, property located at 1152 Kendall Rd., Tax ID # 10.-1-28.11. Applicant seeks a variance for construction of a lean-to addition with a side setback of 7-feet. Seeking relief from Article V, Section 265-22 E, requiring a 25-foot setback. 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 for an explanation of why he was seeking the variance. Mr. Dudley responded telling the board he would like to add on a lean-to of the backside of his garage to gain additional inside workspace. Chair. Bolton closed the public hearing at 7:07 p.m. Fletcher Rowley 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 Shad Speer. Chair. Bolton asked for a roll call vote with the following results:

ROLL CALL VOTE:	Chair. Bolton	- aye
	Shad Speer	- aye
	Fletcher Rowley	- aye

Dan Mattle - aye  
Reed Heidemann - aye

The variance request of Kyle Dudley requesting a variance for construction of a lean-to addition with a side setback of 7-feet. Seeking relief from Article V, Sections 265.22 E, requiring a 25-foot setback.

**PUBLIC HEARING FOR VARIANCE 23VAR04 (GOUVEIA) – TAX ID #11.13-1-12.1**

Chairman Bolton opened the public hearing at 7: 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, June 20, 2023 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Vicki Gouveia, property located at 16883 Bald Eagle Dr., Tax ID # 11.13-1-12.1. Applicant seeks a variance for construction of a 3-season room within the Coastal Erosion Hazard Area. Seeking relief from Chapter 59, Article II, Section 59-10 B prohibiting non-movable additions to an existing structure. 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 for an explanation of why he was seeking the variance. Mr. Gouveia responded by telling the board he and his wife would like to enclose his existing deck, the bugs are just awful, he and his family would like to be able to enjoy the deck without being bothered by all the mosquitos and gnats. The enclosure will stay the same size as the existing deck and mostly constructed of glass so it will not affect the vista for the surrounding neighbors. CEO Hennekey went out and measured the existing deck, the measurements are 12’x22’ and he made clear to the board the deck has been in existence for a long time. Chair. Bolton questions if further research needs to be done on the Coastal Erosion Hazard Area, CEO Hennekey made clear to the board that he will have to contact the D.E.C. when the application is approved. Chair. Bolton closed the public hearing at 7:22 p.m. Fletcher Rowley read the five criteria. Chair. Bolton asked for a motion to approve or not approve the variance. Reed Heidemann 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:	Chair. Bolton	- aye
	Shad Speer	- aye
	Fletcher Rowley	- aye
	Dan Mattle	- aye
	Reed Heidemann	- aye

The variance request of Vicki Gouveia requesting a variance for construction of a 3-season room within the Coastal Erosion Hazard Area. Seeking relief from Chapter 59, Article II, Section

59-10 B prohibiting non-movable additions to an existing structure has been unanimously approved 5-0.

**PUBLIC HEARING FOR VARIANCE 23VAR05 (WALL) – TAX ID #9.5-1-28**

Chairman Bolton opened the public hearing at 7:30 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, June 20, 2023 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Joel Wall, property located at 15697 Thompson Dr., Tax ID # 9.5-1-28. Applicant seeks a variance for a garage addition (zero) 0-foot rear setback and a 4-foot side setback. Seeking relief from Article V, Section 265-28E, requiring a 20-foot rear and a 5-foot side setback. 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 for an explanation of why he was seeking the variance. Mr. Wall responded telling the board he would like to add to his existing garage. He also expressed that the town owns a significant amount of road/grass area frontage that there is not a lot of property for him to work with. He also added that all the driveways on Thompson Drive are on town property. Mr. Wall does not understand why it is like that, he assumes maybe when the town widened the road, a town road is usually a minimum of 60-feet wide. The board reviewed the survey map. Shad Speer is not a fan of the zero-foot setback. Dan Mattle feels ok with it, seeing as the neighbor (Pete) has no problem with it, in fact his garage/property is the same situation, he also drew the plans up for Mr. Wall. Fletcher Rowley says if anyone were to drive down Thompson St. it wouldn't appear to be the towns property. Chair. Bolton closed the public hearing at 7:41 p.m. Fletcher Rowley 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 Shad Speer. Chair. Bolton asked for a roll call vote with the following results:

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

The variance request of Joel Wall requesting a variance for a garage addition (zero) 0-foot rear setback and a 4-foot side setback. Seeking relief from Article V, Section 265-28E, requiring a 20-foot rear and a 5-foot side setback has been unanimously approved 5-0.

**NEW BUSINESS:**

- Dan Strong gave Chair. Bolton the paperwork for a variance application for the board to review. The applicant would like to put a shed on her property 3-feet from the west back corner of the property line. She is requesting a 2-foot variance from the required 5-foot side setback. A public hearing will be scheduled for the next regularly scheduled meeting.

**ADJOURNMENT:**

Shad Speer made a motion to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 7:55 p.m.

**NEXT MEETING:**

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

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary