

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

**Tuesday, May 14, 2013 - 7:00 p.m.**

CALL TO ORDER: Gay Smith called the meeting to order at 7:00 p.m.

ATTENDANCE:	Kevin Banker, Chair.	- absent
	Patrick Bolton	- present
	Tony Cammarata	- present
	Fletcher Rowley	- present
	Gay Smith (Temporary Chair.)	- present

Also present: John and Annette Staples, Mr. and Mrs. Wingender, Mr. and Mrs. Downs of 1600 Kendall Rd., Mr. Richard Truesdell, Town Board Liaison Schuth, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

**PUBLIC HEARING FOR VARIANCE REQUEST - TAX ID 43.-2-51.1**

Temporary stand in for Chairman Kevin Banker, Zoning Board member Gay Smith opened the public hearing at 7:10 p.m. She 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, May 14, 2013 at 7:10 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of William R. Anderson, 2249 Kendall Road, Tax ID 43.-2-51.1. Applicant is seeking a variance request for a 6' tall fence in front of S-F dwelling. Relief is being sought from Article A (3), section 610. Property is zoned Residential Agriculture. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerks Office.

Kevin Banker  
Chair., Zoning Board of Appeals

Board discussed variance request with CEO Paul Hennekey. Board member Tony Cammarata suggested that the Zoning Board put this variance on hold due to lack of information. They have questions they would like answered before passing a resolution and can not do so because applicant is not present. The zoning board will put together a set of questions so the applicant can respond and the board will have more factual data in order to make a decision. Tony Cammarata motioned to close public hearing, seconded by Fletcher Rowley, all in favor. Public hearing closed at 7:20 p.m.

**PUBLIC HEARING FOR VARIANCE REQUEST - TAX ID 21.-1-20**

Temporary stand in for Chairman Kevin Banker, Zoning Board member Gay Smith opened public hearing at 7:20 p.m. She 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, May 14, 2013 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Sherri Wingender, 1602 Kendall Road, Tax ID 21.-1-20. Applicant is seeking a variance of 15' (10' set-back) for construction of a 24' x 36' garage. Relief is being sought from Article V, section 518, requiring a 25' rear set-back. Property is zoned Rural Residential. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerks Office.

Kevin Banker  
Chair, Zoning Board of Appeals

Discussion took place between applicant and the zoning board. She answered all their questions and meet the criteria for this variance. John and Barbara Downs, Mrs. Wingenders neighbors to the north of the property stated that they are in favor of Mrs. Wingenders plans and would like to see the variance approved. Gay Smith motioned to end the public hearing at 7:35 p.m.. The Zoning Board members discussed the appropriate criteria for this variance and reviewed the documentation submitted by the applicant. Patrick Bolton made a motion with corrections to the public notice and to proceed and approve the variance with the following results:

ROLL CALL: Tony Cammarata - Yea  
Patrick Bolton - Yea  
Gay Smith - Yea  
Fletcher Rowley - Yea

#### PUBLIC HEARING FOR VARIANCE REQUEST- TAX ID 19.12-1-28.1

Temporary stand in for Chairman Kevin Banker, Zoning Board member Gay Smith opened public hearing at 7:50 p.m. She 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, May 14, 2013 at 7:50 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of John and Annette Staples, 16081 Lomond Shores, Tax ID 19.21-1-28.1. Applicant is seeking a variance for a 12' x 17' bedroom addition. Relief is being sought from Article V, section 560, requiring a 60' front set-back. Property is zoned Waterfront Residential. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerks Office.

Kevin Banker  
Chair, Zoning Board of Appeals

Discussion took place between applicants, their proposed contractor Richard Truesdell and the Zoning Board. Mr. Truesdell explained the drawing the plans that they had submitted, they have 46' feet opposed to the 60' foot setback. It is a bedroom bathroom combination. The Zoning Board members discussed the appropriate criteria for this variance and reviewed the documentation submitted by the applicant. Tony Cammarata made a motion to end the public hearing at 8:00 p.m. and go over the information provided. The Zoning Board members discussed the appropriate criteria for the variance and reviewed the documentation submitted by the applicant.

Tony Cammarata motioned to proceed and approve the variance with following results:

ROLL CALL: Tony Cammarata - Yea  
Patrick Bolton - Yea  
Gay Smith - Yea  
Fletcher Rowley - Yea

**ZONING BOARD DISCUSSION:**

Zoning Board discussed the VARIANCE REQUEST - Tax ID 43.-2-51.1 and decided to request a deferral of application in order to have the applicant available to answer the questions they have in order to make their decision. Temporary Chair. Gay Smith tabled the decision for this variance, due to lack of information. The Zoning Board will table the application of Mr. William R. Anderson, 2249 Kendall Road, until the next Zoning Board meeting which will be held Tuesday, June 11, 2013. Motion was made to table the application by William R. Anderson, Fletcher Rowley, seconded by Patrick Bolton. All in favor.

**TOWN BOARD UPDATE:**

David Schuth gave board update on the Memorial Day Celebration in the Town of Kendall will be May 31, 2013. Memorial Day parade will begin at 7:00 a.m. near the Morton Post Office proceed North from there and West onto Kenmore Road in the Town of Kendall. The Kendall community chorus will be performing, musical selection from the Kendall marching band and the Kendall Scouts will be retiring a flag. The Town Board is still working on the water survey.

**CEO REPORT:**

Paul Hennekey told board that Troutburg began work. They have all their DEC approvals, Department of State approvals, conditional town approvals. The Zoning Board may have two upcoming variances.

**ADJOURNMENT:**

Tony Cammarata motioned to adjourn, seconded by Fletcher Rowley. All in favor. Adjourned at 8:12 p.m.

**NEXT MEETING:**

June 11, 2013 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary