

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

Wednesday, October 26, 2011 – 7:00 p.m.

CALL TO ORDER: Board Chair Kevin Banker called the meeting to order at 7:03 p.m.

ROLL CALL: Kevin Banker, chair - present
 Patrick Bolton - present
 Tony Cammarata - present
 Fletcher Rowley - present
 Gay Smith - Present

ALSO PRESENT: Daniel Gaesser, Supervisor
 David Schuth, Town Board Representative
 Paul Gray, Planning Board Chair
 Joyce Henry, Planning Board Member
 Larry Gurslin, Code Enforcement and Zoning Officer
 Paul Hennekey, Deputy Code Enforcement and Zoning Officer
 Justin Armstrong, 2628 Kendall Road
 Hilary Balcerzak, 2512 Kendall Road
 Paul Balcerzak, 2512 Kendall Road
 Maria Demallie, 16068 Carr Road
 Steve Demallie, 16068 Carr Road
 Eleanor Gray, 2634 Kendall Road
 Tracie Strabel, 4988 Chugg Road, Holley
 Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES: Minutes from October 11, 2011 were reviewed. Pat moved to accept the minutes. Seconded by Fletcher, all in favor.

CONSOLIDATION OF ZONING REGULATIONS

Kevin Banker discussed providing the boards with consolidated packet of the zoning regulations. Paul Gray discussed the work progress of the packet.

TOWN REVITALIZATION

Discussion took place about the progress of the restaurant on Kendall Road. Larry said that two building permits had been issued and that structural work was taking place. Larry Gurslin said he had done a framing inspection. Discussion took place about The Cottages at Troutburg. Dan Gaesser said an official application would be filed with the Code Enforcement Office for the proposed development. Dan said all questions about the project should be directed to him. Paul Gray said that the Wegman Group should have ownership of the Troutburg property by February 2012 and would also like site plan approval by February 2012. He said they plan to have the sewage system complete by the first of March 2012 and would like to see the first cottage completed by the first of May 2012. Dan said the Wegman Group is seeking a conditional approval for the site plan review and may seek a variance for structure size.

PUBLIC HEARING FOR VARIANCE REQUEST - TAX ID 31.-2-8

Kevin Banker 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 Wednesday, October 26, 2011 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Jon Ostrander, 16078 Carr Road, Tax ID 31.-2-8. Applicant seeks a variance for a 14-foot rear set-back for a new garage. Relief is being sought from Article V, section 512. 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 discussed the usage, location and utility needs to the garage with Mr. Ostrander. Mr. Ostrander said the garage was to store recreational vehicles. He said a variance was required to prevent the garage from being too close to the house and that the garage would require electric for a light.

The board discussed the five criteria from section 832 of granting area dimensional variances from the Kendall Zoning Ordinances.

Kevin asked the public to comment. Steve Demallie said he was Mr. Ostrander's neighbor and that he had no objections to the garage being built.

Fletcher Rowley motioned that a variance be granted for a 14-foot rear set-back for a new garage with no additional conditions. Seconded by Gay. Kevin called for a roll call vote, with the following results:

Kevin Banker	- Yea
Patrick Bolton	- Yea
Tony Cammarata	- Yea
Fletcher Rowley	- Yea
Gay Smith	- Yea

Kevin closed the public hearing at 7:32 p.m.

PUBLIC HEARING FOR VARIANCE REQUEST - TAX ID 43.-1-37 & 43.-1-30

Kevin Banker opened the public hearing at 7:45 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 Wednesday, October 26, 2011 at 7:45 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Tracie Strabel, owner of vacant property, Tax ID 43.-1-37 and 43.-1-30, Kendall Road. Applicant seeks an area variance of 166 feet for land frontage currently measured 34 feet. Article V section 512 specification require 200 feet of frontage for buildable lots in Residential Agriculture Districts of which land is located. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerks Office.

Kevin discussed that no building permit application was requested or denied for the case. Paul Gray discussed buildable lots and the proper procedures required for a buildable lot

request. Paul Gray said that buildable lots are reviewed by the Planning Board. Larry explained that the applicant did not wish to build on the lot, but wanted to deem the lot buildable for the future sale of the property. Discussion took place about flag lots and the Town of Kendall's position on flag lots. Paul Gray explained the safety issues and fire codes used to determine the 200 foot land frontage requirement for buildable lots. Justin Armstrong described the location of his property in relation to the applicant's property. He said he did not wish to have homes built behind his property and would not like a driveway running along the side of his home. Mr. Armstrong also said the applicant's property was very wet and that he was concerned that home construction would affect his well, leach fields and basement. Eleanor Gray said she did not want homes built behind her property and said she was also concerned with the water displacement on the applicant's property. Discussion took place about the size of building lots. Paul Gray explained why the town had changed the frontage requirements from 100 feet to 200 feet.

The board discussed the five criteria from section 832 of granting area dimensional variances from the Kendall Zoning Ordinances.

Gay Smith motioned that the request be denied for an area variance of 166 feet for land frontage currently measured 34 feet. Seconded by Tony. Kevin called for a roll call vote, with the following results:

Kevin Banker	- Yea
Patrick Bolton	- Yea
Tony Cammarata	- Yea
Fletcher Rowley	- Yea
Gay Smith	- Yea

Kevin closed the public hearing at 8:33 p.m.

NEXT MEETING

Tuesday, December 13, 2011 at 7:00 pm

ADJOURNMENT: Pat motioned to adjure. Seconded by Gay. All in favor.
Adjourned at 9:01 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary