

TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES

February 19, 2008, 7:00pm

CALL TO ORDER: Chairman Banker called the meeting to order at 7:00 p.m.

ROLL CALL: Kevin Banker, chair - present
 Pamela Rowles - present
 Michael Hanlon - present
 Charles Patt - absent

ALSO PRESENT: David Schuth, town board representative
 Marianne Wilson, secretary
 Robert Malin, 17085 Norway Heights

APPROVAL OF MINUTES: Pam moved to accept the minutes from January 15, 2008 as edited.
Second by Mike. All in favor.

CODE ENFORCEMENT: Kevin has had discussions with Larry Gurslin, Interim Code Enforcement Officer. Larry wrote the legal notice for tonight's public hearing. Considerably more information is included than what we are used to. Marianne will check into the price difference. Discussion ensued as to surrounding towns' practices and town laws.

PUBLIC HEARING, 7:15 P.M. Variance application #08VAR01 requesting front setback variance on Lot #61, owned by Robert Malin, 17085 Norway Heights, pursuant to Article V, Section 560. Owner proposes to construct a pole barn on Lot #61 on south side of road, diagonally across the road from his house, which is situated on the lakefront. No input from the neighboring property owners has been received by this board, and no persons are in attendance at this hearing. Mr. Malin states that the Caffery's request that his construction not block their view of the road; they live on the east side of Lot #61. Note that letters of notification to neighbors Girard and Barker were returned by the Post Office as undeliverable. Also note that Norway Heights is being considered for incorporation into the town's highway system.

Mr. Malin states that one property owner on the road added a home office to an existing structure which is only 30 feet from the road. No variance found for that construction. On further investigation, Larry Gurslin determined that no variance was required, as that owners' lots are incorporated into one tax ID.

Discussion regarding right of way and widening of road to convert to public roadway. A pool and storage shed are already located on this lot. Septic system is on the lake side property. Electric is already run to the shed to provide for the pool.

Hearing closed at 7:50 p.m

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DECISION: Mike reiterated the Cafferys' request that the Malin's structure not block their view to the west. They have a 36 ft setback – the same as this request. Kevin read the 5 criteria for making this determination, as per Section 831 of the Zoning Ordinance. Discussion of front setback requirements. Discussion of angle of the roadway.

Mike made a motion to grant approval of a 40 ft variance request from the 100 ft frontage minimum requirement. And to approve a variance for a 39 ft front setback as measured from the northeast corner pin. Seconded by Pam. After further discussion, it was added that: For the purpose of this application for an accessory structure variance, this Board considered the primary residence at 17085 Norway Heights as the principle structure. Unanimously accepted by roll call vote. Mr. Malin advised to see Larry Gurslin for a building permit.

OLD BUSINESS: Openings for Code Enforcement Officer, Deputy Code Enforcement Officer, Zoning Board, Planning Board. Dave says several applications have been received and are being reviewed. Individuals have been asked to rank the applicants. Larry Gurslin is out of town all week. The supervisor is gone through Wednesday. The two Code Enforcement positions are first priority. One candidate applied specifically to Zoning; same for Planning. Four or five applications were received for Code Enforcement. Larry is the only one who is certified.

NEW BUSINESS: Unlicensed vehicles. Normally the Zoning Board performs a town-wide survey in March. There is no appointed Code Enforcement Officer. The Town Ordinance has not been rewritten to align with the New York State law for only 1 unlicensed vehicle per property; a change that occurred in 2007. And, Zoning Board is down one member. Therefore, no survey will be conducted at this time.

NEXT MEETING: Tuesday, March 18 at 7:00 p.m.

Mike moved to adjourn the meeting. Seconded by Pam. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Marianne Wilson, secretary
Zoning Board of Appeals