

TOWN OF KENDALL
ZONING BOARD OF APPEAL
MEETING MINUTES

Tuesday, February 20, 2007 – 7:00 p.m.

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

ROLL CALL:

Kevin Banker, chairperson	- present
Pamela Rowles	- present
JoAnn Herman	- present
Michael Hanlon	- present
Charles Patt	- present
David Schuth, town board representative	- present

Also present: Scott Hardenbrook, Code Enforcement Officer
Rick Seaman, Deputy Code Enforcement Officer
Gert Hauck, Acting Secretary

APPROVAL OF MINUTES: Motion made by Pam to accept the minutes as presented.
Discussion: Meeting time changes as noted are OK. Dates should be in the Herald.
Seconded by Mike Hanlon. Minutes were accepted.

CORRESPONDENCE: Chuck will go for training later; could not make the Niagara County date. Dave states all need 4 hours training. Does on-line qualify? Kevin states education enhancement in video, seminar, etc. Still working on making it worthwhile. Dave stresses procedural and legal ramification. Mt. Morris is where training has taken place. Kevin says a base line is needed for starters, and get specifics later. Training time exceeding 4 hours will go toward 2008 requirements. The Town will reimburse any fees.

PUBLIC HEARING at 7:15 p.m.: (Rudy) Mike Zingler property at 1667 West Kendall Road. Chris Perrin appeared for Mike. This property was grand-fathered in as a single family dwelling. New front setback variance is now needed for application as a migrant labor camp. All other items are OK. The front setback is 42.3ft from center of road. Remodeling permit was issued: dry wall, new electric and insulation, new roof and siding. Will house up to 10 migrant workers. They will be here for all harvest only. H2A workers need no parking as they will not be driving themselves. They will work 7 days per week. Chris said Zingler is responsible for their transportation, so no parking issues are involved. The neighboring property was combined so the septic system can be extended; it is now one property. There is public water. The only item involved is the front setback variance for our Planning Board to review. It is not on a county road, so the County Planning Board may not be involved. No one responded to the letters that went out about the front setback, so no objections.

PUBLIC HEARING at 7:30 p.m.: Larry and Katherine Akers' property at 16762 Roosevelt Highway. Jeff Miller, contractor, appeared in place of the Akers. They want to add a laundry room, increasing existing garage space toward the road. Jeff submitted a letter

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from Mr. Akers and photos of the proposed area. The addition is 10ft deep x 14ft wide. They need a front setback variance. The house is already about 4ft closer to the road than it should be. So the variance will be 4ft + 10ft = 14ft.

PUBLIC HEARING #1 Zingler property at 1667 West Kendall Rd:

Pam Rowles moved to approve the front setback of 47ft on this property; seconded by JoAnn Herman. Discussion: There are no substantial changes to this property. It is only a use change to become a migrant labor camp. They will also need a Special Use Permit from the Planning Board. Scott reviews Special Use Permits every 3 years to check on any complaints that could come up. There was a roll call vote: all approved.

PUBLIC HEARING #2 Akers property at 16762 Roosevelt Highway:

Eight notifications have been sent out, and no objections received. Mrs. Akers has spoken to the neighbors. Check moved to approve the front setback variance of 14ft; seconded by Mike. Discussion: Mrs. Akers has health problems and needs the new laundry room to avoid using the stairs. Other room arrangement options were brought up, but due to excessive economic costs, home value decrease, or side setback issues, were discarded. This addition would not change the neighborhood. There would be no adverse effect. Roll call vote: all approved. Scott will issue the permit. Photos and letter are herein attached.

GENERAL MEETING:

Kevin states that better information is needed on why this board makes decisions. Reasons need to be explained. Each variance must be individually addressed. State Supreme Court is the only one who can overturn Zoning Board of Appeals decision – that process is very expensive. Applicant is liable and Town must defend. Good records must be kept according to the Town of Kendall Law Book. We must know what we can do and be familiar with the Town Law Book and our Zoning Ordinances.

Chuck submitted the County Planning Board meeting schedule to Kevin.

Next meeting, another Zingler property will come up in public hearing, at 1442 Norway Road, similar to this current application. Scott says Health Department laws dictate size of rooms and how many people for migrant camps. Also the septic system must be large enough, according to the number of bedrooms.

Junk Car Project: Notice will be in the Herald soon. Data will be collected by our March meeting. Supervisor Vick wants a list of these junk cars. Also, there needs to be a map of all these properties.

Scott: A lakeshore resident wants to build a pool between his house and the lake. Restrictions of state law require a 4ft fence around a pool. Town of Kendall laws state no

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higher than a 3ft fence may go in, so as not to restrict a neighbor's view of the lake. We need a written standard to address this issue.

ADJOURNMENT: Motion by Pam; second by JoAnn. Meeting adjourned at 8:50 p.m.

NEXT MEETING: Tuesday, March 20, 2007 at 7:00 p.m.

Respectfully submitted,

Gert Hauck, Acting Secretary
Kendall Zoning Board of Appeals

GH:mw