

TOWN OF KENDALL
ZONING BOARD
MEETING MINUTES

Tuesday, July 11, 2007 – 7:00 p.m.

ROLL CALL: Members:

Kevin Banker, Chairman	- present
Pam Rowles	- present
Chuck Patt	- present
JoAnn Herman	- present
Mike Hanlon	- present

ALSO PRESENT: Scott Hardenbrook, Code Enforcement
Marianne Wilson, recording secretary
Chris Perrin, 1488 Norway Rd
Connie and Ernest Walls, 1147 County Line Rd, Morton
Douglas Heath, Esquire, 30 Ray St, Holley

CALL TO ORDER: Meeting was called to order at 7:15 p.m.

PUBLIC HEARING: 7:15 p.m. Consideration of variance application of Chad Fabry, 07VAR09, requesting side set back variance of 26 feet on an 18 year old garage. Mr. Heath is representing Mr. Perrin in the purchase of said property. Mr. Heath advised Mr. Fabry it was not necessary that he attend. Upon preparation for closing, it was discovered that no variance application had been submitted. A building permit and certificate of occupancy were issued in 1989. The property line abuts another Fabry family member(s). This hearing is called to resolve that oversight. All facts presented.

Pam moved the board accept this application as presented. Seconded by Chuck. No further discussion. Roll call vote: accepted by all four members present. Note: Mike Hanlon arrived after this vote.

APPROVAL OF MINUTES: Minutes of June 20 meeting were reviewed. Chuck moved they be accepted as presented. Seconded by Pam. All in favor. Motion carried.

OLD BUSINESS: Kevin researched laws regarding PUBLIC NOTICE PUBLICATION. Minimum required is 5 days, as clearly stated in New York State law. Town law does not specify number of days. A regular meeting requires 3 days notice. A special meeting, as for a hearing, requires 5 days notice. As the Hamlin Herald's publication date is Sunday, and meetings are held on Tuesday or Wednesday, one notice must appear in the publication at least 2 issues prior to the hearing. Issuance in the publication dated the week of the hearing does not comply with the law.

NEW BUSINESS: Due to high volume of variance applications, Chuck moved a special meeting to be held Tuesday July 31 beginning 7:00 p.m. Seconded by JoAnn. Hearings will be: Walls 7:15, Mael 7:30, Estela 7:45, in the order of submission. Notices will be published this week. Letters to follow within one week. August meeting will remain as scheduled. All in favor. Motion carried.

SCOTT HARDENBROOK: Three applications for variances are completed and submitted. Two more in process. One of these applications addresses a seasonal home on Lomond Shores that is 28.5 feet from the lake. The owner is out of state. It is not in coastal erosion zone. Erosion protection is in place. Lot on east side is treed and has no structures. Existing structure already blocks views on the west side. Owner proposes to erect a screened porch with second story balcony, requiring 43.5 feet variance.

The second proposed application is for a property on Roosevelt Highway with existing garage. Owner intended to build but apparently due to financial hardship, is unable to do so. He proposes to move a 1986 manufactured home to this lot. The home is owned by his fiancée and currently situated in another town. Scott explained the ordinance and provided copies. The owner and his fiancée wish to pursue the application process. They have not yet paid the application fee. Discussion ensued on difference between manufactured and modular homes – Modular homes are built to be situated upon a block foundation. Manufactured (formerly known as mobile homes) are supported by their own framework. Should this matter come before the Zoning Board, notification will be expanded beyond the adjacent property owners.

Progress report on abandoned/burned building sights. The Norway Road property is slated for July demolition. Morton Fire Department will do a controlled burn on the Paeth property. One in Kendall Mills is completed; one is in progress. Staples' will have Kendall Fire Department do a controlled burn once trees are removed. Lemcke property is being handled by the town's attorney. Three additional properties identified this week, as notification and/or inquiries received.

ADJOURNMENT: Pam moved the meeting be adjourned. Seconded by Mike. All in favor. Motion carried. Meeting adjourned 8:30 p.m.

Next scheduled meeting is July 31.

Respectfully submitted,

Marianne Wilson
Secretary