

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

**December 29, 2020 at 7:00 p.m.**

ATTENDANCE:	Chair. Patrick Bolton	- present
	Fletcher Rowley	- present
	Becky Charland	- present
	Shad Speer	- present
	Dan Mattle	- present

Also present: Terri Hughes, 2083 Kendall Rd., Kendall, New York, Karl Driesel, Driesel Properties, LLC., 1750 Kendall Rd., Kendall, New York, Code Enforcement Officer Hennekey and Recording Secretary Bakutis

Chairman Bolton called the meeting to order at 7:03 p.m.

**PUBLIC HEARING FOR VARIANCE 20VAR04 (HUGHES) – TAX ID #32.20-1-28**

Chairman Bolton opened the public hearing at 7:03 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 Tuesday, December 29, 2020 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Terri Hughes, 2083 Kendall Road, Kendall, New York, Tax ID#32.20-1-28. Applicant seeks a variance for an above ground pool 5-feet from rear property line. Requesting a variance of 10-feet from Article V, Section 265-45 of the Town Zoning Ordinance which requires a 15-foot set-back. Property is zoned (RH) Residential Hamlet. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's office.

Patrick Bolton  
Chair, Zoning Board of Appeals

Chairman Bolton asked the applicant Terri Hughes if she would tell the board any information they may need to know. She stated she ordered a pool (above ground) and tried to locate where the leaching field was and she said it was not on record, so she had a septic company come out to the property and they used a camera and told her where everything was, it is much wider than she anticipated. She told the board the only place she can put the pool is the back end of her property, which she thought was bigger than it is, the survey states otherwise. She reduced the size of the pool from a 24-foot to a 21-foot because of it. She told the board the house behind her is a rental property and there is a big dip between the properties if anything where to happen to the pool. Dan Mattle asked approximately how many from the neighbors would the pool be and she didn't know exactly but said it was quite a ways. CEO Hennekey said it was over 100-feet and there is a 12-foot perpetually maintained swale that backs up to the neighboring property. Member Rowley asked the applicant if she planned on

fencing in the yard, it is an above ground pool and she said there will be an alarm system and there will be a pull-down ladder that closes it off with 54 inches of rock.

No public comment.

Chairman Bolton closed the public hearing at 7:07 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Fletcher Rowley motioned to approve the variance for the installation of an above ground pool located at 2083 Kendall Road, Kendall, New York, Shad Speer seconded, all in favor. Chairman Bolton asked for a roll call vote with the following results:

<b>20VAR04 (Hughes) – ROLL CALL VOTE:</b>	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

Approval unanimously granted for a variance of an above ground pool 5-feet from the rear property line, requesting a variance of 10-feet from Article V, Section 265-45 of the Town of Kendall Zoning Ordinance which requires a 15-foot setback the variance request was unanimously approved 5-0.

**PUBLIC HEARING FOR A VARIANCE 20VAR05 (DRIESEL) – TAX ID #32.-2-8.11**

Chairman Bolton opened the public hearing at 7:16 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 Tuesday, December 29, 2020 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Karl Driesel, 1750 Kendall Road, Kendall, New York, Tax ID#32.-2-8.11. Applicant seeks a variance for a lean-to addition 35-feet from north property line. Requesting a variance of 15-feet from Article V, Section 265-25 of the Town Zoning Ordinance which requires a 50-foot set-back. Property is zoned (IL) Light Industrial. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's office.

Patrick Bolton  
Chair, Zoning Board of Appeals

Chairman Bolton asked Karl if he would like to explain the reason for seeking a variance. Karl said he planned this project prior to Covid-19 so he had to put it on hold due to businesses shutting down, they re-grouped over the summer and ordered a lot of the materials including trusses for the building. Karl said between the end of winter and summer his survey came back and he found out exactly where the boundaries were for the property and decided he could of put a slightly larger building in the space but he already had the trusses, so he moved the building over and looked at the space that was left, he felt it wasn't worth putting a ten-foot

addition on the side but at sixteen-feet and park a truck and trailer under it and make some use of that space that's otherwise just dead land. Because of that he is asking for a variance for 35-feet from the north property line, south of the power lines going through town. Becky Charland asked if this was a lean-to or a covered open structure, Karl described it as a lean-to with a one-sided structural with a roof that slants off the main building open to be determined if it will ever be closed in.

No public comment.

Chairman Bolton closed the public hearing at 7:21 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Dan Mattle motioned to approve the variance of 15-feet for the construction of a lean-to addition 35-feet from the north property line located at 1750 Kendall Road, Kendall, New York, Becky Charland seconded, all in favor. Chairman Bolton asked for a roll call vote with the following results:

<b>20VAR05 (Diesel) – ROLL CALL VOTE:</b>	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

Approval unanimously granted for a variance for construction of a lean-to addition 35-feet from the north property line requesting a variance of 15-feet from Article V, Section 265-25 of the Town of Kendall Zoning Ordinance which requires a 50-foot setback. The variance request was unanimously approved 5-0.

#### **CODE ENFORCEMENT UPDATE (SOLAR PROJECT W. KENDALL RD.)**

CEO Hennekey explained to the board the Planning Board would like to know if they felt a variance will be needed regarding access to the proposed solar farm on W. Kendall Rd. (Munzer property) with no frontage other than a 45-foot strip of land between two properties.

Chairman Bolton asked for a roll call vote to determine that a variance should be required for the solar project on W. Kendall Rd.:

<b>ROLL CALL VOTE:</b>	Dan Mattle	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

Unanimously agreed 5-0, that a variance be required for the solar project on W. Kendall Rd.

CEO Hennekey told the board Bob Wilson is seeking a variance for a lean-to addition on a garage and he should be coming to the office Monday to fill out an application. Paul will try to get it in for the next meeting.

**ADJOURNMENT:**

Shad Speer made a motion to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 7:41 p.m.

**NEXT MEETING:**

Tuesday, January 12, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary