

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

June 2, 2020 at 7:00 p.m.

ATTENDANCE:	Chair. Patrick Bolton	- present
	Fletcher Rowley	- present
	Becky Charland	- present
	Shad Speer	- present
	Dan Mattle	- present
	Andrew Kludt	- present
	Jeff Conte	- present
	Phil D'Agostino	- present
	Steve Ca1tone	- present
	Patty Pfister	- present

Also present: Eric Maxon and Dawn Gardner, 1377 W. Kendall Rd., Andrew Kludt, Kludt Brothers, Inc., 1161 W. Kendall Rd., Code Enforcement Officer's Hennekey and Strong, Recording Secretary Bakutis

Chairman Bolton called the meeting to order at 7:02 p.m.

PUBLIC HEARING FOR VARIANCE – TAX ID #20.-2-7.1

Chairman Bolton opened the public hearing at 7:03 p.m. He read the public notice:

Please take notice: The Town of Kendall Zoning Board of Appeals will be holding a public hearing on Tuesday, June 2, 2020 at 7:00 p.m. The purpose of the public hearing is to receive public comment regarding an area variance request submitted by Eric Maxon for the construction of an exterior porch/deck at 1377 W. Kendall Road, Tax Parcel ID #20.-2-7.1. Due to the current COVID-19 restrictions regarding public gatherings and the closure of the town hall, the meeting will be conducted by electronic format know as Zoom. The meeting will be available for participation by Zoning and Planning Board members, Town Code Enforcement Officials, interested Town Officials and representatives from the applicant. A copy of the application is available for review prior to the meeting by contacting the Town of Kendall Town Clerk (585) 659-8721 or Town of Kendall Code Enforcement Office (585) 659-2341. Written comments may be sent by mail to the Town of Kendall Code Enforcement Office, 1873 Kendall Road, P.O. Box 474, Kendall, New York 14476. You may also e-mail comments to codee@townofkendall.com. Questions can also be directed to (585) 659-2341. All written comments must be received by 5/29/2020. Please provide your name and address with your comments. All written comments received will be read aloud during the meeting and recorded. The recorded proceedings and minutes will be available for review after the meeting, at a date to be determined.

Patrick Bolton
Chair, Zoning Board of Appeals

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

Eric had nothing to add and there was no public comment. The zoning board members reviewed all documents submitted by the applicant. Chairman Bolton read the five criteria. Shad Speer motioned to approve the variance, seconded by Fletcher Rowley. All in favor. Chairman Bolton asked for a roll call vote with the following results:

20VAR1(Maxon) ROLL CALL VOTE:	Chairman Bolton	- aye
	Fletcher Rowley	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Dan Mattle	- aye

APPROVAL GRANTED: Variance unanimously approved 5-0 for Eric Maxon, 1377 W. Kendall Road, Tax Parcel ID #20.-2-7.1, the request for variance from Section 265-22E(2)(a)[1] for a front set-back of 65' for construction of 60'x10' by 12'x10' front porch that requires a 90' set-back. Property in zoned (RA). Applicant must obtain a permit first.

PUBLIC HEARING FOR VARIANCE – TAX ID #9-1-52.1

Chairman Bolton opened the public hearing at 7:08 p.m. He read the public notice:

PLEASE TAKE NOTICE: The Town of Kendall Zoning Board of Appeals and Planning Board will be conducting a joint meeting on Tuesday, June 2, 2020 at 7:15 p.m. The purpose of the meeting is to conduct public hearings and review a zoning area variance request, special use permit application, site plan and SEQR application submitted by Kludt Brothers Inc. The application submitted is for a proposed farm working housing facility in an existing structure, located at 1188 West Kendall Road, Tax Parcel ID #9.-1-52.1. Due to the current COVID-19 restrictions regarding public gatherings and the closure of the Town Hall, the meeting will be conducted by electronic format know as Zoom. The meeting will be available for participation by Town Zoning and Planning Board Members, Town Code Enforcement Officials, interested Town Officials and a representative from the applicant. A copy of the application is available for review by contacting the Town of Kendall Town Clerk (585) 659-8721 or Town of Kendall Code Enforcement Office (585) 659-2341. Written comments regarding the application may be sent by mail to the Town of Kendall Code Enforcement Office, 1873 Kendall Road, P.O. Box 474, Kendall, New York 14476. Comments may also be sent by e-mail to codee@townofkendall.com. All comments must be received by 5/29/2020. Please provide your name and address in the comments. Questions can also be directed to (585) 659-2341. All written comments received will be read aloud during the meeting and recorded. The recorded proceedings and minutes will be available for review after the meeting, at a date to be determined.

The variance request is for a property located at 1188 West Kendall Road, Tax ID #9-1-52.1 applicant seeks a variance of a 23' front set-back to meet the 90' set-back requirement and this will be for agricultural worker housing. Applicant had nothing to add. Member Charland asked the applicant if any of the neighbors have come forward with any issues with the housing request, applicant said nothing at this time. No public comments.

Chairman Bolton closed the public hearing at 7:11 p.m.

The zoning board members reviewed all documents submitted by the applicant. Shad Speer read the five criteria. Shad Speer motioned to approve the variance, seconded by Dan Mattle. All in favor. Chairman Bolton asked for a roll call vote with the following results:

20VAR2(Kludt Brothers Farms) ROLL CALL VOTE:	Chairman Bolton	- abstain
	Fletcher Rowley	- aye
	Becky Charland	- aye
	Shad Speer	- aye
	Dan Mattle	- aye

APPROVAL GRANTED: Variance approved 4-0 for Kludt Brothers, Inc., 1188 W. Kendall Road, Tax Parcel ID #9-1-52.1, the request for variance from Section 265-56(c) for a special use permit for a 23' set-back distance for the conversion of an existing single-family dwelling to farm labor housing that requires a 90' set-back. Property is zoned (RR).

ADJOURNMENT:

Chairman Bolton adjourned the meeting at 7:14 p.m.

TOWN OF KENDALL PLANNING BOARD PORTION OF MEETING:

Chairman Kludt called the meeting to order at 7:14 p.m.

SITE PLAN REVIEW AND AREA VARIANCE FOR PROPOSED FARM LABOR HOUSEING:

CEO Strong explained briefly to the board why Kludt Farms Inc. is seeking a special use permit. Dan told the board members presented to them is an application for a special use permit for farmworker housing outside of an agricultural district, accompanying that would be a site plan, to make things somewhat simple the survey for the property that was furnished by Andrew will serve as the site plan. CEO Strong explained it is an existing home, nothing has to be changed on the property, everything is taking place inside the house. The requirement for the special use permit is because currently it is not enrolled in any district because the farm just acquired this property within the last year. They are going this route because they would like to get the farm workers in the house before the harvest season begins.

Andrew Kludt expressed to the board they purchased the property directly across the road from their farm and there is an old farm house on the property, there are no neighbors directly near the property, there are no plans to do anything different to the house except fixing it up and doing repairs enough so the workers can live inside legally. They have already contacted the health department, just waiting on this portion of the process and then it can be inspected by the CEO. Discussion took place.

Chairman Kludt asked for a motion for approval of farm labor housing. Phil D'Agostino made a motion to approve, seconded by Patty Pfister. All in favor. Chairman Kludt asked for a roll call vote with the following results:

ROLL CALL VOTE:	Chairman Kludt	- abstained
	Jeff Conte	- aye
	Phil D'Agostino	- aye
	Steve Catone	- aye
	Patty Pfister	- aye

The planning board voted 4-0 for the approval of an area variance to operate farm labor housing at the existing dwelling located at 1188 W. Kendall Road, Tax ID #9.-1-52.1. Property is zoned (RR).

ADJOURNMENT:

Chairman Kludt asked for a motion to close the planning board portion of the meeting. Patty Pfister motioned to adjourn, seconded by Phil D'Agostino. Meeting adjourned at 7:23 p.m. Chairman Bolton asked for a motion to close the zoning board portion of the meeting. Becky Charland motioned to adjourn, seconded by Shad Speer. Meeting adjourned at 7:23 p.m.

NEXT MEETING:

Due to the Covid-19 Pandemic there are no scheduled meetings at this time.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary