

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

**August 10, 2021 at 7:00 p.m.**

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

Also present: Brian Harper, DG New York, Code Enforcement Officer Strong, Town Board Liaison Newell and Recording Secretary Bakutis.

Public: Mike Furness	1879 Peter Smith Rd.
Bob Furness	W. Kendall Rd.

Chairman Bolton called the meeting to order at 7:00 p.m.

PUBLIC HEARING FOR A VARIANCE 21VAR10 (WILSON) – TAX ID #31.-2.27 and #32.-1-29.1  
Chairman Bolton opened the public hearing at 7:01 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, August 10, 2021 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of DG New York CS III, LLC., 700 Universe Blvd., Juno Beach, Florida. Applicant seeks a variance for installation of impervious road surfaces within two major solar energy sites, (1770 Center Rd. & 1771 West Kendall Rd.). Requesting relief from Local Law #3 of the 2017 Solar Energy Regulations, Section 5.C.(3)(d) requiring that roads not be constructed of impervious materials. 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

Brian explained the reason they are seeking a variance is to build an impervious road at the location sites mentioned. Impervious is not concrete performing, it is a packed gravel with an aggregate base. Either they can build a road twice if they build impervious or one road once with a filtration strip along it that complies with D.E.C. run off requirements. With a pervious road they are going to have heavy construction vehicles in there that will compact the roads and they will have to go back in there and de-compact it to make it pervious again, that will mean more construction time and vehicles going down the roads in the town of Kendall vs their

company just building it once, putting a filtration strip down the side of it for all the run off that will come from it. So next the road, if its pervious run off from the site the water quality will be the same which was the intent of the law of it being pervious, for water quality. He feels they are meeting that intent with the impervious roads, that's why they want to continue with it being impervious, it's industry standard to impervious roads with water quality and run off addressed through SWPPP practices and they are complying with that. Chairman Bolton mentioned he had visited a couple sites in the area, and it appears they are doing the same thing. CEO Strong just wants the roads to support the weight the fire department has been asking for. Member Rowley just wants it clear that it will be no cost to a homeowner or the town of Kendall to remove the material for the project and everything will be returned to normal. Brian explained that is what the decommissioning plan is for.

Chairman Bolton closed the public hearing at 7:06 p.m.

The Zoning Board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant. Shad Speer motioned to approve the variance, seconded by Patrick Bolton. All in favor. Chairman Bolton asked for a roll call vote with the following results:

21VAR10 (DG New York CS ) – ROLL CALL VOTE:	Dan Mattle	- aye
	Shad Speer	- aye
	Chair. Bolton	- aye
	Fletcher Rowley	- aye

APPROVAL GRANTED: In regard to the variance of .69 feet from the south property line, Tax ID #10.16-1-21. Applicant is seeking relief from Article V, Section 265-28E, requiring a 5-foot side setback is unanimously approved 5-0.

NEW BUSINESS - CODE ENFORCEMENT UPDATE:

- Solar Project on W. Kendall Road – Regarding frontage. CEO will send it to the CPB.
- Property owner M. Swierkos of 15758 Roosevelt Hwy., would like to have a 5-foot fence constructed on her property. She has a dog that she is trying to contain on the property. The zoning code allows fence height to be 4-feet. A variance will be needed.
- Fred Stone is seeking relief to have his ground mounted solar system to be 23-feet from the north property boarder. The front set-back is 73-feet from the center of the road and to the side of the home but behind the plain of the foundation of the home.

Public hearings will be scheduled for next month's meeting.

ADJOURNMENT:

Shad Speer made a motion to adjourn, seconded by Patrick Bolton. All in favor. Meeting adjourned at 7:38 p.m.

NEXT MEETING:

Tuesday, September 14, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary