

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

Tuesday, December 12, 2023 at 7:00 p.m.

ATTENDANCE:	Chair. Patrick Bolton	- present
	Fletcher Rowley	- absent
	Shad Speer	- present
	Dan Mattle	- present
	Reed Heidemann	- present
	Dave Bentley, Alt.	- absent

Also present: Recording Secretary Bakutis.

Also present: Jill and Rich Williams, 17112 Roosevelt Hwy.
Donald Williams, 1243 Peter Smith Rd.

Chairman Bolton called the meeting to order at 7:04 p.m.

APPROVAL OF MINUTES:

Minutes from the Tuesday, November 14, 2023 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as presented, seconded by Reed Heidemann. All in favor.

CODE ENFORCEMENT UPDATE:

In their absence, Chairman Bolton informed the board that Code Enforcement Officer Hennekey and Deputy C.E.O. Strong have no new business.

PUBLIC HEARING FOR VARIANCE 23VAR08 (WILLIAMS) – TAX ID #33.-1-28.3 and #44.-1-2.1

Chairman Bolton opened the public hearing at 7:15 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Town of Kendall Zoning Board of Appeals on Tuesday, December 12, 2023 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Jill Williams, 17112 Roosevelt Highway for a minor subdivision, Tax ID Parcels (#33.-1-28.3 and #44.-1-2.1) for construction of a single-family residence. Applicant seeks a variance of 100-feet from Article V, Section 265-23E requiring 140-feet of road frontage. The property is zoned Rural Residential (RR). All persons wishing to speak will be heard at this time. A copy of the application is available for review at the Town of Kendall Clerks Office.

By order of Chairman Patrick Bolton
Zoning Board of Appeals

Chairman Bolton stated the Zoning Board has previously discussed the area variance. The board has been filled in on all the details of the variance request for a subdivision at the property located at 17112 Roosevelt Hwy., Tax ID #33.-1-28.3. Chairman Bolton also mentioned that the Planning Board's Chairman, Bruce Newell, provided a letter to the Zoning Board of Appeals explaining what took place during the PB meeting held on November 28, 2023. (attached) Member Dan Mattle asked if any neighbors had any objections to their plans, the applicant told the board no. Member Shad Speer mentioned the letter from PB Chairman Newell, saying the PB felt that in this instance, given the specifics of location, the large size (>15acres) and our ability to influence the ultimate layout (in contrast to dealing with a pre-existing flag lot) of the site makes our recommendation an approval of the required area variance. The PB, does; however, recognize the additional expertise and perspectives of the ZB and acknowledges that their view may be different. Member Speer stated the PB would be ok with ZB's approval for the area variance if the two lots met all the Town of Kendall's zoning requirements.

1. The resulting lot containing the existing house will meet all the zoning requirements.
2. The second lot, on which a new dwelling is proposed, will meet all requirements except for the frontage on Roosevelt Hwy.

Chairman Bolton closed the public hearing at 7:21 p.m. He read the five criteria. Chairman Bolton asked for a motion to approve or not approve the variance. Shad motioned to approve the area variance for a minor subdivision for construction of a single-family residence with the understanding that the zoning requirements are met. Seconded by Reed Heidemann. Chairman Bolton asked for a roll call vote with the following results:

ROLL CALL VOTE:	Chairman Bolton	- aye
	Shad Speer	- aye
	Dan Mattle	- aye
	Reed Heidemann	- aye

The variance request of Jill Williams requesting a variance of 100-feet for a minor subdivision, on two parcels (#33.-1-28.3 and #44.-1-2.1) for construction of a single-family residence, seeking relief from Article V, Section 265-23E requiring 140-feet of road frontage was unanimously approved 4-0.

ADJOURNMENT:

Dan Mattle made a motion to adjourn, seconded by Chairman Bolton. All in favor. Meeting adjourned at 7:25 p.m.

NEXT MEETING:

Tuesday, January 9, 2024 at 7:00 p.m.

Respectfully Submitted,
Tammy Bakutis
Recording Secretary