

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

Tuesday, August 13, 2024 at 7:00 p.m.

ATTENDANCE: Chair. Patrick Bolton - present
 Fletcher Rowley - present
 Shad Speer - present
 Dan Mattle - present
 Reed Heidemann - present

Also present: Ryszard Jurzysta, 17284 Sand Rd., Dale and Donna Faulkner, 17296 Sand Rd., Bart Joseph, 1353 Countyline Rd., Town Board Liaison Bentley, Code Enforcement Officer Hennekey, Deputy Code Enforcement Officer Strong and Recording Secretary Bakutis.

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

PUBLIC HEARING FOR VARIANCE 24VAR03 (JURZYSTA) – TAX ID #33.4-1-19.11

Chairman Bolton opened the public hearing at 7:02 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 13, 2024 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Ryszard Jurzysta, 17284 Sand Rd., Tax ID #33.4-1-19.11. Applicant seeks a variance of 20 feet to erect a commercial structure within 30 feet of residential lot line. Seeking relief from Article V, Section 265.24E.(3), requiring a 50 foot setback. 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.

Chairman Patrick Bolton
Zoning Board of Appeals

The applicant, Ryszard Jurzysta, expressed to the board his reason for seeking a variance. He says he would like to build a 30' x 60' barn next to the existing barn and move his operation out of the existing building into the new. Neighbors Dale and Donna Faulkner expressed their concerns about the business saying they feel they will be impacted the most with their biggest concern being the view and they do hear the noise. They also expressed that the applicant has been a good neighbor to them, and they are not opposed to his plans, they just felt they needed to come and express their concerns. Code Enforcement Officer Hennekey explained to the Faulkner's that the building permit application request needs to go to the Planning Board for a site plan review, their concerns regarding the noise and view should be addressed to that board. Member Rowley, conveyed a letter received from the County Planning Board and one of their recommendations being for the board to take into consideration that the applicant add a natural buffer along the proposed structure to allow for more privacy to the adjacent property if applicant wants to build closer to the property line. In order for the Planning Board to approve the site plan the Zoning Board first has to approve the variance. Bart Joseph, a neighbor of the applicant, told the board he has known the applicant and his family since he was a young child

and he is a man of his word. The applicant's property butts up against his and he is in favor of the project. The board asked the applicant if he had plans to insulate the barn to help with the noise. The applicant said he plans on doing so in the future.

Chairman Bolton closed the public hearing at 7:14 p.m.

Fletcher Rowley read the five criteria. Fletcher Rowley made a motion to approve the variance of 20 feet to erect a commercial structure within 30 feet of residential lot line, seconded by Dan Mattle. All in favor.

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

The variance request of Ryszard Jurzysta for construction of a commercial structure (30' x 60') within 30 feet of a residential lot seeking relief from Article IV, Section 165-24 requiring a 50-foot setback in a residential district has been unanimously approved 5-0.

Chairman Bolton opened the regular scheduled meeting at 7:18 p.m.

APPROVAL OF MINUTES:

Minutes from the Tuesday, July 9, 2024 meeting submitted by Recording Secretary Bakutis were reviewed. Shad Speer moved to accept the minutes as presented, seconded by Fletcher Rowley. All in favor.

CODE ENFORCEMENT UPDATE:

Code Enforcement Hennekey told the board there may be future variances due to some residents wanting to house chickens/livestock in the Waterfront Residential District.

TOWN BOARD UPDATE:

- Water District 11 – A letter was sent to the USDA and it looks favorable that the Town will receiving low interest loans to get the work done, they accepted the Towns income survey analysis, and the Town is waiting for the letter of approval. Town Board Liaison Bentley told the board if the Town does in fact receive the letter of approval the USDA that will be the time to set up where the work will be done. In addition, the town is waiting for approval from Senator Schumers' Office for \$1,000,000 for funding for this project.
- Curtis Field – First meeting to be held on September 18, 2024. The committee will be discussing signage, naming, and surveying of the property and figuring out the most beneficial way to utilize the property.
- Sewer District – Town is waiting for approval from the USDOT for work to be done on County Line Road.
- Comprehensive Plan – Still waiting for the grant money.

- The celebration date for our Country's 250th Birthday is locked in for Friday, July 3, 2024, possibly at our fire department's field, waiting on a response. The Town had committed a sizeable amount of money towards a fireworks display, it should be a beautiful show.
- Town Board Liaison Bentley is working on the town newsletter and getting it out to all emails received from residents who signed up, should be another month or so.

ADJOURNMENT:

Shad Speer made a motion to adjourn, seconded by Reed Heidemann. All in favor. Meeting adjourned at 7:27 p.m.

NEXT MEETING:

Tuesday, September 10, 2024 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary