

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, January 24, 2012 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:03 p.m.

ROLL CALL: Paul Gray, chair - present
 Jeff Conte - present
 Phil D’Agostino - present
 Joyce Henry - present
 Bruce Newell - present

ALSO PRESENT: Daniel Gaesser, Supervisor
 David Schuth, Town Board Representative
 Paul Hennekey, Code Enforcement Officer
 Dan Wegman, 710 Latta Rd Rochester 14612
 David Wegman, 710 Latta Rd Rochester 14612
 Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES

Minutes from January 4, 2012 were reviewed. Phil D’Agostino moved to accept the minutes with corrections, seconded by Bruce Newell, all in favor.

CHAIRMAN REMARKS

Paul Gray discussed public open meeting law, contained in Article 7 of the Public Officers Law. The law states that for non public hearings the law does not require the Planning Board to offer the public an opportunity to be heard. The law also states that a board may, however permit public participation and may “provide rules” for speakers to follow at a meeting. Chairman Gray provided the following speech criteria if the Board wished to allow public participation.

- A specific, maximum time limit for each speaker of 2-3 minutes.
- Reservation of a fixed amount of total time for public participation of 10 minutes.
- Authorization of a spokesperson for speaker of a citizen group or speakers with common interest.
- The speaker shall address the Planning Board only on the topics of the meeting agenda.
- The Planning Board Chairman shall have discretion to cease speech immediately and PB members may make a motion to suspend discussions or public input.
- The chairman may allow the applicant of an application to speak first, for a longer duration or rebut claims of other speakers. The chairman shall have the discretion to fix a maximum time limit on speech by the applicant.
- The Planning Board has no obligation to engage in interactive discussion with a speaker nor immediately respond to any question posed by a speaker and shall take all comments under advisement only.

Bruce Newell made a motion to allow public input at our meetings per the guidelines and criteria that Paul presented. Joyce Henry seconded the motion. Paul Gray called for a roll call vote, with the following results:

Phil D'Agostino	- Aye
Bruce Newell	- Aye
Paul Gray	- Aye
Joyce Henry	- Aye
Jeff Conte	- Aye

SUPERVISOR GAESSER REMARKS

Supervisor Daniel Gaesser said the Town Board had passed two resolutions.

- The Town Board is now the lead agency on the SEQR for rezoning.
- The Town Board is in the process of entering into a professional service reimbursement agreement with The Wegman Group. Work is still in process.

Supervisor Gaesser discussed the involvement of the town attorney and procedures that took place in putting together the professional service reimbursement agreement with The Wegman Group.

Supervisor Gaesser discussed the engineering agreement with The Wegman Group. He commented that the town attorney asked for a revision to the engineering agreement and that The Wegman Group had made the revisions. Supervisor Gaesser said the town now has the engineering agreement. Discussion took place about the time in which the Town Board passed the resolution to approve as La Bella Associates, PC as the engineers for the Town of Kendall and the service agreement presented to La Bella Associates, PC. Discussion took place about Wegman Group's engineering timeline. Supervisor Gaesser said the notice of intent for the Town Board as the lead agency on the SEQR for rezoning was mailed to the required parties. He said The Wegman Group had submitted a consistency review that was given to the town attorney.

WEGMAN GROUP REMARKS

Mr. Wegman discussed the difference between modular homes and manufactured home. He said that the homes being placed on the Troutburg property will be modular homes. Mr. Wegman submitted written descriptions of modular homes and manufactured homes to the board and requested they be included with the minutes. Discussion took place on the construction process of modular homes and construction details of the homes to be placed on the Troutburg property.

LETTERS FROM CITIZENS

The board acknowledged that letters were received from both Jerry Clement and Bonnie Ann Briggs. The board agreed to take their concerns under advisement.

REVIEW OF WEGMAN GROUP SITE PLAN

Paul Gray discussed the state guidelines for site plan review under General Municipal Law specifically Town Law, Section 274-a, Vs section 276 subdivision review criteria. The board agreed that the Wegman application under Town Law fit the definitions under Section 274-a Site Plan review and not subdivision review because there is no division of land, nor lots for the purpose of sale. Paul Gray read and the board discussed sections 300, 555, and 563 of the Zoning Ordinance. Discussion took place about the building size of homes to be placed on the Troutburg property and the variance procedure. Bruce Newell described the site plan review check list he prepared for the board. The board

discussed the items on the check list in Section 1000 of the Zoning Ordinance.

Discussions occurred pertaining to:

- Contour lines and draining
- Fences and gates
- Barriers and guard rails
- Signage
- Landscaping and trees
- Lighting
- Pool – capacity of swimmers
- Walking/running and biking pathways
- Road/driveway widths and fire code regulations
- Traffic volume
- Parking lots
- Loading and unloading of groceries, furniture, etc.
- Storage units
- Water and electricity access

CEO REPORT

Discussion occurred about the definitions of Special Use Permit and Special Permit found in section 568-E of the zoning ordinance and how it applied to the Troutburg property. Paul Hennekey discussed a request by Crosby's to replace an existing underground kerosene tank with an above ground tank.

TOWN BOARD REMARKS

David Schuth discussed the progress of legal agreements between The Wegman Group and the Town of Kendall. He discussed the progress on the out of district water project.

CPB REPORT

Paul Gray said he would send the County Planning Board's minutes via email to the board members.

NEXT MEETING

Tuesday, February 14, 2012 - Workshop

Tuesday, January 24, 2012 - Meeting

ADJOURNMENT: Joyce Henry motioned to adjourn. Seconded by Jeff Conte, all in favor. Adjourned at 9:34 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary