

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Wednesday, April 25, 2012 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:05 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
Paul Hennekey, Code Enforcement Officer
Barbra Germano, 17135 Norway Heights
Keith Germano, 17135 Norway Heights
Daniel Pixley, 17149 Norway Heights
Melissa Prater, 17149 Norway Heights
Tyrone Whitehair, 17163 Norway Heights
Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES

Minutes from March 27, 2012 were reviewed. Joyce Henry moved to accept the minutes, seconded by Jeff Conte, all in favor.

PUBLIC PARTICIPATION

A question was posed to why the Planning Board meeting was changed from Tuesday April 24, 2012 to Wednesday April 25, 2012 and was not posted on the website. Paul Gray said the notice had been posted in the Hamlin Herald newspaper. A statement was made that not all Kendall residents receive the Hamlin Herald. Supervisor Gaesser said it was the practice of the Town to post the notices on the website and that an oversight had occurred. A member of the public asked for clarification on how a SEQR can be involved when a completed application and site plan have not been received from the Wegman Group. Supervisor Gaesser responded that the Town Board is the lead on the SEQR and is waiting on Hodgson Russ, the specialized attorneys retained by the Town to advise the Town Board on the SEQR process. Paul Gray said that an official application, a draft engineering site plan, and proposal had been submitted by the Wegman Group. Paul Gray described the SEQR process. A question was asked how the elderly residents of the Cottages at Troutburg and those with children would navigate stone driveways and walk for long distances. The difficulty of riding bikes on the stone and going to the neighboring cottages at night with limited lighting was also mentioned. It was requested that the Town of Kendall set standards and make the owners of the private property have paved driveways. A comment was made if this project fails, would Kendall get the liability of completion and the property back. Supervisor Gaesser explained that Troutburg is private property and that no town funds are invested in private property anywhere in the Town of Kendall. Supervisor Gaesser explained that only if code violations occur on private property can the Town act. It was stated by a member of the public that Kendall was missing a lot of code. A story was told by a member of the public about the difficulty of camping without lighting. Paul Gray said the intent of the Cottages

at Troutburg is to be rustic. Joyce Henry said she hoped those purchasing a cabin would consider the environment and choose to site their cottage in a location that worked for them. A discussion occurred about parking, the safety aspects of parking along the roadways, and the required width of the road. Supervisor Gaesser described how local laws are created and how they function with state code requirements. David Schuth suggested that a list of conditions be given to the Wegman Group. A question was asked by a member of the public regarding the number of living spaces that can be placed on a single lot. Paul Gray said the zoning code does not limit the number of primary residences on a single lot as long as set back regulations are followed. Discussion took place about the septic requirements for placing multiple residences on a single lot. A question was asked by a member of the public if the Town came to an agreement with the Wegman Group on engineering and attorney fee reimbursement. Supervisor Gaesser responded no, but it is in the hands of attorneys at HodgsonRuss. Discussion took place about the financial responsibilities of the Town for the Troutburg Project. A question was posed what had occurred since the last Town Board meeting in which the application required for the SEQR was incomplete, but is now complete. Paul Gray explained the SEQR process and the involvement of the DEC and Army Corps of Engineers. A question was asked by a member of the public regarding who will police the parking situation on the Troutburg property and motorized water crafts in the water north of the Troutburg property. Joyce Henry responded that it was the responsibility of the property owner to ensure safety. Discussion took place about motorized water craft and the issues that may arise from motorized water craft. The Wegman Group has no boat ramp on the site plans and intends to limit boats on their property to hand carried non-powered craft. A question was asked by a member of the public about who would be supplying all propane tanks for propane grilling.

SUPERVISOR GAESSER REMARKS

Supervisor Gaesser said he was awaiting updates from HodgsonRuss on the SEQR process. The attorneys are to advise the TB on what the process is, what outside agencies need to provide input and the timelines to complete part two of the SEQR.

REVIEW OF THE COTTAGE AT TROUTBURG PROJECT SITE PLANS

Paul Gray discussed a meeting he and Supervisor Gaesser attended with the Wegman Group to discuss the status of the project. Paul Gray said the Wegman Group was interested in moving forward with the process as quickly as possible. Paul described the process required for the Planning Board to complete the site plan review. He said the Planning Board is waiting for a determination from the Town Board on part two of the SEQR. As part of SEQR the Wegmans have to submit their plan to various agencies such as DEC, Army Corp of Engineers and Dept of State for review. Once the agencies complete their part the TB can make a determination.

Paul Gray said that the Wegman Group questioned the need to rezone the two parcels that are now zoned WR to WD. All four parcels will ultimately be combined into one parcel. If not required, the Wegmans would withdraw the rezoning request made to the Town Board. Supervisor Gaesser indicated that a formal document should be obtained from the attorney stating that rezoning is not needed. Discussion took place about the impact of two zoning districts on one parcel of land. It was noted that this is common in the Town of Kendall especially in the RR district with a water line. The RR district is only five hundred feet deep along the roadways.

Paul Gray discussed the fact that there were no zoning regulations in the Town of Kendall limiting the number of home that could be placed on a single lot as long as setback requirements were met. Discussion took place about properties in Kendall that contain more than one home on a single lot.

Discussion took place about the allowance of accessory structures on the property. It was determined by the CEO that a permit is not needed for one shed no larger than 144 square feet in size and 10 feet high. Paul Hennekey indicated that more than one shed would require a building permit for each shed.

SITE PLAN REVIEW

The board discussed the Troutburg Property site plan and posed questions they had regarding the site plan.

Parking:

Questions were raised regarding the distance between parking and the cabins. Where is the overflow parking to be located and how does one get from a distant parking spot to a cabin.

Motorized water craft:

Paul said that the Wegmans will not allow the launching of motorized water craft from Troutburg property. Question: Where will owners of jet skis store them if they are not allowed to use them from the Troutburg property?

Rental of Cabins:

Discussion occurred about owners having the ability to rent their cabin. Paul said the Wegmans intend to allow home owners to rent their cabin. Discussion took place about issues that could arise from having rental units. Discussion occurred about what constitutes a home rental business and its allowance within the code.

Plan Unit Development:

Discussion took place about the possibility of the Town Board adopting a PUD that would create a Zoning overlay district for the Troutburg property. Another possibility would be a more generic PUD that could be used in all districts of Kendall for large scale development. A PUD would be a Zoning change. Only the Town Board can adopt Zoning changes and it is expected that the PB would be requested by the TB to review and comment on any PUD.

Project Timeline - Discussion took place about the proposed timeline of the Troutburg property. Supervisor Gaesser said the Town Board is waiting on attorneys for a course of action and that there is no set timeline. The Wegman group would like to have units available for purchase by late summer 2012.

Association Rules:

The Wegmans have indicated that the rules are not finalized. They are willing to share with the PB when complete. The association rules will help the PB understand anything that might be a health, safety issue.

Buffering:

The Wegmans indicated that pine trees will be used for buffering. A colored tree landscaping plan has been included in the second draft site plan. The heights and size of any tree used for buffering has not been established and will need to be formalized.

Wetlands:

The wetlands will not be mowed, wetlands boundary delineation will be determined by Army Corps of Engineers once plants start to grow. TOK zoning has no setback requirements from a wetland. Army Corps is in charge of wetlands.

Sewage treatment plant:

Will be owned by the Wegmans and be monitored by an outside firm. DEC and the County Health Department has authority for final approval and their input will be part of the completed application for site plan approval.

Cabin size:

Does the Planning Board have the authority to dictate cabin size as indicated by attorney Spitzer? The Wegmans plan to apply for one Variance for all 400 cottages eliminating the need for each property owner to separately apply for a variance. If requested individually, each variance would require both ZBA and County Planning Board approval overwhelming the system. The Wegmans see an opportunity to sell smaller cottages to people with boats at local marinas.

Lighting for the paths/roads & parking areas:

There is not a formal lighting plan with the preliminary site plans.
Will there be lighting at the entrance?

Accessory structures:

Shed size compared to cabin size. Will the size of a shed be allowed to be larger than a cabin? Should a shed be a percentage of the cabin size? What will be the size and use of all existing buildings and the proposed four pole-barn structures on the property?

Dogs:

The expected amount of dogs and animals Vs what our Zoning code allows on one lot. A kennel is required to house four or more domestic animals on one lot. Our Zoning is intended for single family lots and not a major development. What will the association policy for pets/dogs be?

Availability of Water:

Will the water pressure meet the requirements for safety equipment? At this time Monroe County Water Authority is still reviewing the project.

Dumpsters - Will the dumpsters be in an enclosed housing?

Signage - What will be the size of signs on the property?

Entrance - Will there be two entrances?

Golf cart – Powered or electric? Where are they parked and stored?

Dan would like the Planning Board to put together a very detailed list of what they require from the Wegman Group.

CEO REPORT

Paul Hennekey said he had been discussing with the State about road widths in regards to the Cottages at Troutburg. Discussion took place about the roads on the Troutburg property. Paul asked that code be notified when Special Permits are issued by the Planning Board. Discussion took place about prior Special Permits issued.

TOWN BOARD REMARKS

David Schuth discussed the Bicentennial Opening Ceremony to be held April 28, 2012. He said it was to be at the high school at 7:00 pm. He described the work that went into the event and what was to occur during the event. David Schuth discussed the Town Roadside Clean Up occurring at 9:00 am on April 28, 2012. He discussed the Memorial Day Ceremony scheduled for May 30, 2012. Discussion took place about the area cemeteries and the possibility for renovation grants. Discussion occurred about the Troutburg property water lines, usage and hydrants. Discussion took place about the upcoming Town Board workshop on May 1, 2012 and prospects of more Kendall residents receiving public water.

NEXT MEETING

Tuesday, May 8, 2012 7:30 pm- Workshop

Tuesday May 22, 2012 7:00 pm- Meeting

ADJOURNMENT: Joyce Henry motioned to adjourn. Seconded by Phil D'Agostino, all in favor. Adjourned at 10:06 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary