

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, February 27, 2007 - 7:00 p.m.

CALL TO ORDER: Chairman Nelson called the meeting to order at 7:00 p.m.

ROLL CALL, MEMBERS:

Bob Nelson, chairperson	- present
Tom Cole	- present
Phil D'Agostino	- present
Walt Steffen	- present
Paul Gray	- present

ALSO PRESENT:

Dave Schuth, Town Board representative
Scott Hardenbrook, Code Enforcement Officer
Rick Seaman, Deputy Code Enforcement Officer
Chris Perrin, resident
Rudy (Mike) Zingler, resident
Marianne Wilson, secretary

APPROVAL OF MINUTES: Minutes from the January meeting were reviewed and edited. Phil moved to accept the minutes as corrected; Tom seconded. Phil abstained as he was absent from that meeting. Motion carried.

TRAINING: Walt and Tom were unable to attend the February 23rd training session. Bob reminded members to use the voucher system for reimbursement of mileage and meals. Mileage reimbursement rate for 2007 is \$0.485 per mile.

SCOTT HARDENBROOK Introduced Chris Perrin and Mike Zingler, appearing for Special Use Permit application. They will appear next month for a second application. There will be a hearing next month for application for a small engine repair business on Kenmore Rd from another resident. No other pending applications at this time. Scott introduced Rick Seaman, newly appointed Deputy Code Enforcement Officer. Rick has nearly completed certification. He is now available to cover Scott for vacations, etc. He is currently handling Zoning Board issues, such as junk car survey.

EAGLE CREEK MARINA: Scott reports that Mr. Freemesser is currently installing the sprinkler system. Tom sent another letter 2 weeks ago to Mr. Freemesser requesting site plans. There have been no site plans submitted to the Town for 6 months – the parking lot and septic system have since undergone changes. DEC issued a permit for the septic system. Discussion followed regarding specifics of the site plan.

PUBLIC HEARING, 7:30 p.m.: Mike Zingler, 1667 West Kendall Rd, for Special Use Permit to convert an existing house to a labor camp. The building will be occupied 12 weeks annually with a total of up to 10 laborers, as approved by the Department of Health. Transportation will be provided by Zingler Farms, so there are no parking concerns. Appeared before Zoning Board last week for approval of front setback variance: approved for 47 feet. There are no drainage concerns. Building Permit has already been issued and work is in progress. Mike also intends to buy a house on Norway Rd from Chris Perrin, to be converted to use as a labor camp. A front

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

seback variance of 9-10 feet will be required for that property. Hearing is scheduled for the next Zoning Board meeting. He asks to hold both hearings before the Planning Board simultaneously next month. Sale of the house depends on acceptance of the Special Use Permit. It was agreed to hold a special meeting April 10 to conduct these Public Hearings. Environmental Assessment Forms must be completed on both properties – provided by Bob Nelson. Chris Perrin will provide a completed, notarized application.

EAGLE CREEK MARINA: Tom asked what leverage we have to get this project done. Donn Pritchard is releasing funds as requirements are met. Mr. Freemesser was given approval to work on the interior during winter months. Time line is nearing for the grant money and the project is far behind schedule. Scott halted work on anything other than the structure. Dave says some money was released at the last Town Board meeting. Mr. Freemesser asked Scott to inspect the sept tanks but Scott said he cannot put them in. Scott called the Dept. of Health: they may be installed but not connect.

CODIFICATION: Tabled for 6 months. Bob feels this board should state its position on this project, to inform other departments in the Town and get agreement on the delay. Tom says the Planning Board has a full agenda with wind energy/MET towers. Dave agreed it sounds sensible. Walt made a motion that a letter be written stating reasons for the delay; seconded by Paul. All in favor. Motion carried.

SUPERVISOR VICK: Approached the board in session. Inquires as to status of site drawings for Eagle Creek Marina. Mr. Freemesser told Mr. Vick that permits have been issued, but he hasn't received them yet. Scott also has not received them. Mr. Freemesser has still not produced proof of \$400,000 letter of credit as required by the town. He is soon to receive approximately \$10,000 from the Town, but will in turn be billed for attorney fees amounting to about half that amount. The Town will not release more funds without the letter of credit; project cannot move forward without funding. Bob suggests Mr. Freemesser be invited to attend the next Planning Board meeting with drawings. Once the grant is issued, the project is under Scott's jurisdiction and the Town will have more leverage. There are 3 months left to complete the project in compliance with terms of the federal grant. It was requested that Supervisor Vick meet with Mr. Freemesser and report back to the Planning Board.

MET TOWERS: Tom asks Scott regarding wording on fees, inspections, and should need arise to go beyond our own Code Enforcement, that it so state that the Planning Board can hire an independent engineer at owner's cost. Time was spent editing the proposed ordinance. Bob will make corrections and get copies to all members.

NEW BUSINESS: Bob says benchmarks need to be set to get MET Tower Ordinance completed. A March 13 closed workshop will be held to finalize the preview to be presented to the Town Board on March 22.

Bob requests someone volunteer as deputy chairperson to cover his vacations, etc.

CORRESPONDENCE: Summary:

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

- Tom Golisano, chair of Empire State Wind Energy, LLC will speak at 7:00 p.m., March 26 at Albion High School, as. Dave says the Town Board will recognize such attendance as part of training requirements.
- Town of Hamlin is holding a public hearing for subdivision on County Line Road south of Creek Road to separate an existing house from farmland. No action needed.
- County of Orleans Development Agency is funding community Wind Energy Systems. COIDA will not fund.
- Phillips property. Current ordinance does not address boat storage and non-motorized vehicles.

DAVE SCHUTH: Zoning Board will perform annual drive-by inspection for motorized vehicles in next 1-2 months. Contact any Zoning Board member if anything needs attention. Town Board approved covering expenses for training. Four hours per calendar year required. Excess can be applied over 5 year term. Attendance can be requested for topics not addressing current issues. Attendance must be on file with Town Clerk. Failure to meet minimum requirements can lead to dismissal. County Planning Board training events applicable toward town requirements.

TOM COLE: There are now 3 burn sites directed to the Town Board. Rick says the village burn is complicated, with structures so close, need for perfect weather condition on a weekend. KFD tried to burn it before the holidays and twice in January. It is now too cold and there is too much snow. Falco Motors on Lemcke property – he is unreachable. Some question if the property may be included in County tax sale in May. There may be environmental concerns, including possible buried tires. The Paeth house is secured with fencing. They had no insurance on the house. Scott will talk with Morton Fire Dept. Tom asked Scott if painted designs on barns require permitting. Answer: No, they are considered artistic designs.

PAUL GRAY, COUNTY PLANNING BOARD: Town of Yates is extending their moratorium on MET and wind towers to a total of 1.5 years. Some other towns have done the same. Generally it is 6 to 12 months. A member of the legislature is now sitting in on County Planning Board. Town of Shelby relaxed rules to allow Aldi Foods to move in.

ADJOURNMENT: Phil moved the meeting be adjourned; seconded by Tom. All in favor. Motion carried. Meeting adjourned at 9:45 p.m.

NEXT MEETING: Tuesday, March 27, 2007 at 7:00 p.m.

Respectfully submitted,

Marianne Wilson, secretary
Town of Kendall Planning Board