

Town of Kendall  
Planning Board  
September 25, 2007

Roll Call: Members:

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

ALSO PRESENT:

Scott Hardenbrook, Code Enforcement Officer  
David Schuth, Town Board representative  
Marianne Wilson, recording secretary

David Matt, PO Box 89, Spencerport  
Leann M Buzard, 17258 Creek Road  
Ruby G Lewis, 17258 Creek Road  
Anne Allaart, 16927 Creek Road  
Rod Hughson, 2562 Carton Road

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

MINUTES: The minutes of August 28, 2007 were reviewed. Phil moved they be accepted as edited. Seconded by Walt. All in favor.

Copies of the latest building fee schedule were distributed and discussed.

PUBLIC HEARING: 7:15 p.m. to consider application 07SUB01, submitted by Versna and Kelly Keo requesting a one-lot subdivision on parcel 44.-1-40.2, 17286 Creek Road to construct a single family residence, with current dwelling to be purchased by a family member.

Public input from Leann Buzard. Expressed concern regarding drainage. Engineer Dave Matt explained a culvert will be installed at the driveway and road using 18 inch pipe to direct flow to the creek. Ruby Lewis questioned location of proposed structure and also drainage concerns. Rod Hughson stated that when his home was constructed he was required to use 12 inch cinder block reinforced with rebar every 2 inches. Dave Matt responded that the floor will be 2 feet above flood plain, at 54.5 feet, with a walk-out basement. All fill must be clean as per DEC regulation. Rod Hughson questioned if it is correct that there is a 20 foot elevation difference between his property and the Keo property. The engineer indicated it is very possible. The elevation benchmark now utilized is the nearest fire hydrant, for greater accuracy than past standards. Bob Nelson stated that while this board understands the concerns, it is not for this board to address those issues; it is Code Enforcement Officer's responsibility to see that codes are met via the building inspection process. Scott said he knows Rod's concerns. The house design will be determined by the engineers hired by the Keo's. There was a question regarding the percolation test. Answer: it is the domain of the Orleans County Health Department. Their regulations require a large amount of fill for this building site.

Dave Matt states that simply cleaning out brush and debris will improve drainage on this property as well as the neighbors'. Water is being directed toward the creek.

Phil moved the public hearing be closed. Seconded by Walt. All in favor. Motion carried.

DECISION: Original application was submitted August 16, 2007. SEQR is included. Road frontage and setbacks are all within regulation. The application is complete, drawings appear to be accurate and properly address drainage, directing water on both sides of the driveway; an improvement over the current situation. There are now 2 small drainage pipes directing flow to a ditch; that is insufficient. Creek Road is a town road. Mr. Matt is complimented on the thorough preparation of all documents.

Dave Matt says they are trying to work with Monroe County Water Authority to obtain water; it appears to be costly. The board suggested the Town Supervisor is the best conduit for all applicants to follow, for a better price as per agreements set forth at time of water district transfer.

The existing home is a modular with log siding, constructed in 1988. Flood elevation at site of proposed dwelling is 353.4 feet. Scott says the house must be at or above the 100 year flood plain. Part of the leach field must be above this level: lines and distribution box. The engineer provided copies of the OCHD report which states the design is accepted. 4000 cubic yards of fill will be required. The erosion plan is included, as required by New York state law. Construction is to follow the design, under supervision of an engineer. Any changes or revisions must be approved. Final inspection will be conducted by OCHD after back fill is completed. The well must be a minimum of 100 feet from the septic line as well as the road.

Tom moved the application be accepted as presented, ensuring the design meets all government agencies requirements, including the 100 year flood plain and storm water management, that drainage be directed away from adjoining properties, and that the applicant be aware that these stipulations are in effect forever. Seconded by Paul. Discussion followed. Scott agrees. Application accepted by unanimous roll call vote.

CODE ENFORCEMENT: Bridge Road property formerly owned by Sam Gardner. New owner Aaron Wolf is clearing the property for construction. OCHD permitted the site for septic system. Scott doesn't feel it requires sub-division application as there is an existing garage and there was a house which was destroyed by fire. This board agrees. Scott will review the paperwork and issue permit.

West Kendall Road at old Ho Jack Line serves as access to cell tower behind Bob Furness' property. There are 2 parcels on south side. One lot has only 70 feet of road frontage but is very deep, totaling about 2 acres. Scott reviewed the Zoning Ordinance with Assessor Ken DeRoller regarding nonconforming lots. Ken wrote a letter to the landowners. Scott will provide copies to this board. The property was inherited in a will. They wish to sell as an approvable building lot. These lots pre-date the 1996 ordinance.

Howard and Suzanne Harper, 2242 Center Road. Parcel of 40.2 acres including their house. They wish to retain a portion with 400 feet road frontage of approximately 50 acres. Question if subdivision application is required. Future construction is planned. There are potentially 3 lots in this parcel. It would not create a non-conforming lot. This board has no objection, as drawn. No

subdivision application required at this time. Bob will respond to their attorney's letter.

ORLEANS COUNTY PLANNING BOARD, PAUL GRAY: There was no August meeting. There is a workshop October 3 that he plans to attend addressing Zoning and Planning issues. Old Business: Farm Land Protection Office letter. Letter from Mr. Bruno's office regarding state take-over of wind energy. Town of Carlton will be extending their moratorium another year. New Business: Meeting this Thursday at 7:00 p.m. at St. John's Lutheran Church in Hamlin regarding wind energy. Free and open to the public. This planning board makes its decisions based on information available.

OLD BUSINESS: Training: Bob will be attending the workshop October 3, 2007. Deadline to register is September 28. It is free.

MET TOWERS: Tom is working on checklist and instruction form.

TOWN BOARD, Dave Schuth: No official notification, but believe that Peter Smith Road will connect to the water line via Town of Murray at Ridge Road. As soon as notice is received, the process will be finalized and bidding opened. It will extend north to the Christensen property. This will not be part of the MCWA system. The grant was obtained based on standings with the marina project. It was turned down last year.

WIND ENERGY ORDINANCE: Some towns' planning boards, such as Cohocton, are being sued. Town of Eagle is constructing 67 towers. This would be a good time to visit to view the construction process. Phil has been researching information on transmission lines but there is little available.

Next meeting is October 23, 2007.

Tom moved the meeting be adjourned. Seconded by Walt. All in favor. Adjourned at 8:50 p.m.

Respectfully submitted,

Marianne Wilson  
Secretary