

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, March 28, 2017 - 7:00 p.m.

Attendance: Chair. Andrew Kludt - present
Jeff Conte - present
Phil D'Agostino - present
John Hughes - present
Mike Roth - present

Also present: R.H. "Rob" Neill, Jr., CRX, CSM, Project Director for Primax Properties, LLC., Caryn Miodzianowski with Bohler Engineering, Harry and Dot Butler-16337 Roosevelt Hwy. (Rt. 18), Kendall, NY, Linda Roth - 16665 Banner Beach, Kendall, NY, RJ and Rose Marie Smith - 1935 Kendall Rd., Kendall, NY, Patrick Bolton - 1559 Kendall Rd., Kendall, NY, Richard Hellert - 11061 Pratt Lane, Lyndonville, NY, Dan Steffen - 16653 Roosevelt Hwy. (Rt. 18), Kendall, NY, Nate Loeschel - Kenmor Rd., Kendall, NY, Mary Herring - 1984 Kendall Rd., Kendall, NY, Judy Ernenevein - 2106 Kendall Rd., Kendall, NY, Douglas Heath, Esq. - 66 Village St., Holley, NY, Barb Flow (Town Board) - 2584 Norway Rd., Holley, NY, Kristina Gabalski (Orleans Hub), Lynn Szozda (Town Board) - 2183 Kendall Rd., Julie Christensen - 274 Sandy Creek Lane, Kendall, NY, Code Enforcement Officer Paul Hennekey, Deputy Code Enforcement Officer Dan Strong, Recording Secretary Bakutis.

Chairman Kludt called the meeting to order at 7:04 p.m.

APPROVAL OF MINUTES:

Minutes from the February 28, 2017 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte motioned to approve the minutes as amended, seconded by Mike Roth. All in favor.

PUBLIC HEARING TO CONSIDER THE APPLICATION FOR PRIMAX PROPERTIES, LLC., FOR A SITE PLAN REVIEW AND SUBDIVISION APPROVAL FOR NEW CONSTRUCTION - TAX ID #32.-2-37.111

Chairman Kludt opened the public hearing at 7:15 p.m. He read the public notice:

Notice is hereby given that a PUBLIC HEARING will be held by the KENDALL PLANNING BOARD on Tuesday, March 28, 2017 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York, to consider the application of Primax Properties, LLC, Tax ID #32.-2-37.111. Applicant seeks Site Plan Review and Subdivision approval for construction of a 9100 square foot retail store (DOLLAR GENERAL). The proposed project is located in the General Business (B) District. All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office.

Andrew Kludt
Chairman, Kendall Planning Board

Chairman Kludt asked the applicants to present their presentation. Caryn Miodzianowski with Bohler Engineering gave the presentation accompanied by Rob Neill with Primax Properties, LLC.

SITE LOCATION -

She explained they are this evening in regards to a proposed project that involves a subdivision of a thirty acre piece of land located just west of the intersection of NYS-18 named Roosevelt Highway and Kendall Road. They are proposing to subdivide out a one point nine acre parcel, which was outlined in

the corner of the existing site on her diagram presented to the board and public. The subject site is in the General Business Zoning District of the Town. Presently it is a vacant field. They are proposing a ninety one hundred, plus or minus, square foot Dollar General retail store on the site.

DRIVEWAY AND PARKING -

They are proposing a new curb cut to the NYS-Rt.18, which will be located on the east side of the property. They have already received approval of the driveway location from the NYS DOT, New York State Department of Transportation. The parking lot will be located in front of the store, closest to the doors as well as a row of parking along the east side of the building. There will be a total of thirty-six spaces for the store which meets the zoning requirements of the town. She explained they tried to meet all the setbacks and zoning requirements.

PRIVACY FENCING/BUFFER -

She told the board they left green space out front and on the east and west sides of the store and the parking lot; and they are proposing a six foot stockade privacy fence along each side to act as a buffer for the project.

WATER -

The store will connect to the municipal water which currently serves the area. They will have their own private septic system for the store. She explained that this store is a very low water user they do not put much of a burden at all on utilities. Similar site stores in similar locations they use less than one hundred gallons per day of water, much less than a house.

RECEPTACLE -

The dumpster location will be located on the north west location of the property and will be screened by the stockade fence similar to the fence along each property line. The storm water managed area will be out back at the lowest portion of the site. Caryn explained since they are disturbing more than one acre they will adhere to all of NYS DEC, New York State Department of Environmental Conservation, storm water guidelines and treat the water and release it slower than it does today on the site.

LANDSCAPING -

They are proposing some landscaping out front of the parking and all the area out front will be sod.

Caryn told the board she believes they have come a long way since the last time they were here in January; since then the Orleans County Planning Board has reviewed their application; she understands they have offered a recommendation of approval with conditions.

NEW PROPOSED BUILDING DESIGN AND MATERIALS -

The building will have Hardie-Board Lap Siding in a brown color. They have added a peek roof facade over the entryway to the store with wood beam finishes. Shutters and awnings for the windows. There will be a CMU block base around the bottom that will be painted brown to give it more of a warm color. She says they feel they have come a long way from the building they presented previously. They took into consideration the concerns from the board and came before the board with tonight's presentation. Caryn said they are hopeful to move forward with the SEQR process, the site plan and subdivision.

Q&A -

- Chairman Kludt asked Caryn if they will be getting a percolation test done. Caryn said now that the snow has melted they will get the test done.
- Member Mike Roth questioned Caryn about a previous discussion of linking the sidewalk going over towards Rt. 237 to accommodate the children walking from the high school and the elementary school so they can walk along the street and not on the shoulder of the road; he would like to know if this has been addressed. Caryn explained existing today they do not own the section of land next to the intersection of New York State - Rt. 18 and Kendall Road (Rt. 237); so they could work off

their property in that regard. If at a future date there was a town wide initiative for sidewalks they would indeed connect into that infrastructure in front of the store.

- Member Jeff Conte asked what the recommendations were from the county. Chairman Kludt read the conditions out loud: 1) Signage shall be in compliance with the Town of Kendall's Zoning Ordinance pursuant to Article VI subsection 600 and subsection 601. 2) The entire area of the parking lot traveled by heavy duty truck traffic shall be constructed pursuant to New York State Department of Standards.
- Chairman Kludt asked how often do they expect trucks to make deliveries. Caryn said typically a couple times a week with the Dollar General truck which is a full size tractor trailer; other vendors with smaller trucks occasionally.
- Chairman Kludt questioned the fencing on the East and West sides of the parcel, he believes there are stipulations to have pine trees also placed on the west side with the fence. Caryn said she did not recall that being mentioned. Douglas Heath, Attorney for the sellers, contested to the discussions that have been taking place over the past few months. (Attached items 1-8)
- Chairman Kludt questioned if there would be a nice visual aid for the property owners to the east, like there is on the west side for the Steffens or would there be just a fence for the property owner on the east side. Rob Neill addressed the question, by saying that was the plan and the reason being the parcel is vacant on the west side to the corner of NYS-Rt. 18 and Kendall Road.
- Member Jeff Conte asked about signage. Caryn said there is one sign on the building and there will be a free standing sign next to the driveway. Dollar General has a sign vendor that handles all the sign packages for them, permits, etc. After the site plan is approved they will seek all necessary permits for the sign.
- Chairman Kludt asked CEO Hennekey where the section was that they had discussed earlier regarding vegetation. CEO Hennekey stated that he read that vegetation or a fence may be used for screening purposes.

Chairman Kludt opened the meeting up for public comment -

Public comments from: Mary Herring asked how high the fence would be. Caryn told her six feet. Harry Butler is happy to see the store coming to town. Richard Hellert discussed briefly about the appearance of the building in other towns and feels the Town of Kendall is getting a real attractive structure and also feels it will benefit the town. Harry Butler also asked if there is a tentative schedule to start building. Caryn stated that depends on how tonight goes. Bruce Newell questioned the traffic flow with the deliveries, he hadn't noticed a loading dock, he asked if the deliveries will be wheeled in on a hand truck. Caryn said that is exactly right, deliveries will be wheeled in and brought through on the service ramp. Chairman Kludt questioned what times of day the deliveries would be made. Caryn said she did not know the exact times but they would be the typical store hours and that Rob could give more information on the hours. Rob stated that the deliveries are only during store hours and the typical store hours are 9 a.m to 9 p.m. and that could vary a little bit, but there would be no deliveries in the early a.m. hours or late p.m. hours. Councilwoman Barb Flow stated that she is very pleased that they took their suggestions and designed the store to fit into the community; she also questioned the lighting in front of the store. Caryn said LED fixtures will be used on the building. Rob also stated that there will be two polls in the parking lot and that was done intentional to reduce the number of light polls.

Chairman Kludt closed the public comment portion of the meeting at 7:44 p.m.

Contractual conditions to be met:

- Sidewalk
- Sale/Subdivision
- Evergreens on the west side property line with left having a tall fence. Fence on east side left six feet tall in writing.
- Fence is set enough to provide room for cleaning ditch by the highway department.
- Connecting to sidewalk at a later date.
- Approval of the septic.

- Orleans County conditions met (heavy duty pavement for trucks and signage)

Caryn asked if the SEQR would be completed tonight. Chairman Kludt said they would rather wait to have time for the board to review all paper work and then they will make their decision.

MEETING RECESSED:

Board member Mike Roth motioned to recess the meeting until the next meeting on Wednesday, April 5, 2017 at 7 p.m., Jeff Conte seconded. All in favor.

NEXT MEETING:

Wednesday, April 5, 2017 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Wednesday, April 5, 2017 - 7:00 p.m.

Attendance:	Chair. Andrew Kludt	- present
	Jeff Conte	- present
	Phil D'Agostino	- present
	John Hughes	- present
	Mike Roth	- present

Also present: Supervisor Tony Cammarata, Attorney Douglas Heath, Wayne Martin, Kristina Gabalski, Orleans Hub, Code Enforcement Officer Hennekey, Recording Secretary Bakutis.

Chairman Kludt resumed the meeting recessed on March 28, 2017 and called the meeting to order at 7:02 p.m.

Discussion took place among the board members and Doug Heath, Supervisor Cammarata, CEO Hennekey. The topics of discussion were the conditions of the Orleans County and the Town of Kendall Planning Boards conditions for signage, lighting, parking lot and the upkeep and maintenance of site. Chairman Kludt made a phone call to Caryn Mlodzianowski of Bohler Engineering, so the board could get the necessary information needed to vote on the site plan.

Maintenance of grounds and the store were a concern of the PB. The PB decided to have a condition in the approval that states the parking lot and store has to be maintained by the applicant.

Chairman Kludt discussed conditions set forth by the Orleans County Planning Board and The Town of Kendall Planning Board as follows:

No. 1 - Orleans County Planning Board - Signage shall be in compliance with the Town of Kendall Zoning Ordinance pursuant to Article VI subsection 600 and subsection 601. (new codes ss 265-30 and ss 265-31)

- It talks about the sign on the building and restricts the applicant down to one sign of minimal size; sixteen (16) square foot per side. He asked for more insight of their intentions of signs for the retail store. Caryn explained for Dollar General the sign vender handles all the signs permitting, so that would include any variances necessary; the vender would pursue those typically after site plan approval. If planning board approval was acquired they would come back to the board for the approvals. As of now the site plan has no signs attached to it. He explained to Caryn as of right now he would recommend leaving the signs out of the process because they would not be in compliance with the Town of Kendall codes. The board can approve them with the conditions of the codes on there and at a later time they can come back to the board to get the signs approved, because as of now the signs can not be approved without a variance. Both Caryn and the PB agreed.

No. 2 - The entire area of the parking lot traveled by heavy duty truck traffic shall be constructed and maintained pursuant to New York State Department of Transportation Standards, and

- PB member Phil D'Agostino suggested that the Orleans County Planning Boards Condition No. 2 read: "The entire area of the parking lot traveled by heavy duty truck traffic shall be constructed **"and"** maintained pursuant to New York State Department of Transportation Standards, and" The Town of Kendall's Planning Board is clarifying that this correction should be included and referenced upon site plan approval.

Board member Jeff Conte questioned if there if there were any regulations for location of propane tanks to be exchanged. CEO Hennekey answered saying our zoning regulations read that any outside storage needs to be on the site plan and at this point this client has not shown any indication of propane storage.

Chairman Kludt questioned No. 18 on the SEQR regarding a retention pond. When the applicant filled out their SEQR on No. 18 it reads: Does this proposed action include construction or other activities that result in the impoundment of water or other liquids and retention ponds in parenthesis. The applicant answered no. Chairman Kludt states he knows it's a minimal size at 80' by 100', but they do have a retention pond on the parcel and he would like the applicant to correct that and change it to yes. Attorney Heath suggested the PB could address the storm water and that the retention pond meets all applicable guidelines: run off, storm water, and retention pond must also meet all waste water guidelines. Chairman Kludt mentioned he did speak with the Warren Kruger with the Highway Department regarding the ditch and asked him what he thought he would need to get in there and clean up adequately to maintain the ditch line and Warren said ten feet (10') would be fine. Chairman Kludt said our setback is fifteen feet (15') so he kept it at fifteen feet (15') to clarify were he came up with that number.

To clarify the changes made at tonight's meeting are:

- No.2 of the County Planning Boards Conditions will be changed to constructed “**and**” maintained pursuant to New York State Department of Transportation Standards.
- The site plan would be approved with the knowledge of there being no sign and would have to come back to the board for approval of any signs being constructed.
- The applicant must meet all state regulations for retention ponds and/or waste water treatment facilities.
- Construction of sidewalk in accordance with the Town of Kendall.

Chairman Kludt asked for a motion to accept the one lot subdivision and site plan review. Phil D’Agostino made a motion to accept the one lot subdivision and site plan, seconded by Mike Roth. All in favor.

Chairman Kludt stated the subdivision and site plan was approved five to zero.

CODE ENFORCEMENT UPDATE:

CEO Hennekey told the board he had a submittal for solar.

Supervisor Tony Cammarata asked the board to watch a video mandated by the State of New York Department of Labor on “Violence in the workplace” and to sign off that they did so.

ADJOURNEMENT:

Jeff Conte made a motion to adjourn, seconded by Phil D’Agostino. All in favor. Meeting adjourned at 7:47 p.m.

NEXT MEETING:

Tuesday, April 25, 2017 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary