

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, February 23, 2010 – 7:10 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:00 p.m.

ROLL CALL:	Paul Gray, chair	- present
	Tom Cole	- absent
	Jeff Conte	- present
	Phil D'Agostino	- absent
	Joyce Henry	- present

ALSO PRESENT: Larry Gurslin, Code Enforcement Officer
Paul Hennekey, Deputy Code Enforcement Officer
David Schuth, Town Board Representative
Joyel Miesner, Recording Secretary
Bruce Newell, 17141 Norway Heights

APPROVAL OF MINUTES

Minutes from January 26, 2010 were reviewed. Joyce moved to accept. Seconded by Jeff.

PUBLIC PARTICIPATION

Paul Gray welcomed and introduced Bruce Newell. Bruce stated that his main purpose in attending the meeting was to observe the board and how it functioned. He said that his motivation for being at the meeting was waterfront development and the moratorium. He stated that he wanted to get involved with the waterfront moratorium process. He said he was also there in part as a representative of the Norway Heights road association.

REPORT FROM CODE ENFORCEMENT

Larry began by discussing what the Code Enforcement Office was doing lately. He said that code enforcement was the majority of the workload as opposed to building permits. He stated that the bulk of his work includes looking at vacant land and issuing orders to remedy. He also mentioned that he has done some general inspections.

A pending case in the court is the Henshaw/Norway road case. Larry said he and Paul Hennekey needed to come up with a time line for the courts.

Larry presented a letter that was sent to Dave Robinson regarding the Zoning Board zero variance decision for his barn and the housing animal in that barn. Larry gave a review of the Robinson's case that was brought before the Zoning Board. Larry stated that the Zoning Board had issued a zero variance to the Robinsons to rebuild a barn that was destroyed by fire. Larry's concern was that the code states that housing of animals must be 50 feet from the property line and that it requires a special permit. Joyce asked if this was the case in the agricultural district. Larry stated that the housing of animals is a permitted use only in the agricultural district and that there is nothing in the rules reinforcing the 50-foot set back. Larry stated that he believed the intent of the rules was

to assure that animals were housed 50 feet from a property line. Larry wondered if he should tell the Robinsons that they can rebuild the barn but they would be unable to house animals in it. Larry stated that he looked for a legal opinion on the interpretation code. He stated that he was told that it was his call to make. Larry mentioned that he thought there was a loophole in the code. Paul Gray stated that if there is a loophole it should be corrected. Discussion then took place regarding the rules and regulations for riding stables and housing animals.

TOWN BOARD REMARKS

Dave stated that the Town Board appointed Jeff Conte to the planning board.

The Town Board was to have meeting with the School Board on February 24, 2010 about the community park and the Noon drive dedication to the town of Kendall. The meeting was canceled due to scheduling conflicts. Discussion took place about the property surrounding Noon drive and if the road meets standards to become a town road. Paul Hennekey asked what the advantages of the town owning Noon drive would be. Dave answered that Kevin Noon originally wanted to place homes on the road and that new homes would bring in taxes for the town. Paul Gray stated that once the road is dedicated and becomes a town road then Kevin Noon's property falls in to a different tax category and can be reclassified as open building lots.

David said that the school created a draft for the Community park property. The town board has reviewed the draft and the town attorney is comfortable with it. Dave said that there would be an informational meeting coming up and that no decisions would be made at the meeting. Paul Hennekey asked if there was an agreement for shared maintenance or for liability. Dave said that school assumes liability, but the agreement does not assign responsibility for usage.

CPB REPORT

Paul Gray stated that he sent out an agenda for the Thursday February 25 meeting. The CPB meeting was canceled last month because of bad weather. He mentioned one referral for a mobile home replacement in the village of Albion. A 12 x 60 foot mobile home would be replaced with a 14 x 60 foot mobile home.

JUNKYARD

Board members were sent a copy of Paul Gray's edited version of the Junk regulations. Changes in the third revision were noted. Paul read aloud the changes. Joyce made a motion to accept the Junkyard law for consideration by the town board as it was amended. Jeff seconded the motion. Paul Gray called for a vote. All Ayes.

PORTABLE CONTAINERS

Board members were sent a copy of Paul Gray's edited version of the portable container regulations. Paul read aloud the second revision of the Portable Container law and noted the changes made from the first version.

Jeff made a motion to accept the Portable Container law. Joyce seconded the motion. Paul Gray called for a vote. All Ayes. Discussion took place about penalties and fees related to the Portable Container law.

MORATORIUM

Paul Gray discussed the research he had done on the surrounding town's lake front properties. Towns mentioned by Paul Gray were Albion, Yates, Medina, Hamlin, and Carlton. Discussion took place about the laws and regulation of other towns. The board and Bruce Newell looked at and discussed the lake front lot maps. They discussed how many lots were on the opposite side of the right-of-ways.

WORK SESSION

Tuesday March 9th at 6:00 pm

NEXT MEETING

Tuesday March 23, 2010 at 7:00 pm

Joyce motions to adjure. Seconded by Jeff. All in favor. Adjourned at 10:26 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary