

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

March 10, 2009 – 7:00 p.m.

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

ROLL CALL, MEMBERS:

Paul Gray, chairman	- present
Tom Cole	- present
Phil D'Agostino	- absent
Joyce Henry	- present
Walt Steffen	- present

ALSO PRESENT:

Paul Hennekey, Deputy Code Enforcement Officer
David Schuth, Town Board Representative
Marianne Wilson, Recording Secretary

Stephen Ackley, 4357 McAllister Drive, Holley
Lisa and Thomas Washington, 2430 Center Rd

PUBLIC HEARING: 09SUB01, Application for one-lot sub-division by Stephen A. Ackley for Lot 191 on west side of Center Rd, south of Rte 18, tax ID 43.-1-53 and 43.-1-54. It is noted the driveway begins on 43.-1-54 and the proposed house will be on 43.-1-53. Mr. Ackley has applied to Assessor to combine the two parcels for a total of about 40 acres.

Paul explained the purpose of a sub-division application is to review the site, drainage, any wetlands, etc. that may be impacted. Members introduced themselves.

Documents reviewed: complete and in good order. Perk test was good. No well drilled yet. Mr. Ackley states the ground rises and is sandy about 150 feet or so back in from the road. He plans to situate the house about 900 ft from Center Rd. Drainage ditches are already in place along lot lines. Electric will be run underground. Driveway is installed.

Paul notes the area is not wetlands, though wetlands are on the east side of Center Rd. It is RA district. There are no restrictions on the deed. No issues with this board.

Mr. Washington states he attended because of a survey error in the past that placed 1 ft of area in question. Mr. Ackley states his attorney has cleared that discrepancy at the time of purchase. No concerns with the new home and they welcome new neighbors.

Tom asked regarding width of driveway, due to its length. Steve says it is 16 ft wide, ample for vehicles to pass. Tom says pull-off areas could be made instead of making the entire driveway so wide. It will be crushed stone over fabric.

Hearing closed at 7:23 p.m.

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DECISION: Tom moved to approve the application, with the condition that driveway design will allow vehicles to pull off or pass one another, due to its length; and it is further understood that the owner will be combining two parcels, Tax ID 43.-1-53 and 43.-1-54. The motion was seconded by Joyce Henry. No further discussion. It was unanimously accepted.

EAGLE CREEK MARINA: Paul Hennekey produced the site plan from CEO office dated September 2006 and stamped 4/24/2007. Still missing one site plan, as noted last meeting. Mr. Freemesser is asking what would be required for a temporary CofO for the first floor. Copies of Larry's letter to Mr. Freemesser dated 3/4/09 distributed.

Considerable discussion ensued regarding buffers with neighboring properties and with parking. Much discussion regarding Sober property in particular due to location adjacent to parking lot. Paul has spoken recently with Mrs. Sober. The Sobers are asking for a 6-8 ft fence in addition to plantings. Section 610B of the Ordinance was referenced and discussed. This board can accept a higher fence in the site plan review, as deemed appropriate to separate residential from development property. The houses are in waterfront residential district. This board agrees that Sobers and Freemesser may renegotiate landscaping agreements to mutual benefit. It is noted that 4 years is ample time for vegetation to develop an adequate screen.

After further discussion, Tom moved to allow the neighboring property owners to renegotiate original landscaping plans along property lines with Mr. Freemesser. Seconded by Joyce. On further discussion, it is noted this board cannot mandate who is responsible for maintenance. Property owners must be able to maintain both sides of a fence. Passed by unanimous vote.

The 203 parking spaces include 10 spaces in the "north shore" area, for which there is no site plan. Discussion continued regarding ship's store. Water meter is large enough, electric is adequate, the septic system is not functioning properly because there is not enough waste for the system's size. Mr. Freemesser is now dealing with Department of Health regarding temporarily using the pre-existing system. Boat pump-out is handled separately from the septic.

Paul notes the Small Cities Grant office has had a change of personnel and will be sending 2 new individuals to review the project.

It is noted that Larry's letter does not address re-surveys of neighbor's property lines in relation to landscaping. This board feels it is necessary to ensure berms, plantings, retaining walls, and any possible fences are located as per site plans. Discussion of future liability.

DAVID SCHUTH, TOWN OF KENDALL: The Town is seeking Small Cities Grant money for revitalization and renovation through Restore NY Communities, under Empire State Development. Initial focus is to improve drainage in the hamlet area to eliminate standing water; repair sidewalks; clean up the former garage property; and take down burned/abandoned structures in and out of the hamlet district. Improving damaged properties returns them to the tax rolls and helps all residents by lowering tax burden. The application was submitted Monday. Paul Gray states he has read the submission. Various properties came up in discussion of property maintenance concerns. The next phase includes identifying specific properties and associated costs, to be submitted in a few months. Considerable work involved. It was noted the former K&K building is now vacant. Paul Hennekey

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notes there are drainage and septic problems related to the property. Town of Kendall needs a local law that allows the CEO to condemn a property. Note that all town laws are recorded with New York State.

At end of March a meeting is scheduled between the School Board, Town, including Paul Gray and Highway Superintendent Warren Kruger to further discuss Day Brehse Drive acquisition by the town. Warren has proposed moving the road to improve drainage, requiring both Kevin Noon and the School giving up some footage to widen the roadbed to town standards. It is in the School District's interests to relinquish ownership of the road. The town only needs the road if there are to be taxable properties on the road. Tax value will change upon transfer of ownership. It is advised that the Town should take over the pond area to improve drainage issues south of Roosevelt Highway.

CODIFICATION: Presentation was made February 26. Cost has increased significantly: it was about \$8,600 when first considered and now is about \$10,000. Again noted this is a 2-3 year process. A cart pricing has been requested. The presenter recommended the Town not pay for electronic version until we are ready to go on-line, in 1.5 – 2 years. She also recommends that policies and procedures not be included: only laws and ordinances. There is an annual/bi-annual fee to add on-going changes. Bart Joseph has scanned the Ordinance and Master Plan onto his computer; certain topics are posted on the web-page under Zoning. Tom Martin prepared our existing maps for about \$3,000. Still need new water district maps from Warren Kruger. Some discussion regarding basing districts on water lines. That would be the determination of the Town Board. DMD Machining (Don Hofer) is not pursuing their expansion plans at this time, due to downturn in the economy. Don met with Supervisor Gillman and representatives from the Economic Development Agency and Empire Zone to discuss viability of expanding the business.

Zoning and Planning Boards need to meet together to discuss updating the Ordinance.

NEXT MEETING: Tuesday, March 24, 7:00 p.m.

ADJOURNMENT: Walt moved to adjourn. Seconded by Joyce. Adjourned at 9:45 p.m.

Respectfully submitted,

Marianne Wilson
Recording Secretary