

TOWN OF KENDALL
PLANNING BOARD REGULAR MEETING- 7:00 p.m.
PLANNING BOARD PUBLIC HEARING-7:15 p.m.
JUNE 27, 2012

Chairman Gray called the meeting to order at 7:02 p.m.

Attendance:	Chairman Gray -	present
	Jeff Conte -	absent
	Phil D'Agostino -	present
	Joyce Henry -	present
	Bruce Newell -	present

Also present, Town Supervisor Gaesser, Town Board Representative Schuth, Code Enforcement Officer Hennekey, Bill Anderson, Ty Whitehair, Town Clerk Richardson, New Planning Board Secretary Tammy Bakutis.

A motion was made by Joyce Henry to accept the minutes, as presented, of the meeting held on May 22, 2012. Motion was seconded by Phil D'Agostino; all ayes.

Chairman Gray introduced and welcomed Tammy Bakutis as the new Planning Board Recording Secretary.

At 7:15 p.m., Chairman Gray opened the Public Hearing concerning a one-lot subdivision application from William Anderson, Tax Map ID 43.-2-51.1, located on Kendall Road. Chairman Gray read the Official Public Notice published in the Hamlin Herald on June 17th, and June 24th:

Please take notice that the Planning Board of the Town of Kendall, Orleans County, New York, will hold a Public Hearing pursuant to Section 276 of the Town Law on the application of William R. Anderson for approval of a one-lot subdivision. Said subdivision is located on Kendall Road on 97.4963+/- acres on land purportedly abutting or directly across from Mark Pusey, Freeland Unterborn, and Lee Paul. Said Hearing will be held on Wednesday, June 27, 2012 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York. At this time, all interested persons will be given an opportunity to be heard.

By Order of the Kendall Planning Board

Mr. Anderson had provided his paid application, a survey map, tax map, approvals from the Orleans County Health Department, a site-plan for his proposed home, pond and driveway, a short form SEQR, and his deeds. It was determined that the submitted deeds did not match the survey and tax map. The deed will need updating to exclude a parcel previously sold. Chairman Gray requested a copy of an updated deed be submitted to the CEO, before a building permit is issued, and Mr. Anderson agreed to supply that. A Pictometry program was used to show an aerial map of the area. Discussion between the Board, CEO Hennekey and Mr. Anderson included a review of documents, drainage, emergency vehicle access based on the length of the driveway, septic system plan, and size of the parcel being divided. Paul Hennekey, Code Enforcement, walked property and had no concerns. Bruce Newell asked owner Bill Anderson,

if the ditches and ponds are considered wet lands? Owner Bill Anderson answered no, he checked with county, he purposely built there because it is highest point of property. Paul Gray asked will house and drive way be raised up, owner replied yes.

There was no public comment.

Chairman Gray closed the Public Hearing at 7:58 p.m., and called the regular meeting to order.

Bruce Newell made the following motion, seconded by Joyce Henry:

Whereas all requirements of the NYS Fire Access Code must be met, a review by Code Enforcement has been completed, and a site plan review has not led to any concerns by this Planning Board, therefore, be it so

Resolved, to approve the one-lot subdivision application submitted by William Anderson, Kendall Road, with the condition that an updated deed matching his survey be submitted to Code Enforcement before a building permit be issued.

Chairman Gray called for a vote, resulting in all ayes. The subdivision is approved.

With Mr. Anderson still in attendance, the Planning Board conducted a pre-application review of his intent to move his home-run taxidermy shop from its present location to his potential new home location. A referral submitted by CEO Paul Hennekey is currently on the Orleans County Planning Board June 28th agenda. The building will be located in a detached garage. There will be 6 parking spaces available. A certificate of occupancy for the new home would be necessary prior to a business being conducted at that site. Discussion occurred about access to shop, business hours, parking (number of spaces and if there would be handicap spaces), lights in parking lot and whether or not light would affect neighbors. Waste issues and if smell would be an issue. The owner assured the board smell would not be an issue, all will be composted. Start up date of business, pond over flow was questioned by Joyce Henry This will possibly be formally addressed by the Kendall Planning Board in July.

Chairman Gray opened the floor to any public comment regarding the remainder of the agenda. No one wished to speak.

Review of the draft WPDD proposed Local Law # 1:

Supervisor Gaesser Remarks and discussions:

Town Supervisor Gaesser stated that the draft version of proposed Local Law 1 of 2012, authorizing the creation of Waterfront Planned Development Districts (“WPDD”), was before the Orleans County Planning Board, and on that board’s agenda for June 28th. A type 1 SEQR action has been determined, and Part 1 of that SEQR has also been submitted. An attorney from HodgsonRuss will be present at the County Planning Board meeting to answer any questions. A WPDD would be a free-standing overlay district. This will allow an orderly review of unique issues related to any specific project in a timely manner. The Town Board, as lead agency, will have authority to set conditions within this WPDD.

There will be a public hearing on Tuesday, July 10, 2012 for the public to comment on the Draft WPDD, attorneys will be attending. The Town Board hopes to adopt Local Law #1 the WPDD on Tuesday, July 17, 2012.

It has been brought to the attention of the Town that individuals “may” have intentions of buying several of the potential cabins to run a rental business. Supervisor Gaesser stated that it is **NOT** the intention of the Wegman Group to sell multiple units to a single owner but will allow family’s to buy several units together.

The Planning Board has conducted a comprehensive review of the draft of the proposed local law over the last several meetings and has provided feedback and comments to the TB. At this time no changes are recommended by the PB.

Discussion on Section 4 General Rules and Section 5 Application Requirements of the proposed WPDD:

- Home owner association. The Wegman Group will provide a copy of by-laws of the Homeowner Association to the town. Membership in the Association will be mandatory.
- Purchaser(s) / Owner(s) of land must be member of Home Owners Association.
- Application requirements
- New road construction has to meet existing code, per Dan Gaesser. CEO Paul Hennekey has determined with phone conversations with Dept. of State that the NYS fire access code requires a minimum 20 ft. road width. The TB has requested that road width questions be addressed by a written statement from the Department of State. The Wegman Group may also petition Dept. of State for some relief of this requirement.
- Adequate parking for handicap, RV’s, etc.; certain areas for certain vehicles and conditions. Storage for residence was also in question.
- Proposed number of buildings, size and usage.
- Setbacks on Westside.
- Structure size.
- Joyce Henry questioned paved, existing private roads under the WPDD, will they be grandfathered in? Would the existing roads at Troutburg be allowed to be changed per the new site plan. Paul Hennekey addressed her question.

More detail must be provided regarding the number and size of proposed cabins. The proposed minimum size will require discussion. The Wegman Group will be asked to present its position on this.

Joyce Henry asked if a site visit of the Troutburg site was possible. Supervisor Gaesser offered to arrange that with the Wegman Group.

PUBLIC CONCERNS & BOARD DISCUSSION ON TROUTBURG PROPERTY:

Mr. Ty Whitehair, Norway Heights was allowed to speak. He has a concern regarding fire pits (size and how many will be allowed), wildfires, pine trees, nats and mosquito's. Ty Whitehair does not think wooded lots are prime property. Bruce Newell also expressed concerns of firepits. Some suggestions to consider in the review of fire pits include: Supervisor Gaesser suggested this could be part of the Homeowner Association education process. CEO Hennekey also added that the DEC does regulate fire issues. Maybe an educational session can be given re: fire and lake weather put in home owners association information and rules, etc. David Schuth not comfortable with fire pit distance, he suggest to pay attention to that detail when we review new site plan. Bruce Newell also thinks design should be discussed. Dan Gaesser suggested fire extinguishers. Bruce spoke of water front safety issues, addressing human powered boats and power craft. Maybe cottage owners can keep boats at marinas. Boating safety, zoning was also mentioned. Bruce Newell said increased boat traffic could be a safety concern. Speed limits on power crafts in the area or buoyed swimming areas might be considered. He referred to boat and zoning regulations that the Rochester and Finger Lakes has. Bruce would like to see safety and boating rules/laws enforced. Per Dan Gaesser currently Eagle Creek Marina is not a public launch site. The Troutburg project also has no plans for a powered boat launch capability. CEO Hennekey pointed out that there are already laws in place to address this and questioned the Town of Kendall wanting to or have the legal authority to get into boating enforcement and is it affordable, ex: wake zones, restricted area, boating laws, etc. or does the US Coast Guard, NYS boating laws and Orleans Count Sheriffs Dept cover us here.

Conclusion:

Based on the WPDD a new site plan for the project will have to be much more detailed concerning water, sewage treatment, electricity, landscaping, fire pit locations, number of employees, schedule of completion by stage, traffic flow concerns, and association rules. This is considered only a partial list. Any plan will also be weighed against the LWRP and the Comprehensive Master Plan.

Update by Town Board:

David Schuth- there will be a public hearing on the Local Law #1, Tuesday, July 10, 2012 at 7:30 p.m.

Code Enforcement:

Paul Hennekey – Just had a few requests and questions on what to do to get a one lot sub division.

OCPB: Orleans County Plan Board Report

- 12 referrals for June Meeting, Kendall Local Law #1 and Bill Anderson Home Business are last two on agenda.

- Variety of home occupations, special use permits, wind mill, recreational facility, special use application.

NEW BUSINESS:

Paul Gray mentioned Upcoming Training Seccession put on by the Association of Towns. Listed are some topics that will be discussed:

- Planning and Zoning case load update.
- Complete streets contents, drawings and design.
- Variance and limitations.
- Update our comprehensive plan.
- Multi generational planning.
- Role of planning board, etc.

Date for upcoming training session is August 3, 2012, it will include breakfast and lunch.

ADJOURNMENT:

Phil D'Agostino motioned to adjourn, seconded by Bruce Newell, all in favor.

Meeting adjourned at 9:25 p.m.

Next Meeting: July 24, 2012, 7:00 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk
Interim Recording Secretary