

**TOWN OF KENDALL**  
PUBLIC HEARING - Storage Container Zoning Ordinance  
July 6, 2010

The Public Hearing was called to order at 9:07 p.m. Councilman Schuth read the Legal Notice of Public Hearing as it appeared in the Hamlin Herald. Supervisor Gaesser opened the floor to public comment.

Gary Beehler – stated he has two trailers on his property, associated with his business, and asked if he would have to remove them. Supervisor Gaesser stated that commercial property is exempt from this ordinance.

Richard Robb – asked if existing containers would be grandfathered and allowed to remain upon passage of this ordinance. Supervisor Gaesser responded, “no”.

Tom Mrzywka - asked if Mr. Robb could seek a variance to retain his storage. CEO Gursplin responded that he could apply for a use variance.

An unidentified speaker asked for the definition of a farm. Planning Board Chairman Gray answered that it is at least seven acres, which produces an income of at least ten thousand dollars annually.

Adair Korn – said she maintains six acres on which she keeps trailers, horses, and other farm things. She runs her “farm” as a hobby, not for business, and wondered what status she has. Chairman Gray said that is an area which needs further discussion, and Supervisor Gaesser said these cases will be taken into consideration in the next draft.

Tom Mrzywka – asked if the ten thousand dollars is gross or net. Supervisor Gaesser responded gross.

Gary Smith – said that it is legal to obtain and install an “Amish” building, which is not permanent, is brought in on skids and placed, and asked what the difference is between that and obtaining and installing a P.O.D., which is not permanent, brought in on skids, and placed. He asked if the difference is “looks” only. CEO Gursplin stated that the NYS Building Codes define terms such as accessory structure. Some storage containers do not meet the definitions. Supervisor Gaesser said the intended use of containers is taken into consideration – there is a difference between moveable and transportable. Mr. Smith said the intended use for Amish sheds and P.O.D.s is identical. Councilman Schuth said the intended use when the containers are built is considered.

Jackie Mosher – stated that the two proposed ordinances seem to contradict each other. The Junk Ordinance would mandate storage so that junk is not visible, but this proposed ordinance makes that difficult. Many cannot afford expensive storage buildings.

Richard Robb – asked if a licensed and registered 18-wheeler is allowed, and also if a recycled trailer was to be sided, would it be allowed. CEO Gurslin responded that his case is unique since there is no residence or primary structure.

Steve Entz - supports a “grandfathering clause”

Warren Kruger – supports a grandfathering clause, and consideration of “lot appropriate” appearance in each case.

Supervisor Gaesser said there could be differences considered according to zone.

With no one else wishing to speak, Supervisor Gaesser closed the hearing at 9:24 p.m.