

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

Tuesday, July 26, 2011 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:10 p.m.

ROLL CALL:            Paul Gray, chair                    - present  
                         Jeff Conte                                - present  
                         Phil D'Agostino                        - present  
                         Joyce Henry                               - present  
                         Bruce Newell                             - present

ALSO PRESENT:    Daniel Gaesser, Supervisor  
                         David Schuth, Town Board Representative  
                         Larry Gurslin, Code Enforcement Officer  
                         Paul Hennekey, Deputy Code Enforcement Officer  
                         Allen Lofthouse, 2191 Center Road  
                         Beverly Lofthouse, 2191 Center Road  
                         David Oschmann, 1893 Kendall Road  
                         Taryn Hagan, 1893 Kendall Road  
                         John Rachow P.O. Box 465 Holley  
                         Joyel Miesner, Recording Secretary

APPROVAL OF MINUTES

Minutes from June 28, 2011 were reviewed. Joyce moved to accept with corrections. Seconded by Bruce, all in favor.

PUBLIC HEARING FOR A SPECIAL USE PERMIT

Chairman Gray opened the public hearing at 7:15 p.m. Paul Gray read the public hearing announcement.

The Kendall Planning Board of the Town of Kendall, Orleans County, New York will hold a Public Hearing at 7:15 p.m., July 26, 2011 at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York to consider the application of David Oschmann, property owner of 1893 Kendall Road, Kendall, New York, Tax ID 32.-2-58. for a special use permit. The request is to allow a home business, boat maintenance and repair. Relief is being sought from Article VII, Section 709. Property is zoned Hamlet (H). All persons wishing to speak to this request will be heard at this time. The application is on file at the Town Hall in the Clerk's office.

Mr. Oschmann discussed his business plan and described the property. Paul Gray opened the floor to the public. David Schuth asked about the hours of operation for Mr. Oschmann's business. Mr. Oschmann responded by stating the hours of operation will be 8:00 a.m. to 6:00 p.m., drop offs will be allowed from 8:00 a.m. to 8:30 p.m. David asked about driveway's width and if it was adequate for the boat trailers to enter. Mr. Oschmann explained how the driveway was used by large farm equipment and would be

adequate for boat trailers. Paul Gray used pictometry to give a visual of the Oschmann property. Paul Gray described the property. Paul Hennekey gave Paul Gray a copy of the SEQR. Paul Gray read and discussed the items required for the Special Use Application. He passed out a packet containing warrant deeds, a tax map, a site plan, a SEQR, a business description, and feedback from the county planning board. Paul Gray discussed the county planning board's recommendation and said that the special use permit was approved with two conditions; the Kendall Planning Board shall determine the extent and nature of any screen to protect the privacy of adjoining residences and any exterior signage shall not obstruct the view of vehicles attempting to exit the property as justified by the Kendall Planning Board. Paul Gray read and discussed sections 503 and 709 of the zoning regulations. Paul Gray asked if Mr. Oschmann planned on employing more than two people. Mr. Oschmann responded no. Paul Gray asked about vehicle traffic. Mr. Oschmann said he expected about 15 to 30 vehicles a day to visit the property. Paul Gray asked about noise. Mr. Oschmann said the noise would be minimal and described what possible noises would be made. Discussion took place about sign placement. Paul said the business is limited to one commercial vehicle. Paul Gray asked if more utilities were being added to the business building. Mr. Oschmann replied no. Paul Gray closed the public hearing at 7:35 p.m. Discussion continued among the board members about sewage, lighting, and emergency vehicle access. Paul Gray explained that products were not to be sold outside the business building.

#### PUBLIC HEARING FOR A ONE-LOT SUBDIVISION

Chairman Gray opened the public hearing at 7:15 p.m. Paul Gray read the public hearing announcement.

The Kendall Planning Board of the Town of Kendall, Orleans County, New York will hold a Public Hearing at 7:45 p.m., Tuesday, July 26, 2011 at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York to consider the application of John Rachow, property owner of 2243 West Kendall Road, Kendall, New York, Tax ID 42.-1-22.12 for a residential site plan review. Under Article X, section 1005 (c) a public hearing is required. Property is zoned Residential Agriculture (RA). All persons wishing to speak to this request will be heard at this time. The application is on file at the Town Hall in the Clerk's office.

Mr. Rachow described the property and discussed his plans to build a two-bedroom home on the property. Paul Gray used pictometry to give a visual of the Rachow property. Paul Gray opened the floor to the public. Paul Gray described what was required for the subdivision application. He said a copy of the deed and a survey map would be required. Paul Gray explained that Mr. Rachow would need to complete an additional form for the subdivision of the lot. Paul Gray described the roll of the planning board and explained that Mr. Rachow would need approval of his septic system from the county health department. Mr. Rachow said that he had received an engineered drawing for his septic system, but it has not yet been submitted to the county health department. Mr. Rachow presented the board with a tax map. It was noticed by the board that the tax map number on the site plan survey map did not coincide with the tax map number on the deed. Daniel Gaesser asked when a house number was assigned to the Rachow property. Paul Gray said John Becker issued the house number on August 24, 2003. Dan asked if house numbers were required by the town ordinance to conduct a site plan review. Paul Gray responded no and said house numbers were given after a building permit is issued.

Discussion continued about when and why a house number is issued. Dan asked if a building permit was issued to Mr. Rachow. Mr. Rachow said a permit had been issued. Discussion took place about obtaining a copy of the building permit. Paul Gray closed the public hearing at 8:10 p.m. Paul Gray read the zoning regulations and requirements for a sub lot division. Discussion continued among the board members and the public about the issuing of the house number, the issuing of the building permit, the storage buildings on the property, the drainage of the property, and the deed tax map number discrepancy. A motion was made by Phil D'Agostino to table the application for the one-lot subdivision until the tax map number discrepancy on the site plan survey map and deed is resolved. Joyce Henry seconded motion, all in favor.

#### PUBLIC HEARING FOR A SPECIAL USE PERMIT APPROVAL

Discussion took place among the board members and Mr. Oschmann about property screening, storage of boats and the possibility of rezoning the property for commercial business. Bruce motioned to approve the special use permit with no conditions. Phil seconded the motion. Paul Gray called for a roll call vote, with the following results:

Phil D'Agostino	- Aye
Bruce Newell	- Aye
Paul Gray	- Aye
Joyce Henry	- Aye
Jeff Conte	- Aye

#### TOWN BOARD REMARKS

Daniel Gaesser distributed copies of the of Mr. Rachow's building permit from 2002. Discussion took place about the procedures needed for a certificate of occupancy and a certificate of compliance. Discussion took place about the house number and permit issued for the Rachow property.

#### CEO REPORT

Larry Gursslin complimented Paul Hennekey on work he had done with Mr. Oschmann on the special use permit application. Larry said he had a court appearance on August 1, 2011 for an encroachment issue for a pole barn located on Lakeland Beach. He said the contractor would like to move the barn to another client's property. Larry said a purchase offer had been placed on a condemned property on Norway Heights. Discussion took place about building on the condemned property. Larry said that the code enforcement office has been investigating violations observed during the zoning board survey. Larry mentioned he had discussed the structural report of the hardware store with proprietor of the possible restaurant. Discussion took place about an owners wish to put up a break wall to increase the size of a lot on Norway Heights.

#### OAK ORCHARD WATERSHED PROTECTION ALLIANCE MEETING

Joyce Henry gave an overview of the Oak Orchard Watershed Protection Alliance. She said they are looking for volunteers and stakeholders to invest in their projects. The next meeting is at Oak Orchard Yacht Club on August 10, 2011 at 7:00 p.m.

#### NEXT MEETING

Tuesday, August 23, 2011

ADJOURNMENT: Phil motioned to adjourn. Seconded by Joyce, all in favor. Adjourned at 10:01 pm.

Respectfully submitted,

Joyel Miesner  
Recording Secretary