

**TOWN OF KENDALL
PUBLIC HEARING**

Tuesday, September 3, 2013 7:30 PM
And recessed to September 17, 2013 at 7:00 PM

SEPTEMBER 3

Supervisor Gaesser called the meeting to order at 7:30 PM, and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	absent
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present: Planning Board Chair Gray, Planning Board Member Henry, Bryan Hardenbrook, John DeFillips, Elicia Hardenbrook, Jason Hardenbrook, Al and Bev Lofthouse, Dorrie Hardenbrook, Missy Pixley, Dan Pixley, Mary Ellen Seaman, Tony Cammarata, Bruce Newell

SUPERVISOR'S REMARKS

The process to change the zoning regulations began three months ago, when it was brought to the Board's attention that there was an issue rule in the RA districts (generally the outlying areas without water). A re-zoning to RR was considered, but rejected, because it would be more restrictive in allowed uses. The Planning Board recommendation was to rewrite some of the regulations in the RA districts to allow more density (and improve chances of obtaining public water), and be less restrictive than re-zoning. The Town Board directed the Planning Board to submit its recommendations. During the review, other issues were noted, and suggestions have been made regarding those issues. WR and WD districts had a clerical error omitting lot width requirements, which have been replaced. Daycare definitions were found to be inadequate and not in line with the NYS definitions. The draft, as written, is confusing, and the Attorney for the Town has been consulted to recommend more definitive wording. The intent is certainly not to disrupt the sanctity of a family. The regulations refer to the care of children by non-relatives. Care by relatives is exempt. This area of law is enforced by the Social Services Department, but site plan reviews are completed by the Planning Board. Also, definitions related to Farm Labor Housing have been updated. This area is enforced through Ag & Mkt. laws, but site plan review is completed by the Planning Board.

Chairman Gray elaborated on the role and authority of the Planning Board concerning these types of businesses. The town cannot be less restrictive than the state regulations. Farm markets are an area needing updating, also. The nature and scope of farm markets have changed significantly.

Supervisor Gaesser opened the floor to the public at 7:38 PM.

**PUBLIC HEARING –LOCAL LAW 1 OF 2013 REVISIONS TO THE TOWN OF KENDALL
ZONING REGULATIONS WITHIN RURAL AGRICULTURE,
WATERFRONT RESIDENTIAL AND RURAL RESIDENTIAL**

Dorrie Hardenbrook – expressed concerns with the wording of the definitions relating to childcare. The wording seems to imply that someone would need a permit to babysit his/her grandchildren, for example. Mrs. Hardenbrook fears that this could be open to misinterpretation by subsequent Boards, and suggested that the wording remove the word “family” when referring to a residential daycare program. Supervisor Gaesser agreed the wording needs changes, and will be changed. The definition will be linked to the NYS definition, which lists exemptions. There does have to be a definition in our local code because the site plan review process includes those for daycare businesses.

Bryan Hardenbrook – asked if the state definition could be included, in full, or be left out entirely. After discussion, Supervisor Gaesser said the changes would be made and be available within two weeks for review. The Public Hearing will be recessed, and continued after the proposed changes have been completed.

Dan Pixley, Norway Heights – questioned why all the definitions do not match state definitions. Chairman Gray explained Home Rule doctrine, and explained that most of local zoning regulations have nothing to do with the state regulations. One exception is daycare, because NYS Department of Social Services has jurisdiction for permitting and enforcement.

Missy Pixley, Norway Heights – expressed concern about the 100 foot lot width requirement in the WR districts. Supervisor Gaesser stated there are pre-existing, non-conforming lots on the lakefront. Chairman Gray said the 100 foot requirement has been in the regulations, but was dropped in error at the last zoning update. It is being re-added to correct that error. It is not a new requirement, nor a change.

Bruce Newell, Norway Heights – asked if a 60 foot lot could be built on. Code Enforcement Officer Hennekey answered that if the lot has not been divided or combined since 1972, it would be grandfathered and could be built on. Mr. Newell asked about a lot which borders his own house. Chairman Gray responded that research could be done as to timelines, and there is a possibility of seeking a variance. Mr. Newell asked why lot sizes are not addressed at the lakefront as RR and RA. Chairman Gray reviewed the history of Kendall’s growth, and explained that lot width sizes were set considering the distance between septic and well systems. All the lakefront areas have public water available, so there was not concern about contamination of wells. Also, in the past, the lakefront areas were developed as cottage communities, with very few year-round homes.

With no one wishing to speak further, Councilman Schuth motioned the Public Hearing be recessed until September 17th at 7:00 PM. Motion seconded by Councilwoman Szozda; all ayes. Hearing recessed at 8:12 PM.

SEPTEMBER 17

RECESSED PUBLIC HEARING –LOCAL LAW 1 OF 2013 REVISIONS TO THE TOWN OF
KENDALL ZONING REGULATIONS WITHIN RURAL AGRICULTURE,
WATERFRONT RESIDENTIAL AND RURAL RESIDENTIAL

SUPERVISOR’S REMARKS

Supervisor Gaesser called the Public Hearing back into session at 7:04 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilman Joseph	excused
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gaesser	present

Also present: Bev and Al Lofthouse, Dorrie Hardenbrook

Supervisor Gaesser said the proposed local law had been referred back to Attorney Sansone, who made recommendations for changes of the wording of the definitions. The main recommendation was to clarify childcare definitions. These revisions have been included.

Dorrie Hardenbrook – asked if there should be more in the back section about the daycare definition changes. Councilman Schuth and Supervisor Gaesser said no because for those exempt, nothing in the back section would apply.

Although no one wished to speak further, Supervisor Gaesser waited until 7:30 to close the public hearing, to accommodate any late arrivers. There were none.

Respectfully Submitted,

Amy Richardson
Kendall Town Clerk