

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, September 16, 2010 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:04 p.m.

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

ALSO PRESENT: Paul Hennekey, Deputy Code Enforcement Officer
 David Schuth, Town Board Representative
 Daniel Gaesser, Supervisor
 Warren Kruger, Highway Superintendent
 Joyel Miesner, Recording Secretary
 Charles Akey, 16176 Carr Road
 Kahtleen Akey, 16176 Carr Road
 Glenn Steed of Wind Tamer Turbines, 156 Court Street, Geneseo

APPROVAL OF MINUTES

Minutes from August 24, 2010 were reviewed. Joyce moved to accept. Seconded by Tom.

WINDMILL PUBLIC HEARING

Paul Gray read the public hearing announcement.

Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kendall on Thursday, September 16, 2010 at 6:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Charles Akey, owner, 16175 Carr Road, Tax ID 20.-2-21, for a Special Use Permit, pursuant to Article VII, Section 728, and Subsection A2. The applicant proposes to construct a Residential Wind Energy Conversion System on property zoned Residential Agriculture (RA). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's office.

Paul Gray gave an over view of the Akeys case and described what had occurred prior to the hearing. He passed out a packet containing information significant to the case. He mentioned that the county planning board had no issues with the wind energy system. Paul discussed the ground clearance variance approved by the zoning board. Paul Gray talked about the permit included in the packet and said that it was signed and notarized. Paul reviewed the short environment assessment form. Discussion took place on whether or not the short form or long form would be needed. It was decided that there was no need for the long form. Paul Gray read the Ag and Data statement. Paul Gray asked if the land surrounding the windmill would continue to be used as farmland. Mr. Akey responded yes. Discussion took place about the need for a surety bond. Paul read a

statement from the New York State Department of Council. It read; municipalities may not require a removal bond as part of a land use approval. The state suggested including a removal clause in the zoning law. It was determined that a surety bond would not be required. Discussion took place about surety bonds. Joyce talked about research she had done on the subject. Glenn described the company logo that will be placed on the windmill and asked if it was going to be a problem. Discussion took place about the logo and the board agreed that the logo would not be a problem. Tom made a motion to grant the special use permit;

Motion to approve a special use permit for a windmill for Charles Akey at 16176 Carr Road under Article VII, Section 728, and Subsection A2 with the following conditions: he must show a deed for the land in his name to the Town of Kendall code enforcement officer, he must show a site survey that includes the nearest resident, and the town of Kendall will not require a bond for demolition as of section 730, the cost of the removal of the windmill will be assessed on to the property if removal is required.

Joyce seconded the motion. Paul Gray called for a roll call vote, with the following results:

Joyce Henry	- Aye
Tom Cole	- Aye
Phil D'Agostino	- Aye
Jeff Conte	- Aye
Paul Gray	- Aye

Discussion took place about the wind energy ordinance and new types of wind energy systems.

CEO REPORT

Paul Hennekey said there was no report from the code enforcement office. Paul Gray passed out a packet and discussed the proposal from code enforcement about camping and camping units. Paul Gray said that the board should review the packet for later discussion.

TOWN BOARD REMARKS

David discussed upcoming required training. Paul Gray read the training information. David mentioned the report on codification. Paul Gray asked if recommendations were made. David responded yes and described the process for making changes to the codification document. David discussed the upcoming meeting on the storage container ordinance. He said there was not going to be a public hearing but the public would be allowed to speak to the town board. Dave reminded Paul Gray that the budgets were due. Discussion took place about the town budget. David mentioned he was trying to work a new planning and zoning computer into the budget. David discussed the junkyard ordinance and said it probably would not be dealt with until the new year.

CPB REPORT

Paul Gray said there was no meeting for the County Planning Board in August.

MORATORIUM

Paul Gray passed out the working draft of the fence ordinance. He read information that was recently added to the fence ordinance. A work session began on the fence ordinance. Paul Gray passed out the working draft on accessory structures. A work session began on the accessory structures.

WORK SESSION

Tuesday, October 12, 2010 at 6:30 pm

NEXT MEETING

Tuesday, October 26, 2010 at 7:00 pm

ADJOURNMENT: Phil motioned to adjourn. Seconded by Joyce, all in favor. Adjourned at 9:04 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary