

**TOWN OF KENDALL
PLANNING BOARD MEETING
TUESDAY, NOVEMBER 26, 2013 - 7:00 P.M.**

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

Attendance:	Chair. Paul Gray	- present
	Joyce Henry	- present
	Jeff Conte	- present
	Raymond Wenzel	- present
	Andrew Kludt	- present

Also present: Mr. and Mrs. Whitfield, 489 Vintage Lane, Rochester, NY 14615, Gerald and Teresa Sheffield, Bruce Newell, Anthony Cammarata, Town Board Liaison Schuth, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

RE-REVIEW OF SPECIAL USE PERMIT (STONE):

Chairman Gray did a re-review with the Planning Board on the Stone Special Use Permit for a dog kennel that the planning board approved with conditions in October. Based on a foil request, legal review and information supplied to code enforcement by an adjoining neighbor who did not attend the public hearing, inconsistencies have been found in the submitted documentation.

- The Special Use Permit Application was incomplete. It is a two sided application; the second page was not given to the applicant to fill out so there are no signatures.
- The house is being used to house the dogs which would make the living quarters the kennel for the Special Use Permit. The house, as well as all structures, require a 75' minimum set-back. The code enforcement officer has now determined that the home has only a 68' front set-back. Mr. Stone needs to apply and get approval from the Zoning Board for a 7' variance to meet the requirements of the Special Use permit for a dog kennel.
- The neighbor to the north has submitted a just completed survey to the town. Part of the fence installed by Mr. Stone over 10 years ago encroaches onto the neighbor's property. The neighbor requested that the part of the fence located on his property be removed.
- Based on the new information the sketch plan submitted by Mr. Stone needs to be updated in greater detail and show all structures within 50' feet of Mr. Stone's property.
- Any of the documents that were incomplete or inaccurate will need to be updated and or reissued.

Chairman Gray indicated the board has two choices: conditional approval once changes to the documentation were made which in this case may be numerous or to return the application as incomplete. Joyce Henry made motion to rescind the motion and approval of the Special Use Permit that was made on October 13, 2013. The application packet is to be sent back to the Code Enforcement Officer as incomplete. Seconded by Jeff Conte.

Chairman Gray called for a roll call vote, with the following results:

ROLL CALL: Joyce Henry - aye
Raymond Wenzel - aye
Chair. Paul Gray - aye
Jeff Conte - aye
Andrew Kludt - aye

Motion carried. This action means that a request will have to be resubmitted to the planning board and a new public hearing scheduled to allow the public to speak.

Chairman Gray gave the Sheffield's time to speak. Mr. Sheffield told the Planning Board this started about two (2) years ago. They have tried to plant trees and bushes; they did as much as they could on their side prior to coming to the town. The Sheffield's feel the Stones have given them no consideration at all regarding the dogs. Chairman Gray explained to the Sheffield's that the research they did looked at Ag and Markets which controls dogs from a state department stand point and the Town of Kendall's town law and zoning ordinance. There is no law to limit how many dogs a home owner can have. The Town of Kendall Dog control law defines behavior and restrictions, a leash law when off property and enforcement actions and complaints. The planning board does take into consideration public input in making any final decision.

CODE ENFORCEMENT REPORT:

CEO Paul Hennekey said he has a nearly completed application for a one lot sub-division from Eileen Grah, 16930 Kenmore Road, Kendall, NY. Everything will be ready for the planning board to hold a public hearing at the December meeting.

COUNTY PLANNING BOARD:

CPB has one referral that went up to CB in November. Not enough on agenda to have a meeting so it was canceled. The next meeting will be December 19, 2013.

PUBLIC HEARING FOR A SPECIAL USE PERMIT-APPLICATION FOR A DOMESTIC CAT KENNEL- TAX ID 20.-1-13.1

Chairman Gray opened the public hearing at 7:30 p.m. He read the public notice.

Please take notice that the Planning Board of the Town of Kendall, Orleans County, New York has scheduled a public hearing for the application of Charles and Carolyn Whitfield for approval of a Special Use Permit to operate a kennel for domestic cats at property located at 15705 Carr Road per section 712 of the Kendall Zoning Ordinance. Said hearing will be held on the 26th day of November, 2013 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York. All persons wishing to speak on this matter will be heard at this time. Application is on file in the Town Clerk's office.

By Order of Paul Gray
Town of Kendall Planning Board Chairman

Chairman Gray gave the applicant Mr. Whitfield a chance to speak and explain to the

board why he is seeking approval of a Special use Permit to have a cat kennel on the property he and his wife own at 15705 Carr Road, Kendall, NY. Mr. Whitfield said they currently rent the property to June and Michael Schuster with the intentions of selling the property to them. The Schuster's have been giving the cats day to day care. Mr. and Mrs. Whitfield provide the food and vet care and have been for a number of years now. The Schuster's live on a 98 acre farm in Spencerport but are going to be purchasing the property from the Whitfield's and will be taking the colony of cats with them. If the cats were left behind it would be required by the new land owner to euthanize the colony because the land is being sold as a sub division. They would like to appropriately house the cats in Kendall so the animals can live out their natural lives. There are approximately twenty (20) cats which are all spayed and neutered and current on all vaccinations. They do not breed cats nor do they have an interest in adding to the colony. They have renovated the top floor of a small garage located on the property on Carr Road. They will be adding a fence that allows the cats to be completely enclosed but will have access to the outdoors. They use the Caring For Cats Veterinary Service of Greece, New York. This colony has been together for about seven to eight years. They are feral cats, some not as friendly as others, this makes it difficult to find them homes. Once a cat has lived out its life they will not be adding others.

Chairman Gray asked for a motion to close the public hearing. Andrew Kludt motioned to close the public hearing, seconded by Raymond Wenzel. The public hearing was closed at 7:47 p.m.

Chairman Gray and the Planning Board reviewed the criteria for this application and paperwork that has been submitted to the board. A referral was sent to the County Planning Board for review because it is on a county road and was given conditional approval by that board. At the November meeting the Zoning Board approved the required setback variances needed for the kennel. The PB board conducted a review of the zoning ordinance and site plan check list, per article 10 of the zoning ordinance. Disposal of cat litter will get picked up weekly with regular house hold waste. There is a well on the property but not relevant to this project. There are no proposed buffer areas. There is an existing photo sensitive mercury vapor light attached to the garage for lighting. No deed restrictions were found. The only visual change would be on the west and north side of the garage with a chain link fence. This is considered an open area enclosure not an actual fence. A Special Use Permit will no longer be required when the colony is down to four (4) cats. There was discussion by the board regarding the life span of the cats. The permit holder, the Whitfield's, would have to reapply with the town code enforcement to renew the kennel permit every three years.

Chairman Gray asked for a motion to grant a Special Use Permit for a cat kennel. Jeff Conte made the motion to approve the special use permit for the cat kennel with the following conditions:

- Based on the size of the building there shall be a maximum of twenty-five (25)

- cats housed in the kennel.
- The Special Use Permit for a kennel must be renewed every three years. To give time for the cats to live out their natural life, the permit is limited to no more than three (3) renewals.
 - The sole purpose of the kennel is to house the animals and provide personal recreation and enjoyment or use by the owner and not resulting in direct or indirect compensation profit or gains. The kennel cannot be used for grooming, breeding, boarding or the training of cats.

Andrew Kludt seconded the motion.

Chairman Gray called for a roll call vote, with the following results:

Roll Call:	Joyce Henry	- aye
	Raymond Wenzel	- abstain
	Chairman Gray	- aye
	Jeff Conte	- aye
	Andrew Kludt	- aye

Motion carried, Special Use Permit granted.

TOWN BOARD UPDATE:

Town Board Liaison Schuth spoke about the budget for 2014. The only effective change to taxes paid will be the changes to assessments. The Town approved the contract to be signed with General Code to have all the changes made to the zoning ordinances added to the new format. He hopes an electronic copy, a PDF file, can be uploaded to the town's website. The board anticipates this to be done by December 31, 2013.

Other Town Business: Final Bicentennial memorials.

They have taken delivery of a new tree for the front of the building and an engraved sand stone. Money came from the Bicentennial Fund. Also there is a bronze plaque commemorating the event and recognizing the committee members that were involved with the celebration.

Chairman Gray has announced to the Town Board that he will be resigning at the end of the year from the boards he currently serves on.

Anthony Cammarata and Bruce Newall the new Supervisor and Town Board member for 2014 introduced themselves to the Planning Board. Discussions followed about positions needing to be filled in 2014.

NEW BUSINESS:

Upcoming for the December meeting: Special Use Permit for a one lot sub-division for Eileen Grah.

APPROVAL OF MINUTES:

Minutes from the October 22, 2014 meeting submitted by Recording Secretary Bakutis were reviewed. Raymond Wenzel moved to accept minutes with a correction, seconded by Jeff Conte, all in favor.

NEXT MEETING:

Because of the Holiday the December meeting will be changed to Wednesday, December 18, 2013 at 7:00 p.m.

ADJOURNMENT:

Joyce Henry made motion to adjourn, seconded by Jeff Conte; all in favor. Meeting adjourned at 9:00 p.m.

Respectfully Submitted,
Tammy Bakutis
Recording Secretary