

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

June 24, 2008 – 7:00 p.m.

CALL TO ORDER: Chairman Gray called the meeting to order at 7:00 p.m.

ROLL CALL, MEMBERS:

Paul Gray, chairman	- present
Tom Cole	- present
Phil D'Agostino	- present
Joyce Henry	- present
Walt Steffen	- present

ALSO PRESENT:

Larry Gurslin, Code Enforcement Officer  
Marianne Wilson, Recording Secretary  
Joe Bahamonde, property owner on Peter Smith Road  
Richard Haibach, 16038 Bridge Road

MINUTES: Minutes from May 27, 2008 meeting were presented. Tom moved to accept with corrections; seconded by Walt. All in favor.

TRAINING: Joyce supplied a certificate of completion for a workshop, to be filed in Town Clerk's office.

CODE ENFORCEMENT: Larry reports some increased construction activity. He has had some inquiries from potential buyers and realtors as to what constitutes an approved building lot; most are lakefront properties. The general criteria is that if the subdivision occurred prior to the adoption of the Town Ordinance in 1992 and the property has not been further subdivided since that time, then the property is grand-fathered in, and no application is required. There has been interest in the old K&K grocery store property, with proposal for a pizza shop on first level and apartments upstairs. Larry states that a sprinkler system would be required.

NEW BUSINESS: Mr. Bahamonde presented his plans to subdivide approximately 60 acres on Peter Smith Rd. into multiple 5.1-acre parcels. Survey maps provided. He states that he was led to believe there was no Planning Board or Ordinance in place in Kendall. He is currently holding a land contract on one parcel north of the Carr Road. The county cleaned the swale to improve drainage. The Town Ordinance was consulted and discussed. Paul feels he needs to research New York State laws regarding major subdivisions. The Town Ordinance does not designate acreage, but does limit number of subdivisions. Mr. Bahamonde also purchased land in Town of Gaines for subdivision. Major subdivision regulations date to 1972. One buyer is interested in 2 adjacent properties. They are potential building lots, but are not sold as such. He was advised that a public hearing and SEQR will be required. Concern was expressed regarding water supply in that area, as there is no public water line. Paul requests copies of topographic maps. Paul will supply copies of rules and regulations to Mr. Bahamonde. Some of the land is being farmed, some is vacant. He states that he is not seeking to build a housing development. Discussion

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regarding number of houses that could be built and the time frame allowed under NY state law and Town Ordinance. Paul is to contact Mr. Bahamonde after further research. Paul explained the process for application for one-lot subdivision for anyone intending to build on one of these proposed parcels. Some of the land is being farm, some is vacant. Tom states that the flood plain map should be consulted.

Ag and Markets is seeking to condense lot sizes to protect farmland, referred to as Cluster Zoning.

Richard Haibach was advised by the Supervisor to come to this board regarding desire for connection to water line for new home. He has to get an easement from his brother, adjacent to his property. His mother's property is connected, first house on Bridge Rd. Discussion ensued. This would be an out of district hook up, not an extension of the water district, and no other properties could tap into his line. Paul states that the brother's property is in the Ag district; Richard says his is not – 2.3 acres was taken out of the Ag district for his home. The Ag district is up for review: letters will be sent this fall to property owners. The Town Board is the lead agency for water supply: not the Planning Board. An easement would go with the property if it is sold in the future. There are potential penalties for a farmer to remove land from the Ag district. Water must be for personal or agricultural use; not to be sold off for building lots. Cost to connect to the water line is estimated to be about the same as the cost of a well, and wells are not reliable in that area. Tom recommends Richard find out about the Ag stipulations: to contact Jim Bensley, OCPB, and get back to the Supervisor who needs to consult the contract for Water District #4. Discussion regarding construction problems and delays encountered with builder and contractors.

**ORLEANS COUNTY PLANNING BOARD:** Town of Gaines wind energy document disallows commercial wind energy development. Watt Farms is favoring wind energy in the Town of Gaines. A citizens committee had been formed. Federal laws can over-rule local and state laws. Carlton will likely refer their wind energy document in July, along with ours.

**WIND ENERGY:** The next step in the process is review by OCPB. Preliminary input from county planner was provided to all members: Paul will forward their comments to Zoning and Town Boards. LaBella's input also provided. Still need input from Town's Attorney. Paul drafted revisions to the Zoning Ordinance: copies provided. Time was spent going over all applicable sections of the Town Ordinance. It was discovered that not all copies of the Master Plan are updated with the last revisions, including the one at the Town Clerk's office. Updates are needed for Joyce and Tom; also for Zoning Board members. The official copy must be filed in Town Clerk's office. Application process needs to be defined.

Larry has not gotten feedback from the Town Board on proposed permit fee adjustments. Joyce researched online information regarding pools, generators, and fencing: these will be added to the permit fee schedule.

Eagle Creek Marina will host a fireworks display on July 5.

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OLD BUSINESS: Vacant Properties. The Town Board requested a rewrite of the Master Plan: it is postponed until completion of the Wind Energy project.

Discussion regarding setbacks as defined in the standards on-site vs. off-site. Paul will review.

Tom moved the meeting be adjourned; seconded by Joyce. All in favor. Adjourned at 10:30 p.m.

Respectfully submitted,

Marianne Wilson  
Recording Secretary