

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, May 22, 2007 – 7:00 p.m.

CALL TO ORDER: Chairman Nelson called the meeting to order at 7:08 p.m.

ROLL CALL: Members: Bob Nelson, Chairman .present
Tom Cole .present
Phil D'Agostino .present
Paul Gray .present
Walt Steffen .present

ALSO PRESENT: Scott Hardenbrook, Code Enforcement
David Schuth, Town Board representative
Marianne Wilson, recording secretary
Paula Reis, J&R Fruit Farm, 17255 Lakeshore Road

APPROVAL OF MINUTES: Minutes of May 8, 2007 meeting were reviewed. Tom moved they be accepted as corrected. Seconded by Phil. All in favor. Minutes approved.

SCOTT FIARDENBROOK: J& R Fruit Farm application for Special Use Permit for 2 Farm Labor Camps, as previewed April 24. Missing Joe Heberle's signature - to be completed and delivered to Bob, and then forwarded to Orleans County Planning Board by June 21 for consideration at June 28 meeting. Anticipated public hearing at Kendall Planning Board on July 10.

SUBDIVISION: The Keo family is considering subdivision of property on Creek Rd. Dave Matt, engineer from Schultz Associates presented preliminary plan to subdivide 10 acres just west of Mt. Olive Church into two properties. Lot 1 is almost entirely in 100 year flood zone. A large amount of fill would be required. The leach field would have to be a raised system. The entire system would have to be above the flood plain, as would the first floor of any dwelling. Storm Water Prevention Plan would have to be in place during construction to prevent erosion into the creek. One family member plans to live in the existing house on Lot 2; another family member plans to build on Lot 1. Zoned RA. Deeds, survey, and percolation test will be required on Lot 2. Easement to Lot 1 for public water access advised. Will have site plan prepared in a couple months. At this time, it appears no public hearing will be required.

EAGLE CREEK MARINA: A letter was sent to Mr. Freemesser after the last review, requesting a fire inspection. Results: Ladder trucks would not be able to reach the third floor with a portico in place (not physically built yet). The closest ladder trucks would be in Albion and Brockport. The project engineer contacted Chairman Nelson last week after receiving the Planning Board's letter. The engineer is not extending any more money on this project without payment: Mr. Freemesser failed to meet a May 2 response deadline. Town of Kendall has no power to make him pay his debtors. Tom suggests the Town Board be asked to accept and use the original plans for the north shore, if accepted by the town's attorney. The engineer's drawing is not legal, as it is not signed or stamped; therefore, Scott feels it is useless to make the request. Bob proposes this Board advise the Town Board that Mr. Freemesser is not in compliance. Mr. Freemesser has requested Certificates of Occupancy be issued by floor, rather than for the entire structure. The town's attorney needs to be consulted. Town Board has

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requested an extension on the grant money until the end of the year. The grant was issued based on proposed creation of 38 local jobs. Bob will consult with the supervisor.

CORRESPONDENCE: Assessor DeRoller requests update on Eagle Creek Marina as it impacts property values on the Balka residence, which is up for consideration by the Board of Assessment Review on May 24.

NEW BUSINESS: Commercial Wind Energy Ordinance preliminary draft. Discussion regarding industrial vs commercial in the descriptive terminology. A motion by Paul that the Planning Board request a 1 year moratorium extension on wind energy systems. Seconded by Phil. No further discussion. All in favor. Motion carried.

DON HOFER: Has purchased the former Morton Cold Storage property for expansion of his machining business, currently operating behind his home. He has secured a 50 ft right of way. Surveyor is coming to replace stakes from recent survey. The property extends into the Morton firemen's fields. Butch Christ is excavating: cleaning out and filling in an existing pond. Propose to construct a 60 x 100 ft building adjacent to an existing concrete slab, with addition of 30 x 40 ft office space. The existing structure is very old and not stable enough to support heavy machinery: it will be secured from entry. He proposes rezoning 5.12 acres to commercial use. Hopes to construct this year. Currently employs 9 and needs to add 4 more positions to run 2 additional machines. Will continue A and B shifts. Area will be fenced. Bob has presented the plans to the supervisor.

ORLEANS COUNTY PLANNING BOARD: Paul reports Town of Gaines is asking to extend to June 2008 on wind energy moratorium. Dan Spitzer, land use attorney, is assisting some towns to draft ordinances. Suggest we might dialog with him. Town taxes have been virtually eliminated in some towns (Eagle) with introduction of wind energy. Video taping County Planning board hearings will resume with a proposed \$60 fee per application, to be collected by the towns with all monies going to the county legislature. The use of PODS will be on the agenda for the fall workshop. Village of Albion has initiated a 1 year moratorium on subdivisions for housing developments in RA districts. Hickory Ridge is attempting to start a RV park.

DAVE SCHUTH: Town of Kendall is not on the agenda for the Orleans County Planning Board meeting this week. The proposed ordinance on MET Towers was not submitted on time for this month's session.

JUNE MEETING(S): Discussion on possible workshop for wind energy draft ordinance. Paul moved the Board meet on June 12 for this sole purpose. Seconded by Walt. Will be posted on outside signboard. There will be no need for a note taker.

ADJOURNMENT: Paul moved the meeting be adjourned. Seconded by Phil. All in favor. Meeting adjourned 9:30 p.m.

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Next regularly scheduled meeting is June 26. Workshop on June 12.

Respectfully submitted,

Marianne Wilson
Secretary