

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

November 25, 2008 – 7:00 p.m.

CALL TO ORDER: Chairman Gray called the meeting to order at 7:05 p.m.

ROLL CALL, MEMBERS:

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

ALSO PRESENT:

Larry Gurslin, Code Enforcement Officer
Paul Hennekey, Deputy Code Enforcement Officer
David Schuth, Town Board representative
Marianne Wilson, Recording Secretary

Mark Salamaca representing Amy and Tom Salamaca of Murray

MINUTES: Minutes from October 28, 2008 meeting were presented. Joyce moved to accept with amendments; seconded by Walt. All in favor.

PROPERTY MAINTENANCE: The Beehler property on Bridge Rd continues to accumulate various vehicles and junk. Larry will visit. A Special Use Permit was issued in the past. Larry will review it. Discussion regarding timeframe for removal of vehicles and junk.

NEW BUSINESS: Mark Salamaca was introduced. Had spoken with Paul last week during Larry's vacation. His brother and sister-in-law would like to know if land on Carton Rd for sale by Mr. Behage can be subdivided. They wish to purchase approximately 3 acres of an existing 8+/- acres parcel. They also intend to purchase adjacent property situated in Town of Murray. They were advised that if the intent is to construct a home in the future, there must be at least 200 feet road frontage and minimum of 1.5 acres, as it is zoned RA. No public hearing/subdivision application required at this time. They will proceed with the land purchase.

It was noted the Town of Kendall is one of a few towns in Orleans County that does not review all subdivisions. Doing so would prevent the creation of nonconforming lots, landlocked parcels, etc. Approval of the Town Board would be required to change this practice. It would be advisable to check with other towns for criteria/policies.

CODE ENFORCEMENT: Larry spoke with Michael Hamlin who owns property on Railroad Ave that is being converted from vacant warehouse to livable space. Mr. Hamlin approached the Assessor regarding combining 3 properties into one tax ID. All 3 properties lie within different zones. Larry says dual zoning is acceptable. Mr. Hamlin wants to convert to residential. He provided a sketch of intended conversion. Paul Gray states the area is zoned hamlet. There is no business there now. Part of the building is being converted to living space. He has cleaned up the property and improved drainage.

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Boards on an old dock have been replaced to use as a deck – old footers were utilized so it is not new construction. Mr. Hamlin is owner of Mark's Automotive in Town of Hamlin.

Larry reached Rich Henshaw, owner of property on Norway Rd south of the Creek and was invited to the property. Larry advised him of code violations: multiple cars, boats, camper. It appears to be a place of business. Mr. Henshaw states his hobby is working on vehicles and he likes to help friends. Larry advised him he needs a Special Use Permit to continue. The building permit for the Quonset hut just constructed was issued in May 2007 – beyond the 1 year allowable time frame.

EAGLE CREEK MARINA: Larry participated in a 1.5 hours inspection requested by the bank. Workmanship appears to be high quality. It went well until Mr. Freemesser mentioned the need to remove the door unit to the Ship's Store to install coolers. Larry stated that he was not aware of any coolers in the plans. It would appear to be more of a convenience store, as the intent is to install coolers along an entire wall. Considerable discussion around acceptable parameters for a Ship's Store. Further research required Joyce cited the Ordinance that states it can only be used by boaters, not the general public. Larry asked Mr. Freemesser to put in writing an inventory of what types of products he intends to have for sale. We may need to seek legal advice. Could require a Variance with Public Hearing. Paul believes it would have to be referred to OCPB. No refrigeration units were in the plans accepted by this board. Paul will confer with Tom Cole. Some questions as to the hours of operation. No CofO has been requested. Progress is slow. April/May target to bring into compliance. The bank is seeking from Larry an itemized list of requirements to open for business. Outside lighting is to be dimmed at a set time. The parking lot must be paved for handicapped parking spaces, which are required.

Larry noted that the proposed Town Park site is owned by the School District and thus, does not fall under his jurisdiction. Schools do not have to comply with building codes. It was noted that Greece School District has unsafe conditions in a number of schools.

Larry and Paul Hennekey are sharing responsibilities. It has been recommended to the Town Board that Paul be liaison to Planning Board and Larry will follow with Zoning Board. This Board agrees.

ORLEANS COUNTY PLANNING BOARD: Phil attended the October 30 meeting. A restaurant was approved for Ridge Rd, Town of Gaines. It was later discovered that it had been more than 1 year since the building was last used for this purpose. It was approved.

Clinton County has a case in court regarding legal interpretation of a Wind Farm as public utility. It was noted that there doesn't need to be a great deal of wind to make it viable. Cell towers are classified as public utilities.

Big Ash – Owner Chris Nelson will remove Big Ash business from his home so he can obtain a Special Use Permit to operate another business there.

Ongoing situation with construction of a barn in Town of Albion for small business use. Many restrictions applied by OCPB.

New York State is proposing changing the Environmental Assessment form. All applications will require a full assessment with much more detail.

Paul states there is more activity in Town of Hamlin regarding Wind Energy installations. More property owners have been contacted, some on County Line Rd. Paul will be comparing the proposed contracts with our Wind Energy Ordinance.

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

TOWN BOARD – Dave Schuth: The former Union Hall was burned, apparently by an arsonist, just after Halloween. County officials met with the Supervisor and Dave at the site. The County agreed to demolish and seek approvals to clean up the site. Work will be performed by the County. Walt suggested that it would be wise to fill in the septic tank that lies under the roadway at this time.

2009 budget was approved. No tax increase. The Planning Board will receive their first pay raise in a number of years, as appreciation for many hours of hard work on the Wind Energy Ordinance. There is a new line item of \$2500 and budget balance will be carried forward from 2008 for the purpose of rewriting the Master Plan and redoing Zoning Maps. Any balance will be carried forward from 2009 for possible implementation of Codification System.

Tom Cole's term ends this year. Not sure if he will continue serving on this board. His help would be valuable on the Master Plan rewrite and Codification presentation/implementation.

Christmas tree lighting will take place at the Kendall Town Park site on December 4, sponsored by Lions Club. Community concert December 19 at high school to benefit the park.

OLD BUSINESS: Joyce has done more research on zoning ordinances in other towns; copies provided. Town of Kendall has a property maintenance guideline written by Scott Hardenbrook, which was based on NYS property codes. Paul Gray says rewrite will begin in January.

Larry paid particular attention to properties at the four corners. The old gas station has some code violations. The old grocery store, while unsightly, has little that can be cited. He states that tarp and tires does not constitute a roof – several properties were discussed that are not in compliance. Larry will follow up. Paul Hennekey suggests that a lot can be accomplished by enforcing NYS code, without enacting local laws/ordinance.

TRAINING: Phil will submit training certificate and mileage voucher.

NEXT MEETING: December 23 at 7:00 p.m. Will cancel if no public hearings or other urgent items.

ADJOURNEMENT: Joyce moved to adjourn. Seconded by Phil. Adjourned at 9:10 p.m.

Respectfully submitted,

Marianne Wilson
Recording Secretary