

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

September 23, 2008 – 7:00 p.m.

CALL TO ORDER: Chairman Gray called the meeting to order at 7:04 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 Gursslin, Code Enforcement Officer
David Schuth, Town Board representative
Daniel Gaesser, Town councilman
Marianne Wilson, Recording Secretary

James Glogowski, 1996 Spencerport Rd, Rochester
Charles and Eileen Keirn, 1195 Redman Rd, Hamlin
Allen and Beverly Lofthouse, 2191 Center Rd
Donald Hofer, 17231 Roosevelt Hwy

MINUTES: Minutes from August 27, 2008 meeting were presented. Joyce moved to accept with changes; seconded by Walt. Phil abstained as he was on vacation. All in favor.

PUBLIC HEARING: Application 08SUB02, submitted by James Glogowski for owners Charles and Eileen Keirn, who request a single lot subdivision of property purchased from Howard Harper on Center Road, Tax I.D. 43.-1-57.212. Introductions were made. Mr. Glogowski provided the deed and DOH approval for septic system. One foot of sand and 6 inches of topsoil required. Septic will be located as per DOH design. Setback is 370 feet from Center Rd.

Discussion regarding correct parcel ID. It was determined this parcel is 43.-1-57.212; previously purchased from Howard and Susan Harper as part of 43.-1-57.21. Will be confirmed with Assessor. There are no deed restrictions. All documents and plans reviewed and found to be complete. It was noted that Center Rd is a town road vs. a county road. The parcel is greater than 500 feet from Route 18, and therefore, this application will not go to OCPB.

Due to length of the driveway, discussion ensued as to width and/or need for a turnaround for emergency equipment access. The existing driveway is about 10 feet wide. It was recommended an existing wide area of the driveway be further widened. No drainage issues. There was no opposition from Mr. and Mrs. Lofthouse, nor was any other feedback received.

DECISION: Tom moved to approve the application with the addition of a turnaround after the existing culvert, as discussed. Seconded by Phil. No further discussion. Motion passed by unanimous vote. The parties were advised they would be notified by formal letter. All guests departed.

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It was advised the Assessor be consulted as to correct Tax ID on the Keirn property. Discussion regarding standard road width. CEO Gursslin stated that standard subdivision road width is 20 feet.

OLD BUSINESS: Paul further researched official Zoning Ordinance maps and determined that maps 1 and 2, as posted on CEO's office wall, are the official Zoning maps adopted 8/5/1995. Paul provided highlighted copies to all members. Master Plan contains 4 maps all dated 9/11/1997. Time was spent reviewing and replacing maps in all members books. Discussion regarding light industrial and commercial zoning.

Don Hofer entered at 7:55 p.m. to discuss his tentative plans for construction of a new building for light industry at the site of the former Morton Cold Storage. Will either fence in the old building, or block all openings. No plan to demolish at this time; researching possible future uses, such as reclaiming used vegetable oil for bio-diesel fuel. One of his son's now has a refining facility in another town. They pay \$0.60 per gallon to restaurants for used oil, which is mixed with additives – they are currently using it and detect no difference in equipment performance.

There has been vandalism in the past: doors torn down and windows broken. A ramp was removed to render the second floor inaccessible for safety reasons. The retaining pond was filled in. More grading to be completed. He has maintained the ROW. Requests in past to buy railroad bed from Mr. Fabry were denied, but it has since been sold to another party. Mr. Hofer notes that the neighboring brick building is being cleaned up by the new owner. Decks have been erected and he thinks there is possibly intent to run a repair shop. Believed to be owned by D&H Transmission of Hamlin.

A preliminary plan was presented for a 60 x 32 foot structure. Storage space would be over the office space for storing packing materials. Two restrooms, washer/dryer, and recreation room are planned. It allows for future expansion in two directions. Would like to move forward with application process for spring start, depending on economy. Mr. Hofer notes the economic situation is impacting business. His workload has slowed to the point that he has laid one person off. He is working out payment plans with some clients who are behind on payments. But he still wishes to move forward.

Paul states the land is zoned hamlet. Will need to work with the Town Board to rezone to light industrial. Paul asks Don to put a request together and Paul will work with the Board to obtain rezoning. The Planning Board may need to update the Master Plan sooner rather than later to meet this request. Tom suggested that a Special Use Permit might be a quicker process, which would be assigned to the owner whereas rezoning applies to the land. Don feels a more permanent designation is warranted, as he is proposing a \$300,00-\$400,000 investment. It could be a problem in the future for resale if it is not rezoned. Paul states it will have to go before OCPB; an environmental assessment will be required; Town Board will be the lead agency. It was noted that HSX trucking was in place prior to the formation of the current Master Plan. It was also noted that Hofers' property extends into the RA district. One to two public hearings will be required for rezoning. Don states again, he wishes to expedite the application process to prepare for possible construction in spring 2009. Tom provided Don with guidelines for the SEQR process. Don will sketch out a site plan: a surveyed site plan is not required at this time. Paul will provide Don with information on Light Industrial Zoning District. Copies of sample letters of requests for rezoning and the pertinent portion of the zoning ordinance were provided to Don. Don will deliver his package to the town hall to attention of Dave Schuth who

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will take it to the Town Board. It was emphasized that this is a multi-month process, as both phases (rezoning and construction) will be referred to OCPB. Don has not connected with National Grid yet regarding needed 3-phase power. He will consult with his attorney regarding the request package.

NEW BUSINESS: Two weeks ago the Town Supervisor gathered all department heads to discuss future direction of the town. He asked "What do you think of the town?" Responses were negative regarding hamlet area. Discussion on how to bring in business. Noted need for sewage. Again noted need to redo Master Plan to move forward. Negatives included: 1) high taxes repel people – no potential growth to offset costs; 2) overall appearance – traffic flow directs growth to Rte. 18, not to current "downtown".

Paul requested \$6,000 for the 2009 budget to update Zoning and Master Plan Maps and to possibly update the Master Plan with outside resources. Codification was discussed but the \$6000 would likely not be sufficient to fund both. Dave states the cost and responsibility for implementing Codification could possibly be spread across Town Board, Planning, Zoning and Code Enforcement, and should be added to the general budget. The cost two years ago for Codification was \$8900 with the Laserfiche being an additional \$6500. At the time the Codification could be paid over 3 years. This would be a full-text-searchable system. The first step is, again, to update the Zoning Ordinance and Master Plan. Tom provided Paul with an example of Codification's finished product. Paul and Tom will review the package. Tom suggests they have the company representative make a presentation to the Town Board. Paul states the Supervisor is interested. It was noted that an updated water line(s) map for the town is needed.

CODE ENFORCEMENT: PROPERTY MAINTENANCE: Former Lemcke property – little or no activity. Official Zoning Map designates 5 properties as general business in the town. All other businesses are grandfathered in. By definition of the Zoning Ordinance, per section 640, if more than one year passes without business activity, a grandfathered property is no longer allowed to re-establish the original permitted use. Paul located a letter dated 4/22/2002 to Fulcan Motors (former business name of that property) from the Planning Board issuing a notice of discontinuance of use. The same situation exists for properties located at the corner of Kendall and Kenmor Roads. Paul suggested Dave ask the Town Board for a directive. To clarify business use, the board can request a copy of receipt of the last business transaction conducted at the site. Paul also located a letter from former CEO Scott Hardenbrook to the Assessor regarding the discontinuance of use for the K&K and hardware stores. Scott stated that both structures must now meet current Uniform Fire Prevention and NYS Building Codes to resume business activity. It is possible that an applicant would be required to be granted a Use Variance, not just a Special Use permit to re-establish a business on property that has lost its grandfather status.

JUNK VEHICLES: NYS law includes definitions of classic and antique vehicles. As to RVs - need to specify parking, define temporary vs permanent. Factors include density of population, safety, freedom of choice, etc. He states the Bald Eagle Home Owners Association plans to send a letter to the Planning Board regarding setback from ROW. Larry would prefer more legislation, especially on waterfront property.

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Mr. Scarpulla told Larry he would like to attend the next Planning Board meeting as an open forum to explain his business vs. application for Special Use Permit. He has received approval from Town of Clarkson to open a deli/bakery on Ridge Road.

Larry states he would like a check-off list on new revised application forms. He is submitting a proposal to the Town Board to cut his salary and increase the Deputy CEO salary, redistributing job duties in 2009. A new building permit fee schedule was adopted at last Town Board meeting. New home permits will be based on square footage, not cost; re-roofing is adjusted. If it is not posted on the town web page yet, it soon will be.

ORLEANS COUNTY PLANNING BOARD: No August meeting. Next meeting September 25.

TRAINING: County Workshop is tomorrow night. Thursday night there is a meeting at Hamlin Town Hall regarding NYS guidelines for construction. Larry states the ICC, International Code Council is to pass into law that all future home construction will include sprinkler systems. Joyce asked if it would be useful to participate in the Ag tour; response was yes.

TOWN BOARD: Dave says the Town Board has a responsibility to respond to the Department Chairs following the Future Planning meeting of 2 weeks ago. He would like to see Codification added to the budget next year. The company representative needs to present to all 3 boards; the rep could help with grant writing to help defray cost to the town.

NEXT MEETING: October 28 at 7:00 p.m. Paul will not be able to attend. Tom volunteered to chair.

ADJOURNEMENT: Joyce moved to adjourn. Second by Phil. All in favor except Walt. Adjourned at 10:15 p.m.

Respectfully submitted,

Marianne Wilson
Recording Secretary