

**KENDALL TOWN BOARD
TOWN BOARD MEETING**

Tuesday, April 16, 2019 7:00 p.m.

Kendall Town Hall – 1873 Kendall Road, Kendall, New York 14476

Supervisor Cammarata called the meeting to order at 7:01 p.m., and led the Pledge of Allegiance.

ROLL CALL

Councilwoman Flow	present
Councilman Martin	present
Councilman Newell	present
Councilwoman Szozda	present
Supervisor Cammarata	present

Supervisor Cammarata opened the PUBLIC HEARING to seek preliminary input from any concerned citizens about rezoning for certain parcels on Petersmith Road, and read the notice aloud.

Legal Notice
NOTICE OF PUBLIC HEARING
Town of Kendall

Notice is hereby given that a public hearing will be held by the town Board of the Town of Kendall on Tuesday, April 16, 2019 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the applications requesting rezoning of four parcels on Petersmith Road. Applicants seek approval for rezoning these parcels from Residential/Agricultural to General Business. All persons wishing to speak, in favor or against, will be heard at this time. Applications are on file in the Town Clerk's Office.

Kendall Planning Board statement:

The Planning Board, at our last meeting, discussed the rezoning of the four parcels on Petersmith Road. It is the Board's opinion that the Town should indeed rezone the properties to General Business for multiple reasons. The property as is has limited uses due to the lack of utilities and the poor quality of the soils, making the ground subpar farm land. Rezoning would allow the current construction business to remain in our town and also aid the development of this area of our community, which currently has minimal residence and productive uses. This location is a prime location for a construction business to be located being that it is away from the Hamlet and any residential clusters. The Planning Board unanimously voted to go forward with the recommendation to the Town Board, which would allow the Kendall Town Board to send it to the Orleans County Planning Board for its recommendation and decision.

Orleans County Planning Board statements:

APPROVAL with the FOLLOWING CONDITION:

1. The rezoning must be in accordance with the Kendall Comprehensive Plan.

Comments: With the exception of agriculture, any use established on these parcels would require public utilities to be installed on this stretch of Petersmith Road. In addition, the site of the proposed rezoning is somewhat isolated from the other central business areas and hamlets in the Town. The Town Comprehensive Plan discourages scattered commercial development in the Town. The Kendall Town Board may wish to consider these factors when deciding whether or not to move forward with the rezoning.

TIME TO HEAR THE APPLICANTS

Misters Cole and Pilon were both in attendance.

Mr. Pilon stated that he does not intend to use his property for any business other than agricultural. He is not necessarily seeking rezoning, but does not have objections to his property being rezoned, as long as the rezoning would not affect his ability to utilize the land for a residence or a tree farm in the future. The Board said the change would not preclude those uses.

Mr. Cole said he is seeking to return a business he was operating to Kendall and eventually build his home on the same property. He said he had plans to complete the purchase of that business from Mr. Tzupa after the meeting. It is a breakwall and embankment construction and repair business. The initial business would be for storage and parking equipment. Councilman Newell asked if there will still be excavation occurring. Mr. Cole said there will not be, except perhaps years down the road. There will be fewer trucks and fewer employees when the purchase of the business is complete. Mr. Cole may want to purchase some of Mr. Pilon's land in the future. If the rezoning is not approved, the business will remain in Brockport.

SUPERVISOR AND TOWN BOARD COMMENTS

The Planning Board is in favor of this rezoning, as it sees it as a long-term possibility for improvement and development of that section of the town.

PUBLIC COMMENT

Mr. Chris Carll, 1798 Petersmith Road is not opposed to the rezoning, as long as the DEC signs off, but the traffic has been an inconvenience as the lakefront has required rebuilding, and he wonders if there will be more maintenance to the road, and a speed limit reduction to assure safety. There is concern from neighbors that the Board consider carefully the impact on the surrounding residents.

Mr. Cole said the increased traffic has been due the Parkway repair, not his business.

The Board will consider this application. If the decision is to authorize this change, it will be accomplished through a Local Law and will require further public hearings.

Supervisor Cammarata closed the Public Hearing at 7:27 p.m.

Supervisor Cammarata opened the regular meeting at 7:27 p.m.

SUPERVISOR'S COMMENTS

A Fair Housing seminar was attended and a packet was provided.

HUD compliance has included webinars. Councilman Newell and Supervisor Cammarata have attended these.

Councilman Martin moved to accept the following minutes, seconded by Councilwoman Flow:
March 19, 2019, recorded for the Clerk in her absence.
Councilman Martin abstained. Others all aye.

CORRESPONDENCE

HUD – Fair Housing Program
Ag & Mkt -Dog Control inspection report

PUBLIC COMMENT

none

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings & Grounds – Martin
Highway – Martin

The Woodchuck Alley brush dump now has a gate.
The minisplits will be installed in the courtroom the third week in May.
Highway Dept. has begun brush pickup, cemetery cleanup, and sign repair.
Flags are being replaced as needed.

Community Relations – Flow
Culture & Recreation – Flow
Information Services – Flow

Memorial service May 30
Soccer and baseball registrations are in progress.
Website is busy with new information.
The court FAX machine is being replaced.

Human Resources and Ethics – Szozda
Employee Benefits – Szozda
No report

Planning, Zoning & Agriculture – Newell

The emergency tower for the county may be situated behind the Catholic Church on Kenmor Road, on private property, owned by Kludt farms.
Zoning Board of Appeals had no action.

Finance, Taxes & Special Districts – Cammarata

The in-house portion of the Amato & Fox audit has been completed.
The Water District Ten income surveys are being returned to RCAP. Grant determination is in process.
A meeting took place with the NYS DOT regarding the stipulation that the Town replace each tree removed for the installation of the Water District 8. Many of the existing trees are dying ash trees or simply scrub trees, and the requirement would put the cost of the

project over the Comptroller threshold and negate the project. The engineer will work on an alternate plan to affect fewer trees, and hopefully a compromise will be reached.
Water District 11 (whole town) – USDA

Orleans County Representative – DeRoller – no report

Boards

Planning Board – A. Kludt, Chair – no report

Zoning Board – P. Bolton, Chair – no report

Department Heads

Assessor – G. Massey – no report

Code Enforcement – P. Hennekey

One new build home is in process.

Marina – third floor inspection is complete, and rooms are ready for renting.

Certificate of Occupancy has been granted at Troutburg.

Clean energy training was completed.

Highway - W. Kruger – no report

Historian – Cindy Blosenbauer – no report

Recreation – M. Werth – no report

Town Clerk – A. Richardson – written report submitted

Town Justices – D. Kluth, D. Gaudioso – written reports submitted

Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

Councilwoman Szozda made the following motion, seconded by Councilwoman Flow:

RESOLUTION 55-0419 BUDGET AMENDMENT

Be it hereby resolved to increase General Account A0599 by \$2,000.00, and increase General Expense Account, Morton Union Cemetery A8810.43 by \$2,000.00.

Discussion: This is for a flagpole.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilwoman Flow made the following motion, seconded by Councilwoman Szozda:

RESOLUTION 56-0419 KENDALL FIRE DEPARTMENT FIREWORKS DISPLAY PERMIT

Whereas the Kendall Fire Department has submitted an application for public display of fireworks to the Kendall Town Clerk and,

Whereas the date of the fireworks is earlier than other years and so time is of the essence, and

Whereas said application is being reviewed by the Code Enforcement Officer and its approval is pending,

Be it Resolved that the Kendall Town Board authorizes the Kendall Town Clerk to issue a Public Display of Fireworks Permit pursuant to applicable provisions of section 405.00 of the Penal Law of the State of New York, and only upon the recommendation of the Code Enforcement Officer, to the Kendall Fire Department for fireworks display commencing at or about 10:00 pm on Saturday June 22, 2019.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

RESOLUTION 57-0419 APPROVING OUT OF DISTRICT WATER USER AGREEMENT BETWEEN TOWN OF KENDALL RESIDENTS AND THE TOWN OF CARLTON

RESOLVED, That pursuant to the provisions of section 198(3)(b) of the Town Law of the State of New York, the Kendall Town Board hereby consents to the Town of Carlton entering into an outside user agreement with the following owners of real property situate on the east side of Transit Road, which premise is contiguous to, or within 500 feet of, the boundaries of the Town of Carlton Water District, providing for the Town of Carlton to supply public water to the said property through the Town of Carlton water distribution system:

Owners: Thomas and Donna Matteson
Property Address: 1347 Transit Road
Tax Account: 34300020.-1-2.1

FURTHER RESOLVED, that the property owner shall acknowledge in such agreement that if the Town of Kendall establishes a water district in the future which includes the owner's property, the owner will be deemed to benefit from inclusion in that water district and will be assessed a bond repayment charge.

Supervisor Cammarata called for vote, resulting in all ayes, and declared the motion passed.

Councilman Martin made a motion to pay the bills, as presented in Abstract 4; seconded by Councilman Newell; all ayes:

PAYMENT OF CLAIMS

General Fund	Abstract 4	\$ 18,716.36	Vouchers 188-216,260,261
Highway Fund	Abstract 4	\$ 52,928.10	Vouchers 190,214,217-252

Light District One	Abstract 4	\$ 443.50	Voucher 205
Light District Two	Abstract 4	\$ 263.62	Voucher 205
Light District Three	Abstract 4	\$ 154.27	Voucher 205
Water District Six	Abstract 4	\$ 10,011.49	Vouchers 206,215,226,253-255
Water District Seven	Abstract 4	\$ 9,678.44	Voucher 256
Water District Eight	Abstract 4	\$ 3,173.57	Voucher 256
Water District Nine	Abstract 4	<u>\$ 5,075.00</u>	Vouchers 226,258,259
		\$ 100,444.35	

OLD BUSINESS

Morton Union Cemetery – flag pole ordered and grant application has been resubmitted

Lake Ontario State Parkway Advisory Committee – no report

LWRP Amendment Committee – no report

Emergency Management Committee – no report

Clean Energy Community – All action items by town have been completed. When LED switch is done by National Grid, the board will consider which grants can be sought.

Petersmith Road petitions for rezoning – to be considered

Petersmith Road cell tower – no report

LED Streetlights – National Grid has the matrix

Creek Road landscaping and repair due to installation of water district. This has not been corrected, a culvert was filled in which should not have been, and the affected residents are losing patience. The Engineer for the Town must be directed to be on scene to direct and inspect the work being done. Councilwoman Flow will contact Engineer Schaffron.

NEW BUSINESS

Potential Sewer District being formed – this may be included in the LWRP. A meeting was held with Hamlin, Kendall and Troutburg representatives. Dr. Howitt, operator of Troutburg, would like to turn over the land which houses his sewer system to the Town. Residents on Norway Heights and Bald Eagle Drive could benefit from the formation of a sewer district. Grant opportunities may be available.

With no other business being brought forward, Councilwoman Flow motioned for adjournment, seconded by councilwoman Szozda; all ayes. Meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Amy Richardson, Kendall Town Clerk

