

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, February 26, 2019 at 7:00 p.m.

Attendance: Chair. Andrew Kludt - present
Jeff Conte - present
Phil D'Agostino - present
John Hughes - present

Also present: Andre and Anna, managers of Bald Eagle Marina, 1033 Lakeland Beach Rd., Kendall, NY, Supervisor Cammarata, Town Board Liaison Newell, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Chair. Kludt called the meeting to order at 7:03 p.m.

Chairman Kludt introduced Andre and Anna, managers of Bald Eagle Creek Marina, to the board members and gave them a brief summary of why they are attending tonight's meeting. They are attending the meeting to find out if they can use the third floor of the building for rentals. Andrew spoke with the county and the town attorney and was advised to get an interpretation of a specific line of the code from our zoning board. Andrew attended the zoning board meeting held on February 12th, the outcome of that meeting is as follows:

"Decision, the Zoning Board of Appeals voted unanimously 5-0 that their interpretation agrees that renting of rooms is part of a mixed-use facility in conjunction with the building located at Bald Eagle Marina located at 1033 Lakeland Beach Road, Kendall, New York 14476.

Zoning Board approval with the following conditions:

1. That the Planning Board puts in place the condition of the number of guests not to exceed eight.
2. Determine months of operation.

Patrick Bolton
Chairman, Zoning Board of Appeals"

Chairman Kludt and board members reviewed and discussed a specific line in the code under 2, line E. After reading what it said in the code the board members discussed with Andre and Anna what their plans are for the building at the marina. Some concerns of the planning board are hours and months of operation and late out of the third floor. The owners told the board the operating season would be April through October, they are not opposed to staying open all year long but for now they would like to see how this season is and how much interest there will be for the rental of rooms. Anna presented to the board photos of the third floor and the outside of the building and explained to the board there will be a set of stairs leading to the

third floor, there is also an elevator that will go up to the third floor and the occupant will be given a password to use for the elevator and will have separate keypad access to individual units. One side is a one-bedroom apartment and the other side is a two-bedroom apartment, there is also a studio apartment. The floor will have its own kitchen. The total square footage of the floor is 4400 sq. ft. The rental of the floor would be limited to a maximum of eight patrons.

Anna asked the board if the limit of eight is for the whole floor or per unit. Chairman Kludt explained under the definition of motel in the code the first line reads: "A building or group of buildings whether detached or connected units containing transient and or permanent lodging facilities for nine or more guests." Chairman Kludt explained his interpretation of the way it reads would mean nine or more guests would be classified as a motel, so yes, the maximum guests allowed on the third floor would be eight and that would be a permitted use. CEO Hennekey informed the owners if they were to decide they wanted more than the allowed eight occupancy in the future they would have to get a special use permit which will require a site plan review which will go before the planning board and then to the county for review.

Along with the conditions of the zoning board, Chairman Kludt stated what conditions the planning board will be voting on and approving tonight, they are as follows:

1. Allow nightly rental twelve months out of the year.
2. Need to obtain C of O.
3. Must meet all local and state codes
4. If seeking more than eight guests for the entire third floor in the future, owners must come back for a special use permit and site plan review.

Chairman Kludt asked for a vote to approve the conditions discussed. Phil D'Agostino voted to approve the conditions, seconded by John Hughes. All in favor.

Chairman Kludt passed out to board members a packet pertaining to the new law on Harassment discrimination in the work place. All Town of Kendall employees need to read and hand in the signed sheet stating they have received the packet and acknowledge the terms and conditions.

APPROVAL OF MINUTES:

Minutes from the January 22, 2019 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte moved to accept the minutes as amended, seconded by John Hughes. All in favor.

NEW BUSINESS:

Chairman Kludt informed the board of three applicants that applied for the vacant seat. They are Patricia S. Pfister, Steven M. Catone and Steven Giverson. Chairman Kludt along with Town Board members Lynn Szozda and Bruce Newell meet with them all about three weeks ago. Andrew gave a briefing of each applicant and the board discussed who they thought would best

be suitable to fill the positions of the vacant seat and the alternate position. Chairman Kludt will give the board's recommendations to the town board.

The two applications for rezoning of the properties on Peter Smith Road, Shawn C. and Spencer P., has been sent to the county for review.

Chairman Kludt informed the board of an LWRP meeting being held at the Carlton Town Hall at 7:00 p.m. on Thursday, February 28, 2019. It is not a public comment meeting.

ADJOURNMENT:

Phil D'Agostino made a motion to adjourn, seconded by John Hughes. All in favor. Meeting adjourned at 7:55 p.m.

NEXT MEETING:

Tuesday, March 26, 2019 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary