**TOWN OF KENDALL**

**PLANNING BOARD**

**MEETING MINUTES**

**Tuesday, October 22, 2013 – 7:00 p.m.**

Chairman Gray called the meeting to order at 7:02 p.m.

Attendance: Chairman Gray - present

Jeff Conte - present

Joyce Henry - present

Raymond Wenzel - present

Andrew Kludt - present

Also present: Town Liaison Schuth, Code Enforcement Officer Hennekey, Frederick Stone,

1716 West Kendall Road, Joseph Lamica, 1720 West Kendall Road, Clair Smith, 1633 West Kendall Road and Recording Secretary Bakutis.

**APPROVAL OF MINUTES:**

Minutes from the September 24, 2013 meeting submitted by Recording Secretary Bakutis were reviewed. Raymond Wenzel moved to accept minutes as presented, seconded by Joyce Henry. All in favor.

**PUBLIC HEARING FOR SPECIAL USE PERMIT – TAX ID 31.-2-15:**

Chairman Gray opened the public hearing at 7:15 p.m. He read the public notice.

Please take notice that the Planning Board of the Town of Kendall, Orleans County, New York has scheduled a public hearing for the application of Frederick Stone for approval of a Special Use Permit, to operate a dog kennel on his property located at 1716 West Kendall Road per section 712 of the Kendall Zoning Ordinance. Said hearing will be held on the 22nd day October 2013 at 7:15 p.m.

By Order of Paul Gray

Town of Kendall Planning Board Chairman

Chairman Gray gave the applicant Mr. Stone a chance to speak and explain why he is seeking approval of a Special Use Permit to operate a dog Kennel on his property located a 1716 West Kendall Road. Mr. Stone stated that he owns eight dogs. The dogs are older, nobody wants the dogs, he and his wife do not want to see the dogs put down. They just want to obey the law so the dogs can remain on their property to live out their lives. They are kept in the house and let out two at a time to relieve themselves and get some exercise. They are not noisy and are friendly. Mr. Joseph Lamica, a neighbor on the south side of Mr. Stones property, said he is the closest neighbor to Mr. Stone and he has no problems with the eight dogs being at the location. There was no other input from the public. The board members asked several questions about how the dogs lived within the home, where the dogs slept and if they lived in cages. Discussions also included their outdoor activities. Raymond Wenzel motioned to close the public hearing, seconded by Joyce Henry. The public hearing closed at 7:30 p.m.

Chairman Gray and the planning board members reviewed all documents submitted by

Mr. Stone. Chairman Gray and the planning board reviewed the criteria for this application. The definition of a kennel was read and reviewed by the board. “A kennel is required for any lot or premises on which four or more domestic animals more than four months of age are **housed**, groomed, bred, boarded, trained, or sold.” Board members Joyce Henry and Chairman Gray found in their research that domestic animals fall under the Department of Ag and Markets. Ag and Markets does not put a limit on the number of domestic animals and defer that to home rule and local law. The “Dog Licensing Law of the Town of Kendall,” adopted in 2006, does not limit how many dogs a property owner can have in Kendall. Town Law does define the behavior of dogs, and the enforcement actions and complaint procedures.

The requirements of the Special Use Permit were discussed as stated in the zoning ordinance. Discussions centered on the existing requirements of a kennel being more commercial or business in nature. This is not what Mr. Stone is requesting but merely to house his own personal pets. Further discussions followed on the requirements of a noncommercial kennel.

Following all discussions Chairman Gray asked for a motion. Joyce Henry motioned to approve the special use permit, seconded by Raymond Wenzel, with the following conditions:

* The sole purpose of the kennel is to house the animals and to provide personal recreation, enjoyment or use by the owner not resulting in direct or indirect compensation, profit or gains.
* That the kennel be limited to the existing eight dogs with no increase in dog population.
* That the kennel not be used for the grooming, breeding, boarding, or training of dogs.

The board voted to accept the motion with conditions, with all members present in favor, none opposed. The special use permit was granted. The planning board informed the applicant if the kennel was used for commercial purposes he would have to come back before the planning board for approval of the change in use of the dog kennel. This application requires the special use permit be renewed every three (3) years.

**CODE ENFORCEMENT REPORT:**

Code Enforcement Officer Hennekey said he has an application for a special use permit to house cats in a kennel that will be coming to the planning board. A referral was sent to the county planning board for both a setback variance requirement and a special use permit. The referral was sent the county because the site is located on a county road. A variance request will also be reviewed by the town zoning board on November 12, 2013 after the county planning board review.

**TOWN BOARD UPDATE:**

Councilman Schuth thanked the planning board for their assistance in the proposed draft of zoning changes made to the Town of Kendall’s zoning ordinance. Two residents that came in had issues with the definitions of a family and commercial day care center. The town board approved and adopted the zoning draft with modifications at the last town board meeting. The town board is submitting all the changes made to our zoning ordinance over the last two plus years to general code. The town board hopes to adopt the general code format as the official ordinance of the Town of Kendall by the end of the year.

**COUNTY BOARD REMARKS:**

The referral from Kendall for a variance and special use permit for a kennel at 15705 Carr Road to house and care for approximately twenty (20) cats was sent to the county planning board and will be acted upon at the October 24th meeting.

**OLD BUSINESS:**

Three planning board members attended the SEQR training held at the Niagara Community College. There was a general discussion of the new requirements for SEQR.

**NEW BUSINESS:**

There is a potential for a one lot subdivision request at the November 26th PB meeting.

**NEXT MEETING:**

Tuesday, November 26, 2013 at 7:00 p.m.

**ADJOURNMENT:**

Jeff Conte made motion to adjourn, seconded by Raymond Wenzel. All in favor. Meeting adjourned at 8:23 p.m.

Respectfully Submitted,

Tammy Bakutis

Recording Secretary