

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, October 3, 2017 – 7:00 p.m.

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

Also present: Dave Oschmann, 1893 Kendall Road, Code Enforcement Office Hennekey and Recording Secretary Bakutis.

Chairman Kludt called the meeting to order at 7:00 p.m.

PUBLIC HEARING TO AMMEND A SPECIAL USE PERMIT – TAX ID #32.-2-58

Chairman Kludt opened the public hearing at 7:01 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kendall on Tuesday, October 3, 2017 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of David Oschmann, Tax ID #32.-2-58, 1893 Kendall Road. Applicant is asking to amend a Special Use Permit for a home business to allow boat storage. The property is zoned Residential Hamlet (RH). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office.

By Order of Andrew Kludt
Chair., Town Planning Board

Chairman Kludt explained that the application went to the Orleans County Board last week and they denied the application. Chairman Kludt read the County's recommendation – Denial: The applicant may wish to reapply for relief from the Kendall Zoning Ordinance by way of a use variance, though the tests established by the State for qualifying for such a variance are intentionally stringent. By definition, a use variance "permits a use of land which is proscribed by the zoning regulations." Should the Town wish to permit this use broadly and across myriad land uses, the zoning regulations should be considered and perhaps amended accordingly.

Additionally, per §265-57(d) home businesses are prohibited from being conducted in a manner which would cause the premises to differ from its residential character. Outdoor storage of up to 25 boats with trailers would seem to contradict this regulation.

Finally, disregarding the fact that this use is not allowed, it should be noted that were approval granted there are no regulations in place to govern the siting or screening of such outdoor storage, including the extent to which outdoor storage can occupy a lot.

Chairman Kludt gave the applicant a chance to explain to the board why he is seeking to amend the existing Special Use Permit that was issued by the Planning Board on July 26, 2011. Dave explained to the board that when he is finished working on the boats he sometimes must store them outside until clients pick them up. He also has had clients ask if they can store their boats during the offseason due to the fact they do not have the room on their property and sometimes it's against the Zoning regulations.

Chairman Kludt closed the public comment of the hearing at 7:22 p.m. The board reviewed and discussed the documents presented.

Decision, the Planning Board voted unanimously 5-0 for the approval of the Special Use Permit to be amended to allow for external boat storage towards the back-east side of Dave Oschmann's property located at 1893 Kendall Road.

Chairman Kludt asked for a motion to approve the Special Use Permit alteration.

Planning Board approval with the following conditions:

1. Size of area not to exceed 50 feet by 100 feet.
2. Not to exceed 25 boat/trailer combinations.
3. All boats must be registered.
4. All boats must be stored on registered trailers.
5. No obtrusive lighting.
6. No fencing.
7. Time frame of storage – October 1st to April 30th.

Chairman Kludt asked for a motion to except the alteration of the Special Use Permit with the conditions 1 – 7 listed. Jeff Conte made a motion to accept, seconded by John Hughes. All in favor 5-0.

Chairman Kludt told the board there is a seminar coming up if anyone needed to fulfill hours needed.

The Planning Board updated their code books by adding in updated pages and signed off that they received the new packet to do so.

APPROVAL OF MINUTES:

Minutes from the August 22, 2017 meeting submitted by Recording Secretary Bakutis were reviewed. Phil D'Agostino motioned to accept as amended, seconded by Mike Roth. All in favor.

ADJOURNMENT:

Jeff Conte made motion to adjourn, seconded by John Hughes. All in favor. Meeting adjourned at 7:46 p.m.

NEXT MEETING:

Tuesday, October 24, 2017 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary