

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, September 27, 2016 - 7:00 p.m.

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

Also present: Chris Whipple, 2348 Norway Road, Ryszard Jurzysta, 17284 Sand Road, Frederick Stone and Amy Herold, 1716 W. Kendall Rd., Craig Sheffield, 1710 W. Kendall Rd., Town Board Liaison Newell, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

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

1. Sub-division - Chirs Whipple of 2348 Norway Road, located south of Route 18 and the west side of Norway. There is currently 620' feet of road frontage. He would to go back 300' feet and take a piece of his property 300' by 300' and the remainder piece of property with 320' feet had an existing house and septic.
2. Saw Mill - Ryszard Jurzysta of 17284 Sand Road has a barn on the north side of Route 18. He is asking the board what are the requirements to start a business and how does he go about it. The extent of his business would consist of construction of grade lumber, apple and cabbage boxes to sell. He told the board he had six inches of insulation in the barn, so noise shouldn't be a problem. The barn sits on little under four acres. The nearest neighbor's property line is (75) seventy-five feet from the one corner. He told the board all the wood and crates shouldn't be visible to the neighbor's or traffic passing by. He also stated that this is a side job and he plans on having the business hours between 8:30 a.m. to 1:00 p.m.

Chairman Kludt and the members of the board would like to see a business plan and asked him to include in detail a description of the business, area map, hours of operation and to include the aerial view of the property he said he had. Mr. Jurzysta also needs to fill out a permit application for a home business and bring it back before the planning board.

3. Violation of a Special Use Permit - On September 16, 2016 CEO Hennekey went to verify a complaint made regarding the property at 1716 W. Kendall Road. He found that the owners indeed are not following the rules of the special use permit that was granted to Mr. Stone and Ms. Herold for a dog kennel on March 25, 2014, minutes from that public hearing are as follows:

PUBLIC HEARING FOR A SPECIAL USE PERMIT - TAX ID

Chairman Wenzel 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 W. Kendall Road per section 712 of the Kendall Land Ordinance. Said hearing will be held on the 25th day of March, 2014 at 7:15 p.m.

at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York. All persons wishing to speak on this matter will be heard at this time. Application is on file in the Town Clerk's office.

By Order of Raymond G. Wenzel III
Town of Kendall Planning Board Chairman

Chairman Wenzel gave the applicant's Mr. Stone and Mrs. Herold a chance to speak and explain to the board why he is seeking approval of a Special Use Permit to have a dog kennel on the property Fredrick Stone and Amy Herold own at 1716 Kendall Road, Kendall, NY. Mr. Stone said they are looking for a permit to let their dogs live out the rest of their natural lives on the property. They are not looking to open a business, to breed or harbor any other dogs. As the current dogs live out their lives they have no plans on replacing them with other dogs. Looking to use existing out building/garage as the kennel as outlined in plans submitted. Mr. Stone said along with the fence and gate there will also be an invisible fence. PB member Joyce Henry asked for an explanation regarding dotted lines on the site plan. Mr. Stone said the dashed lines are representing the fence and the out building on the plans which will be used for the kennel. PB member Jeff Conte had concerns of the dog's mating. Mrs. Herold and Mr. Stone said they will do their best to keep the female away from the males while she is in heat, they have no interest in having puppies. Further discussion took place between applicants and the Planning Board members.

Chairman Wenzel closed the public hearing at 7:35 p.m.

Chairman Wenzel and the Planning Board reviewed the criteria for this application and paperwork that has been submitted to the board. The permit holders, Mr. Stone and Mrs. Herold would have to reapply with the towns Code Enforcement Officer to renew the kennel permit term. The board did a final review of the zoning ordinance and site plan check list. Minimal lot size of 75,000 square feet. Minimal lot frontage 250 feet. All kennel building structures or other accessory uses shall be a least 75 feet from property line. All animals shall be in a totally enclosed building between 8:00 p.m. and 6:00 a.m. Lot coverage shall not exceed fifty percent. Entrance and exit points shall be from major and secondary roads only. One parking space shall be provided for each employee and one space for every three kennel runs, Mr. Stone and Mrs. Herold should be considered as employees, so this means total of two spaces and one for the kennel run so that will be three cars. Special Use Permit terms would be for three (3) years. Location of fence meets set back requirements, kennel building meets set back requirements. Adequate landscaping and fencing shall be provided to provide a visual, sound and smell buffer between facilities and adjacent properties.

Chairman Wenzel asked for a motion to grant a Special Use Permit for the kennel. Joyce Henry made the motion to approve the Special Use Permit for the kennel with the following conditions: Sixty (60) day deadline for fence completion, starts when permit is issued. No more than the eight (8) current dogs and reduced naturally to three (3) dogs. A three (3) sided, 55 foot in length, four (4) foot solid stockade style fence, road side open. Limited to two (2) full term renewals at three years each term. Andrew Kludt seconded the motion, all in favor.

Chairman Wenzel called for a roll call vote, with the following results:

Roll Call:	Joyce Henry	- aye
	Chair. Wenzel	- aye
	Jeff Conte	- aye
	Andrew Kludt	- aye

Motion carried, Special Use Permit granted.

The violations that were found are as follows:

1. Owners were not following conditions of the special use permit.
2. Structure that was designated as a kennel was not being used as such.
3. Dogs are supposed to be limited to the kennel area.
4. Dogs have been bred and sold.

Chairman Kludt called for a roll call vote, with the following results:

ROLL CALL: Jeff Conte - aye
 John Hughes - aye
 Mike Roth - aye
 Chair. Andrew Kludt - aye

Motion carried, Special Use Permit Revoked.

Chairman Kludt will send out a notice of decision explaining that Mr. Stone and Ms. Herold failed to house the dogs in the structure that was approved for a kennel and the dogs were being bred and sold.

CEO Hennekey will site Mr. Stone and Ms. Herold for operating a kennel without a permit.

CODE ENFORCEMENT UPDATE:

CEO Hennekey received a call from a property owner that would like to build a 7,000-sq. ft. building in the general business district.

TOWN BOARD UPDATE:

Town Board Liaison told the Planning Board that they passed local law one. The town board is working with Kevin Noon and CIR. TB Liaison is currently discussing solar panel energy with Kevin Noon. Kevin would like to have the panels on his property and have the community purchase power from him at a reduced rate over what the community would be paying National Grid.

APPROVAL OF MINUTES:

Minutes from the August 23, 2016 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte motioned to approve the minutes as presented, seconded by Mike Roth. All in favor.

ADJOURNMENT:

Mike Roth made motion to adjourn, seconded by Jeff Conte. All in favor. Meeting adjourned at 8:25 p.m.

NEXT MEETING:

Tuesday, October 25, 2016 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary