

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

April 28, 2009 – 7:00 p.m.

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

ROLL CALL, MEMBERS:

Paul Gray, chairman	- present
Tom Cole	- absent
Phil D'Agostino	- absent
Joyce Henry	- present
Walt Steffen	- present

ALSO PRESENT:

Paul Hennekey, Code Enforcement Officer II  
David Schuth, Town Board Representative  
Lynne Szozda, Town Councilwoman  
Marianne Wilson, Recording Secretary

Tom Mikolaichik, 15178 Holley Rd, Albion

NEW BUSINESS: Dave and Lynne presented the board with a proposed project at the former K&K store in the hamlet. Dave Schuth had approached Larry to ask what would be needed to bring the property up to code. Larry asked the Town Board what types of uses would be acceptable for the building. Several ideas discussed. The septic system could accommodate a type of business in which clients come/go. The property owner will attend tonight to discuss with this board and get preliminary OK, then appear at Town Bd meeting Thursday, with paperwork filing deadline of Friday to apply for Restore NY grant funding. Of five properties identified by the Town, this is the only one that will qualify. The owner must pay upfront and receive reimbursement from the grant upon completion. Every property's renovation would need to be complete before any grant monies would be received.

APPROVAL OF MINUTES: Minutes from March 24, 2009 were reviewed. Joyce moved to accept with corrections. Seconded by Walt. All in favor.

FORMER K&K BUILDING: Lynne introduced Tom Mikolaichik, new owner. Tom produced sketches of his proposed renovation to include 5 office spaces on the first floor, retaining 2 2-bedroom apartments on the upper level. Health department requirements for septic define the types of allowable businesses. Tom is seeking service-oriented businesses to minimize septic demands. The Town approached him to apply for Restore NY grant funding to rehabilitate the building. He plans to attend this Thursday's Town Bd meeting and hopes to firm up plans at that time. The grant timeline requires paperwork to be filed on Friday. He is seeking feedback from this board. Parking discussed. Tom also owns the parking lot across the intersection. Each space must be minimum 10ft x 20ft. One parking space per 200sf office space. May seek to acquire the lot where the Union Hall was. Currently posted for no parking on the north side adjacent to the building; inquires about restoring that parking. There will be up to 4 handicap parking spaces in the rear. Paul states the lighting cannot shine into neighboring homes. Hours of operation discussed. The overhang on the front is in poor condition and will be removed – old photographs show that it is not original to the structure. Town Supervisor suggested the electric pole could be relocated, improving the appearance of the façade. The current

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planter will be removed. Trash area will be screened from view. A Use Variance will be required; possibly setback variances. OCPB will have to review. SEQR will be required. It is suggested Tom check into any possible deed restrictions. A copy of the code will be provided to Tom. Tom will appear at the Town Board meeting this Thursday. Considerable discussion. The board wishes Tom well with his project and hopes he is successful.

**PROPERTY MAINTENANCE:** Discussion as to whether the town should acquire the property for parking for future use, in hopes of future enterprises in the hamlet. Further discussion on the Mikolaichik proposal. Problem with disposal of sump water; it is currently pumped onto street. Larry Pratt is seeking a site plan to make determination on septic system requirements. Assuming all proceeds according to plan, it is likely 6 month process for all approvals. Grant award will be announced in July. Former corner garage – current owner is Jackie Henhawk. It is no longer a business as defined by Code Enforcement. To dispute that, she can produce bills of sale, dba, etc. The supervisor and Councilwoman Szozda have met with her. She is cleaning up the property and wishes to continue/renew registration as a motor vehicle facility. Requirements of Special Use Permit must be met. The only property out of the 5 designated by the Town Bd that will qualify for Restore NY funds is the former K&K. Walt asked if a permit has been issued for a property on Creek Rd; he notices a new driveway; appears to be a construction site. Joyce also notices land being cleared on Carton Rd. Paul Hennekey says Town needs an established procedure for condemning properties. What happens if a property is condemned. Discussion followed. There are questions for the Town’s attorney.

**CODE ENFORCEMENT:** No further report.

**TOWN BOARD:** Dave Schuth noted 2 hearings held last week by Zoning Board, one being his own for RV parking. Larry states RV/camping units are not a hot item. He is addressing issues as they come to his attention.

**ORLEANS COUNTY PLANNING BOARD:** Paul spoke with Jim Bensley regarding variances. Jim states variances are required in all situations with construction within the established setback. Further questions on discussion: If a house is abandoned more than 1 year, is there a procedure to follow for it to be inhabited again? If a house burns down on a non-conforming lot, can another house be erected? If not, what does the property revert to? Paul cited the Ordinance regarding restoration. Paul did not attend the last OCPB meeting. Town of Murray has a new zoning ordinance and maps. Orleans County and the Towns have a joint agreement “Exempting Certain Minor Land Use Actions From County Planning Board Review.” Someone proposed a Bed & Breakfast in Kendall, but insurance is prohibitive and the plan has been scrapped. Zoning mapping for the Town is nearly done, per our 1997 Master Plan and 1996 Ordinance, including all 6 water districts. Warren Kruger provided water district maps, with copies to the 2 fire departments.

**JOINT SESSION WITH ZONING BOARD:** Paul recapped the meeting from last month. He has obtained copies of Ordinances from Albion (on-line Codification System), Hamlin, and Carlton. Compared with other cities, this town is not too bad; will continue working on it.

**WIND ENERGY:** There is a new system that costs about \$25,000 per household. It is mounted on a 25ft pole and the blade is screened to prevent bird and bat death. One is installed on Rte 19 near Warsaw. Walt has visited Pike and spoke with some residents; he heard no complaints.

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EAGLE CREEK MARINA: A letter was received from the Balka's, 16764 Lakeland Beach Rd, referencing 23 conditions set down by the Planning Bd in the original agreements with Jim Freemesser. Orleans County Department of Health has concerns with the septic system. There is no project engineer. Discussion.

NEXT MEETING: Tuesday, May 26, 7:00 p.m.

ADJOURNMENT: Walt moved to adjourn. Seconded by Joyce. Adjourned at 9:40 p.m.

Respectfully submitted,

Marianne Wilson  
Recording Secretary