

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

Tuesday, May 25, 2010 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:18 p.m.

|            |                  |           |
|------------|------------------|-----------|
| ROLL CALL: | Paul Gray, chair | - present |
|            | Tom Cole         | - absent  |
|            | Jeff Conte       | - present |
|            | Phil D'Agostino  | - present |
|            | Joyce Henry      | - present |

ALSO PRESENT: Larry Gursclin, Code Enforcement Officer  
Paul Hennekey, Deputy Code Enforcement Officer  
David Schuth, Town Board Representative  
Joyel Miesner, Recording Secretary  
James Gaylord, 2369 Petersmith Road  
Bruce Newell, 17141 Norway Heights  
Charles Akey, 16176 Carr Road  
Richard Robb, 2068 Orchard Drive

#### APPROVAL OF MINUTES

Minutes from April 27, 2010 were reviewed. Phil moved to accept with corrections.  
Seconded by Joyce.

#### PUBLIC PARTICIPATION

Charles Akey discussed putting a windmill on his property. He said he had the ability to acquire more land and wanted to know what procedure would come next in the process. Paul Gray said the next step would be to work with Larry on an application for a wind energy system. Mr. Akey asked each of the board members whether or not they were for or against wind energy. Jeff responded that he was not against it and added that he uses renewable energy in his home. Dave said that he thought it was great that the regulations were put in place to preserve the essence of Kendall and that the regulations considered all the residents. He also said that if the requirements set by the towns were met that wind energy was a good thing. Phil said that he was against commercial wind energy, but did not care if homeowners had wind energy as long as the requirements of the ordinance were met. Joyce said that she was for residential wind energy as long as it did not disturb the neighbors and meet the code. Discussion took place about the purpose of the renewable energy ordinance. Mr. Akey stated that the rules of the ordinance did not consider the type and design of windmill he wished to place on his property. Discussion took place about Mr. Akey's proposed windmill design and the type of windmills used to establish the ordinance. Mr. Akey said he did not want to spend a lot of money if the project was going to be turned down. Discussion took place about a wind energy system that was denied due to its location to the lakefront. Mr. Akey asked how far he could proceed with the project without spending a lot of money. Larry said he thought the application would answer many of Mr. Akey's questions. Larry discussed the process used to come up with the ordinance stipulations. Paul Gary suggested that Mr. Akey meet with him and Larry to discuss the project. Larry said that he would call Mr. Akey to set up a meeting date and time.

Richard Robb discussed complaints made by a neighbor about his property on Creek road. Larry said that he and Mr. Robb had been in and out of court two or three times for issues with property and complaints about the property. Larry said that as issues get resolved new issues arise. Larry said that the land owned by Mr. Robb contained a pole barn, but was vacant land without a primary resident. Larry discussed the specific issues the town was having with the use of the property. He mentioned issues that involved a camping trailer on the property. Mr. Robb said he purchased the land specifically for camping and farming. Mr. Robb discussed complaints his neighbor had with his use of the property. Mr. Robb discussed issues the town had with his use of the property and specific permits he had obtained. Mr. Robb stated that he felt he should be able to camp on the land without being bothered by his neighbor and obtaining a permit for a camping ground. Larry discussed the Kendall laws describing the use of campers. He said that a camper could not be stored on vacant land. Mr. Robb described how he and his family used the property. Dave asked if the property qualified as an improved lot. Larry responded that without a dwelling the property is not an improved lot. Mr. Robb said when he applied for a building permit for the barn, he was told that property would be considered an improved lot when a barn was placed on it. Mr. Robb asked why the rules were not explained to him better when he discussed building the pole barn with code enforcement. Discussion continued about the property and its intended uses. Paul Gray stated that when the camper ordinance was adopted that the intent of the town was to not allow personal camping in the community.

James Gaylord said he owned property in Kendall that contained a camper on it that he used for recreational purposes. He stated that he did not live in the camper. He said he felt that he should be able to use the property as he pleased and keep his camper on the property. Larry explained that Mr. Gaylord had his camping unit on an unapproved lot on Roosevelt Hwy. Mr. Gaylord discussed complaints made by his neighbors.

Discussion took place about approved lots. Dave asked if a property needed a septic tank and a well to be an approved lot. Larry said an approved lot must have a septic system and clearance by the health department. Dave asked if there has to be intentions of building a home on the property. Larry said his interpretation of the code was that a residence is needed to allow the property to be used as intended by Mr. Robb and Mr. Gaylord. Phil asked who gave Mr. Robb permission to build a barn with out a primary residence on the property. Larry said that the code enforcement office gave Mr. Robb permission to build the barn for agricultural purposes and storage. Discussion took place about port-a-potties and the health department rules about them. Dave recommended that Mr. Robb and Mr. Gaylord work with Larry and Paul Hennekey to make the property an approved lot. Dave Discussed the Junk regulations being discussed by the town board. Mr. Robb said that his grandfather at one time owned a junkyard on the property and wondered what had to be done to have the property grandfathered in as a junkyard. Paul Gray stated that there was never an approved junkyard on the property. Mr. Robb stated that he had papers stating that there was an approved junkyard on the property. Paul said that there were limitations on grandfathering property uses and that if the use ceased for more than one year it is no longer grandfathered. Discussion took place about tractor-trailers as a storage unit. Paul Gray said that the new junk ordinance prohibited the use of tractor-trailers storage units. Discussion took place about the rules for camping trailers and tents in Kendall. Discussion took place about the rules for farming in Kendall. Joyce mentioned that the town codes could be accessed on the town website. Discussion took place about public hearings regarding the junk law regulations.

Dissection took place about specific locations in Kendall that are not in compliance with the towns zoning codes. It was mentioned that there needed to be an official complaint to code enforcement office before the town could act on zoning law violations.

Larry discussed Mr. Gaylord's situations and said that he believed that Mr. Gaylord has been living in the camper on the property. Larry discussed Mr. Robb's situation and the court case that took place the previous night.

#### REPORT FROM CODE ENFORCEMENT

Larry mentioned two properties on Countyline road that were being cleaned up and brought into compliance. Larry discussed the types of building permits that were being issued during this time of year.

#### TOWN BOARD REMARKS

Dave mentioned a training program that is to be held June 16, 2010 at Niagara County Community College. Discussion took place about an Orleans County training program that will take place in November.

Dave said that the town board passed a resolution for a permit application fee for energy conversion systems. He said the fee would be three percent of the total project cost. He said the fee was to cover inspection expenses and planning review.

Dave said the town board passed a resolution for reimbursement for engineering a consultant fees for energy conversion systems.

Dave said that he had submitted the junk law and storage container regulations to the County Planning Board. He said he would be attending the meeting to answer any of the County Planning Boards questions.

Discussion took place about changes made to the junk law ordinance based on the town attorney's suggestions. Paul Gray said the wording in the ordinance was changed from "junk vehicles" to "junk". Dave said that there was no resolution needed for the recent changes.

#### CPB REPORT

Paul asked the board if they had received his email on how to access the CPB minutes via the Internet. Paul discussed the CPB would be working on at their next meeting.

#### MORATORIUM ON STRUCTURES

Paul Gray passed out sections 500 through 568 of the moratorium. A work session began on the moratorium.

#### NEXT MEETING

Tuesday June 22, 2010 at 7:00 pm

ADJOURNMENT: Phil motioned to adjure. Seconded by Joyce. All in favor. Adjourned at 10:20 pm.

Respectfully submitted,

Joyel Miesner

Recording Secretary