

**TOWN OF KENDALL  
PLANNING BOARD MEETING  
Tuesday, June 25, 2013 - 7:00 p.m.**

Chairman Gray called the meeting to order at 7:08 p.m.

Attendance:	Chairman Gray	- present
	Jeff Conte	- present
	Joyce Henry	- present
	Raymond Wenzel	- present
	Andrew Kludt	- present

Also present: Joe Heberle, Paula Reiss, Town Liaison Schuth, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

**APPROVAL OF MINUTES:**

Minutes from the May 28, 2013 meeting submitted by Recording Secretary Bakutis were reviewed. Joyce Henry moved to accept the minutes, seconded by Andrew Kludt, all in favor.

**TOWN BOARD UPDATE:**

Town Board Liaison Schuth stated that the Town Board is waiting for the proposed revisions from the Planning Board to the codification zoning regulation modifications for RA. The Town Board would like to review it at the next workshop meeting. It will also have to go through the Town Attorney and the County Planning Board. The Town Board is still working on the water line surveys. A second mailing went out and phone calls are being made for non-responders. There is still a high number of surveys to be returned. The ones unreturned could have a major effect on what happens with a potential water line on their road. Town Board acknowledged three (3) Boy Scouts receiving their Eagle Rank; Michael Schuth, Joshua Voght and Kyle Sailer and one (1) Girl Scout receiving her Girl Scout Gold Award, Christina D'Agostino.

**COUNTY PLANNING BOARD REPORT:**

Upcoming this month there will be ten (10) referrals: From Albion, Shelby, Gates, Holley, Carlton and Gaines. Items CPB will be discussing are farm labor housing, home occupations, zoning exchanges, home business, area variance for a commercial storage rental facility and traveling issues.

**PRE-APPLICATION REVIEW:**

A Pre-application review was held with Heberle Farms to include sale of ice cream to existing farm market operation. Joe Heberle and Paula Reiss of Heberle Farms, 17255

County Line Road, would like to include ice cream and possibly other sales to their farm market business. They would like to have this ready for next year. Joe and Paula explained to the Planning Board and Code Enforcement what their possible intentions were. They asked what they would have to do to achieve that. The Planning Board and Zoning Enforcement Officers discussed the need for a plan on the size and scope of the possible business expansion. Also discussed was parking, the existing building, water, County Health Department and other requirements for a Special Use Permit. Code Enforcement will continue to work them as they go forward. Review ended at 8:07 p.m.

#### PLANNING BOARDS RECOMMENDED CHANGES TO RURAL AGRICULTURAL DISTRICT WITH PUBLIC WATER:

A final review took place for the draft changes to the RA district. A two tiered approach is proposed based on the availability of public water.

- Road frontage, with the minimum lot size and uses remaining the same for areas without public water.
- In areas with public water, smaller lot sizes and road frontage would be allowed. The requirements would be identical to what is now allowed in the RR district.
- To qualify for the smaller lot size, a primary residence would have to hook into the public water system. This is to eliminate the possible conflict between a drilled well and septic system on small lots.
- The existing uses, now allowed, would remain the same in the RA district with public water.

It has also been noted by the PB that some of the conditions and requirements for uses allowed within the districts are out of date or non-existent. In many cases, updates have been made in over twenty years and have remained as adopted in 1992. The PB will include in its recommendations to the TB, additional changes to the Zoning Ordinance.

Proposed changes or additions to the Zoning Ordinance include:

- Definitions of Day Care Home (Family and Group Family) are added. Text changes recognize that Family and Commercial Day Care Centers shall comply with all NYS building codes, health department codes, requirements of NYS Department of Family Service and any other Federal, State or Local rules and regulations. Code Enforcement shall be the responsibility of the Town of Kendall. State and County agencies regulate and issue permits for Family Day Care. The PB will not issue Special Use Permits but will hold public hearings and have site plan review and approval.
- Definition of Day Care Center (Commercial) revised to include adult day care. PB to still issue Special Use Permit with revised conditions.
- Farm Labor Housing revised (Vs. farm labor camp). New definitions and text recognize the role of Federal Agencies with the guest worker H2A program, NYS Department of Agriculture and Markets, and the County Health Department in regulating Farm Labor Housing. The PB will not issue Special Use Permits but will hold public hearings and have site plan review and approval.
- Definition and conditions for a Farm Market created. A Farm Market is a fixed building with sales of goods and services. Proposed changes are also made to Farm Produce Stands.

The PB proposal will require that changes be made to Section 200 Definitions, Sections 500 District Regulations, Section 600 Regulations for all Zoning Districts, and Section 700 Special Use Permits.

**NEXT MEETING:**

Tuesday, July 23, 2013 - 7:00 p.m.

**ADJOURNMENT:**

Joyce Henry made motion to adjourn, seconded by Ray Wenzel; all in favor. Meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary