

**TOWN OF KENDALL  
PLANNING BOARD MEETING MINUTES  
TUESDAY, AUGUST 28, 2012 - 7:00 p.m.**

Chairman Gray called the meeting to order at 7:05 p.m.

**Attendance:** Chairman Gray - present  
                  Jeff Conte - present  
                  Phil D'Agostino - present  
                  Joyce Henry - present  
                  Bruce Newell - present

Also present: Town Supervisor Gaesser, Town Board Representative Schuth, Code Enforcement Officer Hennekey, Dave Wegman, Dan Wegman, Matt Tomlinson, Bob King, Ty Whitehair, Recording Secretary Bakutis.

**OPEN PUBLIC HEARING:**

No public participation.

**UPDATE ON COTTAGES AT TROUTBURG PROJECT:**

Supervisor Gaesser Remarks and Discussions:

Last Tuesday, the TB passed a resolution to be the lead agency for the SEQR process. That information has been forwarded to the attorney's office. The attorney's are in the process of sending out letters to the involved and interested agencies. Supervisor Gaesser received an update from Attorney Malcom tonight saying it will take a few weeks to get responses back from the involved agencies. The TB will also start the process for the consistency review of the LWRP.

**PLANNING BOARD REVIEW:**

Chairman Gray introduced Mark Terrene from LaBella Associates the town's engineering firm. Along with Mike Schaffron, Mark will be interfacing with the TB and the PB for engineering support. Chairman Gray and Bruce Newell met with both of them last Thursday to review the Wegman site plans.

Input from Wegman Group: Dave Wegman said he met with NYS Regional Code Officer in Buffalo, which is part of the Dept. of State, last week in regard to the proposed road widths. CEO Paul Hennekey had determined that to meet NYS fire codes, the road width must be 20 feet not the 12 and 18 feet width as submitted with the site plans. The Wegmans are interested in pursuing a waiver for the road width requirements. They have an application for a waiver and are in the process of filling it out. They will be submitting the application by the end of this week and will possibly have a hearing in front of the review board on September 27<sup>th</sup>. Dave Wegman explained that it is a five member board with one vacancy. The four members on the board are represented by an architect, civil engineer, code enforcement and fire Marshall. The Wegman Group will present their case at the hearing. They believe that the narrower roads will reduce traffic speed and be much safer for pedestrians. They believe their plan is much safer than what is required under the NYS fire access code. The review board will make a decision whether to grant the waiver or not at the hearing. Supervisor Gaesser requested

a copy of the waiver application from Dave Wegman. He agreed, and also believes Albany sends it to our Code Enforcement Officials as well.

Planning Board member Joyce Henry had questions about the site plans. She asked if anything has changed with the initial concept that the project would be developed in phases. Dave Wegman stated that from a marketing stand point they really don't want to be in an approval process for phases. They are looking for the Planning Board to make a recommendation to the TB of the project in its entirety. They don't want to lock themselves into not being able to meet the demands of the customer. It will be an economical decision based on how much infrastructure is required to open up a different section. Certain things have to be developed for first, such as the pool. Joyce also had questions on appendix 5, page 4 under site description of 1425 feet of shoreline. Matt Tomlinson said no, that number came from a third party report. The lake frontage is approximately 2900 ft. from property corner to property corner. Joyce Henry also questioned a dam safety permit, does that have anything to do with this project? Matt Tomlinson said no, that was something in the DEC's response. If the ponds get over a certain size or height there is a requirement to design them under different guidelines, but the ponds are below those guidelines. Also questioned was appendix 5, page 10 & 11, wetlands with regards to road and utility crossings. All wetlands are regulated by Cop of Engineers because wetlands have to be greater than 12.4 acres before becoming state wetlands. A permit is required to cross over a wetland. However, some wetlands may not need a permit. The required permits are determined by the Corp of Engineers.

Jeff Conte asked if the roads width was increased would that have an impact on the layout of the cottages. Dave Wegman responded that the cottage layout would not change in most cases, there is a large profile to work with, and setbacks should be maintained as they are now. Jeff asked about the safety concerns of larger roads. Dave Wegman responded that people drive faster on wider roads. The speed limit will be 10 MPH and is harder to control on 2-way roads. The concept is a park-like setting and children's safety is a concern.

Minimum size of cottages:

Dave Wegman reviewed research he did on the advantages of "small homes" and their benefits. Wegman's own market research found snowbirds, retirees, etc. are looking to downsize. Dave Wegman doesn't know what the cottage size mix is going to be. It will be based on market demand. He's hoping this project will allow people the opportunity to purchase cottages on the lake that they normally wouldn't be able to afford.

Phil D'Agostino had a question on conflicting numbers for available water to the cottages and the fire flow capability of the water system. Extensive discussion centered around the calculated and available flow rates vs. the MCWA and Insurance (ISO) guidelines as well as the needs of the fire company's fight a fire. It was generally agreed that more information needs to be provided.

Discussion took place on waterfront plan and shoreline erosion control and the effects the plan would have on neighboring shoreline property.

Sanitary system: Would there be odor from the system? How long could the system

operate with a major malfunction or power outage. An electrical back up system was discussed.

Walking paths spilling into parking lot, Wegman Group thought this would be safer than termination at a road.

General concept of structure size was discussed. Each cottage will have it's own house number identification for fire department and police. Cottage occupants will not be allowed to drive right up to their cottage; parking spaces will typically be about 50 ft. from a cottage. Wegman Group provided a 50 ft. side setback on the site plan in areas that are in conflict with neighboring properties. No concerns from the PB. Buffering concerns were discussed. Every house would have a hard-line available. Mercy Flight area possible if there was a need. Parking angles were discussed.

Supervisor Gaesser wants to make sure all engineers (Marathon, LeBella and MCWA) talk to each other and come to an agreement with the water system and water availability.

**Town Board Update:**

Representative Schuth discussed training and what can be considered for training. Town Historian Joette Knapp is resigning and has a replacement. Code Enforcement Office has welcomed Dan Strong and he has already been an asset to the Town.

**Code Enforcement:**

Code Enforcement Officer Hennekey discussed Wegman project; lights for their intersections, emergency and reflective signs. Would like to come to a happy medium on these concerns. September date for hearing on width of roads.

**Old Business:**

A motion was made by Jeff Conte to accept presented minutes, with corrections, of the meeting on July 24, 2012. Motion was seconded by Phil D'Agostino; all ayes.

**New Business:**

Next meeting Tuesday, September 25, 2012, 7:00 pm

**Adjournment:**

Joyce Henry motioned to adjourn at 9:31 pm, seconded by Jeff Conte, all in favor.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary