

**TOWN OF KENDALL  
PLANNING BOARD MEETING  
TUESDAY, OCTOBER 23, 2012 – 7:00 P.M.**

Chairman Gray called the meeting to order at 7:19 p.m.

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

Also present: Bill Anderson, Ty Whitehair and Recording Secretary Bakutis.

**Meeting Minutes:**

Due to the unusual number of lengthy, regular and special meetings held by the Planning Board in its final review of the Wegman project, the clerks have worked tirelessly to create minutes from the many hours of audio tapes recorded at these sessions. Having just received copies of the draft minutes the PB feels it needs additional time to review the documents.

Bruce Newell motioned to table minutes of 9/25/2012, 10/08/2012, 10/09/2012 and 10/10/2012 to allow further review with any corrections referred to Paul for adoption at the next meeting, Seconded by Joyce Henry, all in favor.

**County Planning Board Update:**

At the upcoming meeting on Thursday, October 25, 2012 there will be three referrals:

- Holley - minor amendments to zoning text.
- Clarendon - amendments to zoning text and map expansion of business, commercial and industrial district and changes to allow uses in various districts.
- Murray - a site plan review and special use permit for a machining operation at 16551 Ridge Road, in the business district.

**Public Hearing:**

8:00 p.m. Chairman Gray opened Public Hearing on the application of Bill Anderson for a Special Use Permit to operate a taxidermy business at 2249 Kendall Road.

Chairman Gray read the Official Public Notice published in the Hamlin Clarkson Herald on October 21, 2012.

Please take notice that the Planning Board of the Town of Kendall, Orleans County, New York, will hold a Public Hearing on the application of William R. Anderson for approval for a special use permit to operate a taxidermy business on his property located at 2249 Kendall Road, said hearing will be held the 23<sup>rd</sup> day of October 2012 at 8:00 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 on file at the Town Clerks office.

By Order of the Kendall Planning Board

The Planning Board reviewed Mr. Anderson's application for a home business, which consisted of a plan for the home based business, agricultural data statement, deed, survey and site plan locating pole barn and relationship to road and house, survey of property, tax map, including surrounding properties and a referral of approval from the County Planning Board. Discussion took place between the Board and Mr. Anderson regarding his intent to operate a home business. Mr. Anderson said he knows he needs a certificate of occupancy for the primary residence in order to operate a home business. He indicated that he should be ready for the final C of O within two weeks.

Chairman Gray gave definition of a home business: An accessory use conducted within a single family occupied dwelling or an attached or detached accessory structure for gainful employment involving the manufacture, provision, or sale of goods and services principally on the premises.

The Board reviewed the application against the requirements of Section 709 Home Business and Special Use Permit requirements.

There was no input from the public.

#### Closing of Public Hearing

Phil D'Agostino made a motion to close the Public hearing at 8:15, seconded by Bruce Newell, all in favor.

#### **Planning Board review of the application of Mr. William Anderson, for a home taxidermy business:**

Discussion took place regarding the detached accessory structures. Code enforcement had indicated to the chairman prior to the meeting that a tractor-trailer had recently been moved from his previous location to the new site and it appears to be part of the business. Mr. Anderson explained how the tractor-trailer is to be used: A Hide Tumbler is presently located within the trailer. It dries the deer hides by tumbling in sawdust before the mounting process takes place. The trailer also has a walk in freezer with the remaining space used for storage. Location of the trailer is behind the shop to the north-east and not visible from the road. There is a shingled roof on top of the trailer. Mr. Anderson is using an electric cord running from the accessory building to operate the freezer and dryer. Joyce Henry had concern regarding an extension cord not meeting Code.

The tractor trailer located on site is not considered by the TOK Zoning Ordinance to be an accessory building or structure and it does not meet New York State building codes. NYS DOT considers a tractor-trailer to be a motor vehicle.

The TOK Zoning Ordinance Article II definitions of an Accessory Buildings or Structures subsection (6) states: This definition does not include devices previously used or intended for highway use. A structure is anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground. Mr. Anderson would have to convert the trailer into a structure that meets the requirements and satisfaction of the Code Enforcement Officer. As part of the review, the Board noted

that the site plan submitted included a pole barn dimension of 30' x 60' for the operation of his business. However Mr. Anderson actually constructed his pole barn to be 30' x 48'. Mr. Anderson also indicated that if he had constructed his pole barn to the original dimension there would be adequate space for the equipment now housed in the tractor trailer, in essence a self-created hardship.

There is adequate drainage.

The applicant does not intend to have a sign along the roadside.

There will be no outdoor storage of materials or goods.

All waste material will be handled properly.

There is no noise generated with the operation of the business.

The board determined that there was adequate parking with no requirement to backout onto the highway.

A motion to grant a Special Use Permit for a Home Taxidermy Business with the following conditions was made by Joyce Henry, Seconded by Bruce Newell.

**Planning Boards Conditions:**

1. The driveway and parking area must meet all fire access code requirements.
2. The business cannot startup until a Certificate of Occupancy has been obtained for the primary residence.
3. The conduct of the business shall only be permitted within the confines of the detached accessory structure(s). The Planning Board has determined that the recently moved tractor trailer housing a drier and cooler, used as part of the business, is not an accessory structure. Section 200 definitions of an Accessory Structure states in subsection 6: that an accessory structure does not include devices previously used or intended for highway use. The tractor trailer shall be allowed if converted to an accessory structure per the satisfaction of the code enforcement officer and must meet all NYS building codes including electrical hookup. Failing to meet the requirements of an accessory structure the contents of the trailer used for the business must be removed and placed within the existing pole barn or other structures approved by the code enforcement officer.

Chairman Gray called for a roll call vote:

Jeff Conte	- aye
Phil D'Agostino	- aye
Bruce Newell	- aye
Joyce Henry	- aye
Chairman Gray	- aye

Motioned carried.

**Town Board Remarks:**

Town Board Representative Schuth has been reviewing the town's general code and modifications packet and zoning regulations.

Town Board in process of completing its own LWRP consistency review of the Wegman project.

Beechwood Cemetery damages estimated at \$6,000.00 for repairs. There have been anonymous donations made to town for damages and toward a reward.

Joette Knapp has retired but has agreed to stay on and be part of the advisory committee for the chapel in the Beechwood Cemetery. As of November 1, 2012 Kim Corcoran has been appointed as Town Historian.

**LWRP Consistency Review of the Cottages at Troutburg:**

The Planning Board at the request of the Town Board is required to review the 44 policies of the LWRP. An initial draft was created in February of this year. Following the final PB site plan review of the project, work has continued on the draft to complete our consistency review.

Review of original draft with changes: policies 1-20.

- #1 Ok with draft wording. Joyce Henry does not think 1c applies (Rt. 18, fire lanes) in the (WRA) water revitalization area.
- #2) Ok with draft wording.
- #3) Does not apply to the Town of Kendall.
- #4) Does not apply to the Town of Kendall.
- #5) Ok with draft wording. Need to check road distances. Explanation of Policy –we need to review Social Services section.
- #6) Board ok with draft response.
- #7) Site is not a significant fish and wildlife habitat area. We need to determine if a habitat impairment test is required. Also 7e does not apply to the Town of Kendall.
- #8) Ok with draft wording
- #9) Ok with draft wording
- #10) Does not apply to the Town of Kendall.
- #11) Buildings, structure, flood area - no cottages in coastal erosion hazard area.
- #12) Beeches, bluff areas, shore areas, dredging coastal erosion. Local Town Law in use for this policy. Town of Kendall CEO, DEC and Town Engineers oversee this policy. Need to review this policy, may need more detail.
- #13) Board will further research this policy. Need to review long term maintenance program.
- #14) Ok with draft wording
- #15) Does not apply to the Town of Kendall.
- #16) Does not apply to the Town of Kendall at this time.
- #17) Need to add additional information.
- #18) Not applicable to this project based on explanation policy. Major actions in coastal area. (Water plant, major sewage treatment facility).
- #19) Ok with draft wording.
- #20) Not applicable.

PB to continue review at next meeting.

Motion to adjourn meeting by Jeff Conte, seconded by Joyce Henry, all in favor.  
Meeting adjourned at 10:26 p.m.

Respectfully Submitted,  
Recording Secretary Bakutis