

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

January 22, 2008 – 7:00 p.m.

CALL TO ORDER: Chairman Paul Gray called the meeting to order at 7:07 p.m.

ROLL CALL, MEMBERS:

Paul Gray, chairperson	- present
Tom Cole	- present
Phil D'Agostino	- present
Walter Steffen	- present

ALSO PRESENT: Larry Gursslin, Deputy Code Enforcement Officer  
David Schuth, Town Board representative  
Marianne Wilson, secretary  
Larry Gursslin, Deputy Code Enforcement  
M. Lynn Szozda, Kendall Town Councilwoman  
Joyce Henry, 16915 Bald Eagle Drive  
Daniel Gaesser, Kendall Town Councilman

APPROVAL OF MINUTES: Minutes from December 11, 2007 were reviewed. Phil moved to accept as presented. Walt seconded. Tom abstained. Motion carried. November 27 minutes are tabled until next meeting.

ORLEANS COUNTY PLANNING BOARD: Paul did not attend the December 20, 2007 meeting. There is no January meeting. Shelby adopted a local law regarding wind energy. Paul will try to obtain a copy for reference.

SPECIAL USE PERMITS: Marianne forwarded a spreadsheet to Dave containing all permits issued. Dave will follow up with contacting homeowners. Tom states the Town Clerk followed up in the past, as that office collects the fees.

LEMCKE PROPERTY: Smith Brothers, the current parties who have shown interest in cleaning up this property, want to back charge the town and the town would assess a tax levy to cover cost of tire removal. There are many more than initially realized. It was suggested that Bill Wells be contacted - he picks up scrap vehicles and may pay for some of the town for some of the abandoned vehicles – perhaps he also has a contact for tire disposal that would be most economical.

TOWN BOARD MEMBERS: Councilpersons were invited to attend to get acquainted with Planning Board members. Section 271 of the Municipal Law defines duties of this board. The Zoning Ordinance was last adopted in 1996 and is in need of rewriting. Local Dog Law, Adult Entertainment, Cell Towers and Meteorological Towers ordinances have not been incorporated into the Ordinance. The Comprehensive Master Plan was contracted out about 10 years ago when it was last written. It precedes the Ordinance. Local Water Revitalization Plan was adopted in 2005. There were only 2 water districts at that time; we're now working on the 6<sup>th</sup>. Rural Residential zoning only extends 500 feet from the

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road; the rest is agricultural.

**WIND ENERGY DRAFT ORDINANCE:** The first public hearing was held December 20, 2007. Minutes from that meeting are not yet available. The town's attorney only provided minimal input. LaBella Engineers made 13 references. Next step is for this board to review input from all sources. Estimate April for next public hearing and May/June for final adoption. Tom suggests the Town Board needs to approve the draft and changes can be made later, to save time. The moratorium has been extended once. Minimum of one more public hearing required, plus approval of Orleans County Planning Board. Any major changes would require additional public hearings. Section 660 of the current ordinance only contains 4 sentences. Cell towers are deemed an essential service; wind energy is not. The Town Board could disallow wind energy. Paul recommends the draft ordinance be adopted as a fallback. The range for a Med Tower is 3 miles. One wind energy turbine generates 300,000 watts of electricity.

**DAVE SCHUTH:** Dave reports the Zoning Board is reviewing portions of the Town Ordinance for rewrite. Kevin Banker will write a letter to this effect. Zoning Board is utilizing pertinent available information for training purposes and have suggested bringing in sources, such as the town's attorney, for training purposes. They would open such sessions to the Planning Board. Discussion followed regarding benefits of attending meetings of the Association of Towns.

**PLANNING BOARD OPENING:** It is advertised. Deadline is Friday. Joyce Henry has applied. The Town Board will review and interview candidates. Town Board and Planning Board will select the winning candidate.

**CODE ENFORCEMENT:** Larry will be training in Buffalo next Monday through Wednesday. Dan will follow up on possible coverage for Monday evening office hours. A homeowner is likely applying for a variance to construct a pole barn on a lot south of Norway Heights. He owns a lot on the waterfront which is diagonal to this lot. Clarification of setbacks. In 2007 there were 127 permits issued, 28 certificates of occupancy. Received some complaints regarding condition of Banner Beach Road. Discussion of private vs public roads; that road has not yet been dedicated into the public highway system. Larry notes that Scott was very well respected and loved by the community.

**CORRESPONDENCE:** Schedule of meetings for Orleans County Planning Board remains the same.

**EAGLE CREEK MARINA:** At the last Town Board meeting a resolution was passed to match dollar for dollar funding. Final approval has not been granted for the north shore development, as a stamped/signed drawing has never been received. Question if a building permit was issued in 2005. Revised drawings cannot be used. Final certificates of occupancy will rely upon those plans. This project began in 1999. Some question if Mr. Freemesser has an engineer. Various ideas have been mentioned regarding the Jersey block since the approved plan for stucco finish was advised against by the contractor. CEO needs to know if a stop work order is required. The last change adopted by this board pertained to the 3<sup>rd</sup> floor change of use. Tom offers to go over the plans with Larry to familiarize

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him with this project. They will possibly meet with Bill Hardenbrook, who preceded Scott as CEO. Financials were handled by Councilman Pritchard. Question if permits were issued for the docks. Town Ordinance does not deem docks to be structures. Our ordinance was copied from Town of Carlton. Larry states other towns designate them as structures and assesses them as such. Total funding from New York State is \$562,000; the town is managing dispersal of those funds to Eagle Creek Marina.

WIND ENERGY: Action is for all to review the LaBella documents –copies provided. Worksession on February 12: All come prepared. Paul will look for Bob Nelson's documents on Zoning/Planning office computer. Paul has reviewed bob's work from December 20-31, 2007 and highlighted Bob's changes, which are based on LaBella's input. To incorporate the Wind Energy Ordinance into the Zoning Ordinance, it must be reformatted into sections, to supersede Section 660; or, is to be a local law?

Donations are made personally by board members. Paul will bring a card for the family to be signed by board members February 12.

Tom moved the meeting be adjourned. Seconded by Phil. All in favor. Meeting adjourned 9:30 p.m.

Worksession February 12. Next regularly scheduled meeting will be February 26.

Respectfully submitted,

Marianne Wilson  
Recording Secretary