

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

May 27, 2008 – 7:00 p.m.

CALL TO ORDER: Chairman Gray called the meeting to order at 7:10 p.m.

ROLL CALL, MEMBERS:

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| Paul Gray, chairperson | - present |
| Tom Cole | - present |
| Phil D'Agostino | - present |
| Joyce Henry | - present |
| Walt Steffen | - present |

ALSO PRESENT:

Larry Gurslin, Code Enforcement Officer
Dave Schuth, Town Board Representative
Jack Gillman, Supervisor
Marianne Wilson, Recording Secretary

MINUTES: Minutes from April 22, 2008 meeting were presented. Phil moved they be accepted with minor changes. Walt seconded. All in favor.

CODE ENFORCEMENT: Larry states there are surprisingly few permits for spring. Just took a vacation. An Eagle Creek Marina neighbor called regarding concern with issuance of temporary C of O. Larry explained the process. Also concerned with absence of berm and shrubs - 2 years behind schedule on plantings. This board is still missing drawings.

Asked about status of Scarpulla bakery. Larry has not pursued.

A realtor contacted Larry regarding vacant land on Norway Heights, inquiring if it would be an approved building lot. Larry asks the process for approval in Kendall. Perk tests were performed in 2005. Current owner is Thulin, lot #32. Paul says those lots were subdivided well before the ordinance took effect in 1998. Larry will check with Warren Kruger for HOA contact to see if he can view maps.

Larry has proposed to the Town Board that they make changes to the permit fees to clarify terminology and to justify fees being charged.

TOWN BOARD, David Schuth: Two variances were decided upon at the Zoning Board meeting last week on Bald Eagle Drive properties: 1 accepted for construction up to 2 feet from property line, and 1 denied for a 6 feet fence around a pool. Unregistered vehicles are defined by New York state law, as it is more restrictive than our ordinance. Dave provided copies of the verbiage extracted from another town's ordinance. Dave proposes working on it for next couple months to modify for our use. Special considerations for contiguous properties belonging to one owner. Specifically define unregistered vehicles. Divide districts and deal with separately. The Town of Hamlin has a special permit which is renewable annually for 2nd and 3rd unregistered vehicles for an

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additional fee. Temporary storage could be allowed on a limited basis, (6 months for example) which would allow for family situations such as an extended illness or military duty. The CEO takes action based on the philosophy of the Town Board. Tom suggests checking the Codification regulations and states this board's hopes that Town Board will adopt the system. Paul has regulations from some other towns. Discussion regarding general property maintenance. Jack stated he would like to help build camaraderie within the town. Grass mowing falls under DOT law. Town of Hamlin contracts someone to mow vacant properties. HUD mows once per month. Questions and input should be directed to Dave. Jack mentions a need to improve drainage around the hamlet area.

CODIFICATION: The system was explained for those who are unfamiliar with it. It compares the town ordinance/laws with state and county laws and resolves any discrepancies. The cost 3 years ago was about \$7500 to be paid over a 3 year period. Grant money is available. Sufficient funds were available to start the process, but were reallocated. It is available online.

WIND ENERGY CONVERSION SYSTEMS DRAFT DOCUMENT: Many thanks to Paul for all his hard work. Paul also commends Bob Nelson. The ordinance or law could be placed online when adopted. Town of Gaines draft document was referred to OCPB. They are not allowing commercial wind energy and will require Special Use Permit. Attorney Spitzer states that towns cannot enforce regulation unless public health is involved. A special permit cannot be enforced for agricultural use. Most towns are not addressing agricultural use, or only on a limited basis. Paul strongly suggests to Jack that the Town Board send a draft to OCPB before holding a public hearing.

Tom made a motion to accept the Revised Draft Wind Energy Conversion Systems Document as corrected, except for checking for typographical and grammatical errors by Paul and Marianne. Seconded by Joyce. Further discussion regarding terminology. The motion was passed by unanimous roll call vote.

Next Step: Town Board workshop was rescheduled from May 22 to June 5. Would like discussion at that meeting, distributing copies to all board members so they can present any revisions at June 12 meeting. Dave will complete the SEQR to be attached. Dave will draft the needed resolutions for June 12. Must be reviewed by Mike Leone and LaBella's. Make changes before it goes to OCPB, no later than July 17, for consideration at their meeting July 24. Jim Bensley, OCPB planner, reviews all applications before they are presented to the board.

Existing ordinance references wind energy in Section 660, page 40. Section 1004, Site Plan Review also needs rewriting. It was considered to eliminate 660 until it is rewritten. Town of Hamlin submitted alterations to their ordinance along with the WECS document. Paul states Town Board direction is needed to complete this process. The Town Board has already indicated they want the Master Plan rewritten.

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ORLEANS COUNTY PLANNING BOARD: There were 7 referrals at last week's meeting. Ag & Markets initiated a lawsuit against the Town of Gaines over denial of a Special Use Permit for a farm labor camp. The farmer opted to relocate the housing; originally wanted to place it on the edge of Village of Albion.

NEW BUSINESS: Niagara County workshop is coming up. Paul has registration forms. Will wait for Orleans County workshop in September.

DEC is reviewing National Flood Plain Zoning. They ask to review any variances approved or denied in the last 2 years for FEMA insurance programs. They will come here. Covers all of Lake Ontario shoreline, Yanty Creek up to south of Route 18, Bald Eagle Creek including ECM, and Sandy Creek.

Memorial Day Parade will be Friday, May 30 at 7:00 p.m. at Beechwood Cemetary.

ADJOURNMENT: Phil moved for adjournment. Seconded by Joyce. All in favor. Meeting adjourned at 10:05 p.m.

Next meeting will be Tuesday, June 24, 2008 at 7:00 p.m.

Respectfully submitted,

Marianne Wilson
Recording Secretary