

**TOWN OF KENDALL  
PLANNING BOARD MEETING  
TUESDAY, MARCH 25, 2014 - 7:00 P.M.**

Chairman Wenzel called the meeting to order at 7:15 p.m.

Attendance:	Chair. Raymond Wenzel	- present
	Joyce Henry	- present
	Jeff Conte	- present
	Andrew Kludt	- present

Also present: Frederick Stone and Amy Herold, 1716 W. Kendall Rd., Joseph Lamica, 1720 W. Kendall Rd., Mr. and Mrs. Sheffield, 1710 W. Kendall Rd., Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

**PUBLIC HEARING FOR A SPECIAL USE PERMIT - TAX ID 31.-2-15**

Chairman Wenzel opened the public hearing at 7:15 p.m. He read the public notice.

Please take notice that the Planning Board of the Town of Kendall, Orleans County, New York has scheduled a public hearing for the application of Frederick Stone for approval of a Special Use Permit to operate a dog kennel on his property located at 1716 W. Kendall Road per section 712 of the Kendall Land Ordinance. Said hearing will be held on the 25<sup>th</sup> day of March, 2014 at 7:15 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 is on file in the Town Clerk's office.

By Order of Raymond G. Wenzel III  
Town of Kendall Planning Board Chairman

Chairman Wenzel gave the applicant's Mr. Stone and Mrs. Herold a chance to speak and explain to the board why he is seeking approval of a Special Use Permit to have a dog kennel on the property Fredrick Stone and Amy Herold own at 1716 Kendall Road, Kendall, NY. Mr. Stone said they are looking for a permit to let their dogs live out the rest of their natural lives on the property. They are not looking to open a business, to breed or harbor any other dogs. As the current dogs live out their lives they have no plans on replacing them with other dogs. Looking to use existing out building/garage as the kennel as outlined in plans submitted. Mr. Stone said along with the fence and gate there will also be an invisible fence. PB member Joyce Henry asked for an explanation regarding dotted lines on the site plan. Mr. Stone said the dashed lines are representing the fence and the out building on the plans which will be used for the kennel. PB member Jeff Conte had concerns of the dog's mating. Mrs. Herold and Mr. Stone said they will do their best to keep the female away from the males while she is in heat, they have no interest in having puppies. Further discussion took place between applicants and the Planning Board members.

Chairman Wenzel closed the public hearing at 7:35 p.m.

Chairman Wenzel and the Planning Board reviewed the criteria for this application and paperwork that has been submitted to the board. The permit holders, Mr. Stone and Mrs. Herold would have to reapply with the towns Code Enforcement Officer to renew the kennel permit term. The board did a final review of the zoning ordinance and site plan check list. Minimal lot size of 75,000 square feet. Minimal lot frontage 250 feet. All kennel building structures or other accessory uses shall be a least 75 feet from property line. All animals shall be in a totally enclosed building between 8:00 p.m. and 6:00 a.m. Lot coverage shall not exceed fifty percent. Entrance and exit points shall be from major and secondary roads only. One parking space shall be provided for each employee and one space for every three kennel runs, Mr. Stone and Mrs. Herold will have to be considered as employees, so this means total of two spaces and one for the kennel run so that will be three cars. Special Use Permit terms would be for three (3) years. Location of fence meets set back requirements, kennel building meets set back requirements. Adequate landscaping and fencing shall be provided to provide a visual, sound and smell buffer between facilities and adjacent properties.

Chairman Wenzel asked for a motion to grant a Special Use Permit for the kennel. Joyce Henry made the motion to approve the Special Use Permit for the kennel with the following conditions: Sixty (60) day deadline for fence completion, starts when permit is issued. No more than the eight (8) current dogs and reduced naturally to three (3) dogs. A three (3) sided, 55 foot in length, four (4) foot solid stockade style fence, road side open. Limited to two (2) full term renewals at three years each term. Andrew Kludt seconded the motion, all in favor.

Chairman Wenzel called for a roll call vote, with the following results:

Roll Call:	Joyce Henry	- aye
	Chair. Wenzel	- aye
	Jeff Conte	- aye
	Andrew Kludt	- aye

Motion carried, Special Use Permit granted.

**APPROVAL OF MINUTES:**

Minutes from the March 25, 2014 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte moved to accept the minutes as presented, seconded by Andrew Kludt, all in favor.

**TOWN BOARD UPDATE:**

Chairman Wenzel gave the TB update. The Town Board approved Phil D'Agostino as the new Planning Board member. Mr. D'Agostino will be starting April 1, 2014. Chairman Wenzel asked Planning Board member Joyce Henry how her review was going with the new Code of the Town of Kendall comparing with the old Code of the Town of Kendall. Joyce indicated that she found a slight problem with the way the definition of a dwelling read. Joyce said she thinks the way it reads changes the meaning. She was not on the PB at the time it was done, but under the definition dwelling they eliminated the sentence; In

addition no basement sited independently of structure shall be used exclusively as a dwelling. Joyce said this does not make sense, because if it is an independent structure it's not a basement, she believes that's why it was eliminated. But then that creates a hole she thinks that's why they put that sentence in there for, so no one can dig a hole in the ground and put a frame over it and live in the hole in the ground. She thinks this sentence was intended to eliminate that possibility. But that sentence has been removed from our current proposed code. Joyce explained to the PB that her purpose is to tell the Town Board the difference, as long as the TB is aware that if they adopt the new town code as it reads people will be able to live underground. CEO Paul Hennekey said this can only happen if they meet state building code, which most likely won't happen or would be very difficult. Joyce indicated that she still had a ways to go before she completes the comparison.

**CODE ENFORCEMENT REPORT:**

CEO Paul Hennekey said he has an individual that came in last week regarding a one lot subdivision. They purchased a parcel across from the Stone property next to the railroad tracks which goes up to the cell tower. It is a non-conforming lot as far as frontage but our code allows for pre-existing non-conforming lots.

**COUNTY PLANNING BOARD:**

CPB has three (3) referrals set for the next meeting which is Thursday, March 27, 2014.

- 1) Ridgeway - Site plan review for an additional building, parking lot and access road at 3959 Bates Road.
- 2) Ridgeway – Area variance, Site plan review and Special use permit for a motor vehicle repair shop at 11911 Ridge Road.
- 3) Shelby - Area variance, site plan review and special use permit for motor vehicle sales and repair at 10823 Maple Ridge Road

**NEW BUSINESS:**

Spring training being held on Thursday, May 15, 2014 which will be at the Burgundy Basin Inns located in Pittsford, NY. Information handed out.

The Town Board is working on putting out a monthly/quarterly newsletter if anyone has anything they would like to add to it please contact Lynn Szozda.

**NEXT MEETING:**

Tuesday, April 22, 2014 at 7:00 p.m.

**ADJOURNMENT:**

Andrew Kludt made motion to adjourn, seconded by Joyce Henry, all in favor. Meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary