

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, April 26, 2022 at 7:00 p.m.

ATTENDANCE: Chairman Bruce Newell - present
 Jeff Conte - present
 Phil D’Agostino - present
 Steve Catone - present
 Jon Gainer - present

Also present: Mrs. Diane Furness, W. Kendall Rd., Mike Furness, Peter Smith Rd., Town Board Liaison Jennings, Code Enforcement Officer Hennekey, Deputy Code Enforcement Officer Strong and Recording Secretary Bakutis.

Chairman Newell called the meeting to order at 7:01 p.m.

PUBLIC HEARING FOR APPROVAL OF A SUBDIVISION – TAX ID #31.-2-24

Chairman Newell opened the public hearing at 7:02 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kendall, Orleans County, New York on Tuesday, April 26, 2022 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Robert and Diane Furness, Tax ID #31.-2-24. Applicant seeks approval for a .73-acre subdivision of property located at 1775 West Kendall Road. 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 Bruce Newell
Town of Kendall Planning Board Chairman

Chairman Newell updated those in attendance on the subdivision, the overall project is part of the solar project on W. Kendall Rd. consisting of a major solar installation, and during the Planning Boards review it was identified that the developer needed more space from the frontage and entryway to the property. A deal was made between the developer and Furness’s for the developer to purchase land which requires a subdivision of the Furness’s current lot. Chairman Newell also explained this is what is referred to as a minor subdivision in a Residential Agriculture (RA) district consisting of four or less lots, this is covered in the Town of Kendall code under Chapter 210, Section 255-22. The overall site plan was approved during review of the solar project, what we’re doing here tonight is a necessary step to allow the sale of the land and the transfer of property to occur. He also expressed that part of the Planning Boards responsibility is to look for long term impact on property in the Town of Kendall. Currently for this solar project the contract states the life of the solar project is twenty-five years. The board wants to make sure after the twenty-five years if the owner decides to sell the property it will be a residential buildable lot and be returned to its natural state prior to construction.

No public comment.

Chairman Newell closed the public hearing at 7:15 p.m.

Phil D'Agostino motioned to approve the application for the .73 acre subdivision of the Furness property located at 1775 W. Kendall Rd., which is part of the special use permit with all stipulations previously discussed, seconded by Steve Catone. All in favor.

Application approved.

PUBLIC HEARING FOR APPROVAL OF A SUBDIVISION – TAX ID #11.14-1-29

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

Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kendall, Orleans County, New York on Tuesday, April 26, 2022 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Denis and Marina Kondakova, Tax ID #11.14-1-29. Applicant seeks approval for a subdivision of a 60' x 175' foot lot located at 17125 Norway Heights. 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 Bruce Newell
Town of Kendall Planning Board Chairman

The applicant explained to the board that he would like to sub-divide/combine his property, Tax Map #11.14-1-29, between himself, Tax Map #11.14-1-28 (lot #27), and his neighbor's Patrick and Charlene Blakely, Tax Map #11.14-1-30 with lot #28. between lots #27 and #29 does not have a street number as stated in the public notice. Chairman Newell made clear this is a 60-foot lot being subdivided equally into two 30-foot lots which is not allowed in our code, so he suggested that a requirement for approval of this application be made from this board for Mr. Kondakova and Mr. Blakey is to submit a letter in a reasonable period of time stating the properties discussed have been joined. He also explained to the applicant if this is not done the board will have to rescind their approval and the applicant would have to re-apply. Both parties agreed.

No other public comment.

Chairman Newell closed the public hearing at 7:29 p.m.

Steve Catone motioned to approve the application for the subdivision of property, Tax Map #11.14-1-29 with the stipulation the two property owners submit to the Town of Kendall Planning Board a letter in a reasonable period of time stating the property subdivided (lot #28) has been joined to lots #27 and #29. Jon Gainer seconded. All in favor.

Application approved.

PUBLIC HEARING FOR APPROVAL OF A SPECIAL USE PERMIT – TAX ID #22.-1-7.12

Chairman Newell opened the public hearing at 7:30 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kendall, Orleans County, New York on Tuesday, April 26, 2022 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Joseph E. Heberle Farms for the property located at 17276 Lakeshore Road, Tax ID #22.-1-7.12. The applicant is seeking a Special Use Permit and Site Plan Review for farm labor housing. 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 Bruce Newell
Town of Kendall Planning Board Chairman

Chairman Newell asked the applicant if he would like to share with the board why he is seeking a Special Use Permit. Mr. Heberle stated he will be adding more help and needs more housing for the farm. Chairman Newell just wanted to make clear that there was a setback variance approved at the last Zoning Board meeting. Chairman Newell commented there is no County Planning Board input for this application, he will submit a letter stating this to be attached to the minutes. Chairman Newell asked how many occupants will there be? Mr. Heberle told the board he understood he was allowed eight. Chairman Newell explained under the Town's Current Zoning Regulation from which sought Article 265-22, Section D7, occupancy of farm housing is limited to May through November, he asked Mr. Heberle if that is consistent with his plans. Mr. Heberle said he would be ok with that, but he would like it open as much as possible with groups of farm workers arriving and leaving at different times due to different jobs being done like tree trimming before after picking season. Discussion took place between board, CEO and applicant and it was determined that permitting full year coverage made sense in this case.

No public comment.

Chairman Newell closed the public hearing at 7:44 p.m

Phil D'Agostino motioned to approve the application for a Special Use Permit to operate farm labor housing outside a NYS Certified Agriculture District with the additional full year allowance of farm labor housing. Jon Gainer seconded. Member Conte abstained. Remaining members in favor.

Application approved.

CODE ENFORCEMENT UPDATE:

CEO Hennekey told the board he has a property owner located at 16067 Lamond Shores, property is considered a combined lakeshore and lakeview parcel, the street splits the properties. The applicant would like to subdivide the lakeview property from the lakeshore property. CEO Hennekey explained to the board the problem is the lakeview lot is only sixty-foot wide lot which won't meet the current code which requires it to be a hundred-foot wide and it has an accessory structure that isn't allowed, our code states you can not have an accessory structure on a lot without a primary on the same lot. The property owner's intent is to subdivide the property and turn the accessory structure into living quarters. They would need a variance for not only a lot with sixty-foot frontage, but also an accessory structure on an unapproved lot. The lakeview lot is smaller than the lakefront.

He wants to confirm with this board that the applicant needs to submit an application to the Zoning Board. With the way it is now if the owner wanted to take the house down on the lakeshore side and build on the lakeview side they can do that because a primary structure is already existing, it would require a variance for the subdivision because their creating another lot that wasn't there prior. The Planning Board agrees with CEO it should go before the Zoning Board for a variance.

TOWN BOARD UPDATE:

The board is currently working on short term rental properties.

APPROVAL OF MINUTES:

Minutes from the January 25, 2022 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte moved to accept the minutes as amended, seconded by Steve Catone. All in favor.

NEW BUSINESS:

Training opportunities coming up.

ADJOURNMENT:

Phil D'Agostino made motion to adjourn, seconded by Steve Catone. All in favor. Meeting adjourned at 7:57 p.m.

NEXT MEETING:

Tuesday, May 24, 2022 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary