

Planning Board Minutes
April 9, 2013

Present: Dave Russo, Joe Mcllroy, Mark Vitale, Davies Nagel, Heather Grant

Others: Carl Peter, John & Chris Noble (Noblehurst Farms), Jim Campbell (Attorney), Jeff Mulligan (Avon farmer, potential investor)

Meeting opened at 7 p.m. by Dave Russo

Joe Mcllroy moved to accept the March 12 minutes with corrections, Heather Grant seconded, carried.

Dave Russo asked the Nobles what their process would be.

John Noble

- RFP out to several builders
- Finalize engineer end of May
- Intent to finalize everything middle of June
- Start building in July

Industrial agricultural enterprise vs. agri-business?

Jim Campbell said we have to see where it fits – go to definitions in Zoning Ordinance

- Agri-business: Any business which is designed to directly support or engaged in the production operations of an agricultural operation, the manufacture or distribution of farm equipment and supplies, or the processing, storage, and distribution of farm commodities.
- Industrial Agricultural Enterprises: A large scale business activity that specializes in a specific aspect of agriculture or farming and uses specialized equipment and buildings. The raising of livestock or processing of agricultural products such that the use of land and agricultural products grown on the premises is typically subordinate.

The first is a straight permitted use. Distinction between the two is volume. Size triggers a special use permit or zoning review. Either way there will have to be a site plan review. A special use permit allows the board to put reasonable restrictions or conditions on the use.

- Periodic review to follow through on issues
- Address truck traffic
- Can't be taken away from the applicant.

Carl Peter – asked how we go back and review truck traffic – do we specify designated routes?

Jim Campbell – look at those things up front with the applicant, truck traffic, lighting, hours of operation, etc. Sometimes have to live with it to see how it goes, be cooperative with the applicant.

Dave Russo – would special use permit allow expansion?

Jim Campbell – expansion may trigger a special use permit review, but not necessarily a site plan change.

Chris Noble – wants to make sure that under the plan the operation could grow.

John Noble asked what a special use permit was.

Jim Campbell answered that unlike other towns it is granted by the Planning Board in York, a similar process to site plan review and it is given for life. He explained to John & Chris that an engineer could show the business on a site plan, lighting, utilities, etc. (developmental approvals), setbacks, boundary lines and may also help them with SEQR and D.E.C. stuff. Process is 1) preliminary site plan submittal, 2) final plan, 3) public hearing.

Chris Noble asked if this would all be under industrial agricultural.

Jim Campbell & Dave Russo both said it would allow flexibility for both sides.

Jim Campbell – a footprint could be done ahead of the engineered drawings. Submit to the county by June 1 (county line triggers it going to the county).

Carl Peter – so the timeline might be May 14th to the Planning Board, to the county June 13, followed by a public hearing possibly June 18.

Jeff Mulligan – special use permit makes sense and keeps the business in Livingston County

Mark Vitale – Will the digester be on line to handle the waste products?

John Noble – Yes, planning on doing both together.

Joe McIlroy – What emergency plan do you have if the digester goes down or power goes out?

John Noble – plenty of storage available and have generators

Jeff Mulligan – extra milk would go to the Coop (Dairyalea)

Mark Vitale – they could send the preliminary site plan to the county to get things started

Dave Russo – need to work on special use permit criteria

Joe McIlroy – probably the most important is truck traffic

Jim Campbell – could do alternating routes

Carl Peter – or inbound one way and outbound the other

Jim Campbell suggested Carl call Kevin Masterson in Livonia and get a sample of their special

use permit.

Dave Russo – another criteria would be expansion or hours of operation would trigger need to come back to the board.

Jim Campbell – send whole package, after checking with Heather Ferraro, to Genesee and Wyoming Counties along with Livingston. Type 1 action triggers long form SEQR, unlisted action triggers short form.

Dave Nagel – would like a larger map of York to see where things are going. Carl will check with Heather Ferraro.

For next meeting, May 14, go through special use permit checklist and criteria you want to see such as, change or addition of product, truck traffic, lighting, etc.

8:25 p.m – Mark Vitale moved to adjourn, Heather Grant seconded, all in favor, carried.

Respectfully submitted,

Donna K. Falkner, Clerk