

Planning Board Minutes  
January 14, 2014

Present: Dave Russo, Joe McIlroy, Mark Vitale, Heather Grant, Davies Nagel, Frank Rose, Mike VanGelder

Others: Carl Peter, Jim Campbell, Esq., Dave Deuel, Jerry Deming, Brian Walton, Clara Mulligan, Grace McLoughlin

No minutes from last meeting.

No.1

Brian Walton representing Josephine Koch who wants to split property into a non-conforming making the frontage conforming and a full lot again. It's ag land.

Joe McIlroy asked if it has to be conforming.

Jim Campbell said that there needs to be 250 feet frontage according to our zoning.

Dave Russo stated he is against it because it doesn't conform to our zoning. She could move the line over and become conforming.

Carl Peter said she could also combine the two lots into one bigger lot and there would be no question.

Jim Campbell – When you allow something to be non-conforming it is because nothing else can be done with the property and it should go before the Zoning Board of Appeals. The second solution would be to move the line or combine the two lots into one.

Dave Russo – The Planning Board does not have the authority to sign off, it's really a Zoning Board of Appeals decision and needs approval from them.

Carl Peter – If Josephine combines the two lots than no one has to sign off.

No. 2

Helen Wolfe maps – Carl Peter said she has 49 acre parcel which she is splitting off 3.9 acres with the correct road frontage.

Jim Campbell asked if there is an ag exemption associated with this property. There may be a rollback tax wise on the 2.9 acres because the house is on one acre.

All copies of the map need to be signed.

No. 3 – Richie Brock decided not to split the property.

#### No. 4

Creamery – Joe McIlroy said that Chris Noble called him and asked about splitting off the creamery acres from the main Noblehurst site.

Jim Campbell – A subdivision is three lots. The whole parcel is agricultural and use is industrial. It is not a subdivision. It doesn't change the classification. If they are splitting off to do more development than they need a site plan review.

Carl Peter – Because of the project it doesn't change the rules

Jim Campbell – Only if it changes something, i.e. setback, industrial use, adding a store, etc. Under special use permit it would be allowed. Carl would have to check setbacks, frontage, etc.

#### No. 5

High Volume Hydraulic Fracturing (HVHF) & Discussion of Local Law Draft - Discussion regarding local law and steering committee conclusions and recommendations.

Jim Campbell stated that the big change is the overlay district (p. 6), i.e. fracking not allowed in the overlay area. Makes a good deal of sense. Very fine line between zoning and regulation. Regulation is preempted by environmental conservation law.

Dave Nagel – If we try to regulate this with new zoning do we lose parts of the code.

Jim Campbell – Example of this is you throw setback requirement out there's still the overlay district. You won't lose every protection but will lose a good chunk.

Dave Nagel – It's a gamble

Jim Campbell – Yes

Jerry Deming – A lot in here is already in zoning. Why wouldn't they stand up? The biggest change is the setback from the wells.

Dave Nagle presented a list of 15 concerns he had two of which were there were no public sessions in the steering committee meetings and it doesn't protect the rural character of the town. All the things he listed doesn't reflect the Comprehensive Plan. Maybe we should redo that plan.

Jim Campbell – Discussions should include more than two people.

Jerry Deming – We don't have a moratorium and had to do something for the community. We don't have time to do a new comprehensive plan, thus the reason for this local law in place of the moratorium.

Joe McIlroy liked the overlay idea.

Grace McLoughlin – Does the overlay include Rt. 36 and 63 so trucking could be stopped.

Can't control state roads.

David Deuel – We're trying to find a compromise and protect the citizens of the Town of York. Fracking coming here is very remote.

Dave Nagle – The map doesn't give a good representation of the no drill zone.

Jim Campbell – The map is not wrong because the setbacks are not shown. It is meant to show the overlay. The map in the Steering Committee document is not the final map. Need to keep the setbacks separate from the principle aquifer (overlay district) and not link together.

Clara Mulligan – Would the compulsory integration concept hold up in court? NYS has allowed it.

David Deuel – Unless your land is leased there can be no surface activities on it.

Mark Vitale – On pg. 5 it prohibits gas and petroleum facilities. Does that mean no gas stations?

David Deuel – It means for extracting purposes only.

Mark Vitale questioned pg, 76, #4

Joe McIlroy - last line on page 8. So that means no one could spread manure from outside the county? #6 on page 13 should be taken out.

Grace McLoughlin – We hired Clark Patterson with our taxes to do a study and they recommend fracking?

Jim Campbell – Carl Peter would be doing the zoning policing – state will do the regulations.

Dave Nagle – On page 8 of the local law it says “only lawfully produced wastes.....” – are hydrofracking wastes lawful if produced within the town? Jim Campbell said yes.

On page 14, #H – If some company comes in and makes a huge mess, leaves and declares bankruptcy who will pay? Jim Campbell replied there are no bonding provisions.

Jerry Deming – From the discussion tonight we will need a couple of work sessions with the public.

Jim Campbell – Should have a work meeting with the Town Board regarding written concerns from the Planning Board and tweak it. Then put it out to the public to look at.

Jerry Deming – Have a list of hours that Planning Board and Zoning Board of Appeal members need to take.

9 pm – Joe McIlroy moved to close the meeting, Dave Russo seconded, carried.

**Next meeting Tuesday, February 11 at 7 pm**

Respectfully submitted

Donna K. Falkner, Clerk