

Planning Board Minutes  
April 8, 2014

Present: Dave Russo, Joe McIlroy, Mark Vitale, Heather Grant, David Dermody, Frank Rose (alt)

Others: Carl Peter, Attorney Jim Campbell., Dave Deuel, Jerry Deming, David Sliker, Frank Rose Jr., Norman Gates, Patty & Dan Barefoot, Steell Fuller, Larry Smith, Susan & Andrew Smith, Amos Smith, Molly Cummings

David Russo called the meeting to order at 7 p.m.

Mark Vitale motioned to approve the January 14 minutes, David Russo seconded, all in favor, carried.

Dave Russo stated that Sue Smith would like to turn her barn on York Road East at River Road into an event/assembly space and preserve this historic building. He invited the board to look at the plans which they had received a smaller copy of. David Russo turned the meeting over to Attorney Jim Campbell.

Mr. Campbell stated that he had reviewed the code and this use is a new thing happening across the area. York's Zoning Code doesn't have anything for this permitted use. He said that there are two options in the process to advance the application.

1. Use of property inconsistent with code is to get a use variance from the Zoning Board of Appeals for a specific property. This would stay with the land regardless of the owner.
2. Ask the Town Board to enact legislation allowing it as a permitted use within the code. Other communities are interested in how to make historical agricultural buildings more viable today – there is virtue in expanding uses of these buildings.

What impact is there regarding uniform fire and building code to comply with safety requirements. Once one of the above two is done, than the planning board would assist you in making the project go forward and look at a site plan. The Zoning Board of Appeals is the only board able to override Town Board legislation. Could expect to see more of this in the future.

Mr. Deming asked what the other communities were doing.

Mr. Campbell answered that some had found language to support it, some are considering legislative action, some are considering modifications – repurposing agricultural facilities while looking at future goals of what you want communities to be – different way of preserving agricultural buildings for long periods of time.

Mr. Rose Sr. asked if they would have to comply with state codes.

Mr. Campbell answered yes they would. What would be available within the code?

Mr. Peter – to make sure community is safe with due diligence maybe bending rules slightly.

Mr. Campbell – Ag & Markets doesn't like town to meddle with agricultural operations.

Mr. Russo said under special use permits in our zoning (400c – p 15) C-8 is the closest thing, public and municipal uses.

Mr. Campbell said that one of the two above items previously discussed needs to be done first.

Mr. Deming asked if there was a time frame for either.

Mr. Campbell said legislatively Town Board would ask lawyer to draw up a zoning amendment to local law which would be in front of Town Board 10 days, then submitted to the County Planning Board (which meets 2<sup>nd</sup> Thursday of month and has to have the information 2 weeks before) for review, than Town Board would schedule a public hearing and advertise it 10 days ahead. Town Board would than take action and Town Clerk would submit to the state. ZBA Would be similar but have to make application to the Zoning Board of Appeals, pay a fee, have a public hearing and ZBA deliberates on a variance, possibly a quicker process.

Mr. McIlroy asked what the permitted use would be if the Town Board allows agricultural building to e repurposed and expand use of agricultural buildings to assembly or meeting halls under special use permit. Need to look at design, parking, etc.

Mr. Russo stated we could look for similarity of what is already there.

Mr. Campbell said a special use permit is just an enhanced site plan.

Mr. Dermody asked what a public use was. Mr. Campbell said that the interpretation of code comes from Code Enforcement Officer(CEO). Can ask Zoning Board of Appeals interpretation of the code or get a determination from the CEO. Mr. Peter doesn't see how it fits right now as the code is written. Mr. Campbell said to think of public use as parks – open for use to public without restrictions and is not sure it really fits into 8.

Mr. Vitale feels uncomfortable repurposing in agricultural and would rather have the language in the code.

Mr. McIlroy stated that it doesn't fit our zoning right now.

Mr. Campbell asked the board for a straw poll – do they look at this project favorably. The board was in agreement to change the zoning. Mr. Dermody said it is more definitive to put the language change in. Mrs. Grant said to have the Town Board look at changing it and also look at other things that may need to be added.

Mr. Russo recommends to the Town Board to change the language of the zoning and a letter will be sent to the Town Board from the Planning Board.

Mr. Campbell said that a variance is more vulnerable than legislative action by the Town Board. Mr. Deming said that the legislative action is the way to go. Mr. Rose Jr. said it still has to come back to the Planning Board and Zoning Officer. Mr. Deming said that Ag & Markets may also have thoughts. Mr. Fuller wanted to know why there is a public hearing in between everything.

Mr. Campbell said that a public hearing has to be after the local law is drafted and before being adopted. Mr. Fuller asked what constitutes refurbishing an existing barn versus a tin shed. Mr. Campbell said everything is subject to interpretation. Mr. Vitale suggested adding a definition of a refurbished building. Mr. Dermody stated that if you repurpose an agricultural building than he could put a welding shop in his pole barn.

Mr. Deming asked Sue & Andy Smith if legislative action was ok with them and they said yes.

Mr. Deuel said that maybe we want to do both ZBA and legislative action. We should do something legislatively but it may take longer than ZBA variance would.

Mr. Fuller said this sounds just like the creamery that was rushed through. Mr. Vitale responded that it was not rushed through and there had been many meetings.

Mr. Campbell said it makes sense to make application to Zoning Board of Appeals to move things along and in the meantime work on legislative action. Mr. Russo said we would write recommendation to the Zoning Board of Appeals and Town Board.

Mr. Rose Sr. said we should have all three boards meet. Mr. Campbell said a letter would be sufficient.

David Russo moved to send a letter to the Zoning Board of Appeals, Mark Vitale, seconded, all in favor, carried.

Board review the work session minutes from March 25. They though 618, D1-4 should be looked at carefully – rewrite “normal” – means something different to different people – DEC requirements.

8:30 pm – Mark Vitale moved to adjourn, Joe McIlrowy seconded, all in favor, carried.

**Next meeting April 29** – home occupation for Molly Cummings.

Respectfully submitted

Donna K. Falkner, Clerk