

Planning Board Minutes  
July 14, 2015

Present:

**PB:** Joe McIlroy, Chris McLouth (2<sup>nd</sup> alternate), David Dermody, Frank Rose Sr.(1<sup>st</sup> alternate), Mark Vitale, Dave Russo

**ZBA:** Mark Connolly, Jerry Ayers, Charity Donnan, Jerry Sturm

**Town Board:** Jerry Deming, Dave Deuel, Lynn Parnell, Frank Rose Jr., Norm Gates

**Others:** Carol Rose, Attorney Jim Campbell, Carl Peter, Jim Galbraith, Davies Nagel, Nicki Coleman

Chairman McIlroy called the meeting to order at 7 p.m.

Mr. Dermody moved to approve the June 9, 2015 minutes, Mr. Russo seconded, Carried, 5-0.

Mr. Galbraith brought new maps of his subdivision with 3 separate parcels on them plus the dimensions. He is splitting Parcel A to add enough land to Parcel B to make it conform to size and creating Parcel C. Donna will take the map and other applicable information including SEQR to the county.

Ms. Coleman lives at the corner of Dow Rd. and Rt. 36 where she has horses pastured in the front yard and needs our approval to electrify the fence per our Zoning. The fence has to be 10 feet back with signage stating electrification. Mr. Dermody moved to approve electrification of the fence, Mr. Russo seconded, carried, 5-0.

Mr. McIlroy passed out the list of credit hours everyone had. He would also like to start saying the pledge of allegiance before meetings, for which there was a consensus.

Mr. Deming stated that all three boards were present to discuss changing the zoning of the entire commercial district, located between Rt. 63 and Virginia Ave. Mr. Russo's requests and reasons:

- Change zoning to hamlet commercial so he can continue to utilize the entire space
- The entire commercial district is 90% residential.

- Of the present hamlet commercial intersections – York Rd & 63, 63 & Retsof Rd, Dollar General corner, Yard of Ale – only one has residences
- The complete district does not meet requirements of commercial zoning
- Commercial districts will have difficulty getting a mortgage
- Rose’s property, a bar with apartments, is also a commercial district
- Everything there would have to go for a variance in current commercial district, it isn’t zoned correctly

Mr. Vitale asked if someone was buying a building for commercial wouldn’t they need a variance?

Mr. Campbell said that if pre-existing, non-conforming and abandoned for a year it reverts to the present zoning classification.

Mr. McIlroy asked if most towns were allowing residential in commercial.

Mr. Campbell said where there is higher density, more population, you do see it, like apartments above businesses along with commercial.

Examples of the above are Geneseo apartments and Walmart

Mrs. Rose said that in today’s world young people cannot afford a house. Apartments are needed in York.

Mr. Ayers said that many of the existing apartments are grandfathered in and have been there for years.

Mr. Russo said if we change it to hamlet commercial it would protect the residences around it.

Mr. Peter asked Mr. Russo if Cooks and vacant lot would remain commercial. Mr. Russo said it would remain commercial and only change to hamlet commercial from Virginia Ave to 63 on the west side of the road.

Mr. Russo said it was a hardship for him because he tried a store on corner but no parking. So he decided to make apartments in this section which you can’t get to other than to walk to. He planned on using all spaces for retirement income.

Mr. McIlroy asked how much was left unused.

Mr. Russo said maybe 1500 or more square feet and would like to put three apartments in there at \$600 each. Would like to put store in but it won't work because there is no parking. He could get a variance but it would be just an ongoing process.

Mr. Deming said there were two issues – rezoning and variances would be needed.

Mr. Campbell stated that a use variance much more difficult and close to impossible to get. Area variance more commonplace and generally in keeping with the character of community. It would be unlikely he would get a use variance.

Mr. Russo said that he tried renting the stores and no one came forward.

Mr. Campbell said that the Town Board is looking to the Planning Board and Zoning Board of Appeals for recommendations. To change zoning it would require a local law, public hearing, county input, etc. Does it fit the vision of your community and long term how does it fit?

Mr. Russo stated that when we wrote the codes we were inexperienced, we said we would make changes if needed. There isn't any business that could go in that makes any sense.

Mr. Sturm asked if there could be a compromise and change the space to a lawyers office or beauty shop even with the lack of parking?

Mr. Campbell said that the Town Board is looking for input because they will make the decision.

Mr. Peter asked what the Town Board wants from the boards.

Mr. Deuel said he didn't think we needed a public hearing until the Planning Board and Zoning Board had a recommendation.

Mr. Campbell asked if they would prefer individual comments or yes or no from each member.

Mr. Deuel said he guessed individual comments.

Mr. Peter stated that still the Town Board has the final say.

Mr. McIlroy asked if we could go around the room and get comments. Mr. McLouth brought up 704B, p. 75 – means they have to apply before Zoning determination.

Mr. Deming asked how many occupied. Mr. Russo answered 12 (8 are his), 1 occupied, could have 5. Mr. Rose Jr said he has one commercial with 2 apartments above. Mr. Russo is looking to put in three more apartments tops and two commercial shops.

Mr. Rose said it was left as was in 60's because of the bar and Parnell service and no changes since.

For Hamlet Commercial

- Mr. Rose
- Mr. Dermody
- Mr. McIlroy - at this time and with what's there, hamlet commercial makes sense although he doesn't like the idea of losing commercial property in town
- Mr. McLouth
- Mr. Sturm – short term housing is way to go
- Mrs. Donnan – hamlet commercial to keep corner vibrant

Leave Commercial

- Mr. Vitale
- Mr. Connolly – busiest corner in town and some commercial person might want it some day in the future
- Mr. Ayers – busiest corner and think if you turn it into housing it would remain housing – leave commercial

Meeting adjourned 9:15 pm

Respectfully submitted  
Donna K. Falkner, Clerk