

Planning Board Minutes
April 12, 2016

Present:

PB: Joe McIlroy, Chris McLouth(Alt), David Dermody, Dave Russo, Heather Grant, Mark Vitale

Others: James Campbell (Att), Kurt Richenberg, Henry Fuller, Frank LaPar, Kevin O'Donoghue, Norman Gates, Aaron G. Donnan

Chairman McIlroy opened the public hearing at 7:30 pm with the Pledge of Allegiance.

Mr. McIlroy gave Mr. Fuller the floor. Mr. Fuller asked if everyone had read his letter regarding the March 8 meeting. The board had read the letter.

Mr. Campbell, regarding meeting times, the official published time is 7 p.m. but the webmaster had mistakenly listed it as 7:30 p.m. The issue will be taken care of.

Mr. Fuller asked if the March meeting was legal. Mr. Campbell responded that that meeting would be done tonight because Mr. Fuller was correct about the alternate members. Although the board thought it was ok to use alternates, a local law was never done saying alternates could act in any capacity other than a conflict of interest.

Mr. Fuller asked how the planning board could act on a wild card.

Mr. Campbell explained that the application is the beginning process and more discussion takes place after that and there will be adequate water. There will be sewer but whether it will be in house or improvements will be made to adapt for the increased capacity is yet to be determined. We have gotten commitments from Geneseo for the water. As far as the site plan and special use permit, the board has enough details to approve the site plan. Other improvements will be off site. The wild card is no longer such, because discussions have ensued to handle it.

Mr. Fuller said that it is a large conglomerate with several conglomerates involved in Project Gardens with Chris Noble at the head.

Mr. Campbell said it is a conglomerate from a business standpoint. A different realm for site plan approval – we're concerned about the large conglomerate, not each individual group.

Mr. Fuller said we don't get any information from Town Board – Chris Noble stood here and said they didn't need any town water.

Mr. Campbell – They don't! The project works for everyone.

Mr. Fuller was concerned that when the cheese factory goes in with all the infrastructure, taxpayers will pay for it.

Mr. Campbell – Project Gardens will be paying for water into the district a bigger pro-rated amount. When the present sewer system gets old and needs repairs who will pay for it. Project Gardens might be saving taxpayers from future repairs on their dime to the present sewer system.

Mr. Fuller – Back when the salt mine collapsed and the water line was put in, the comptroller in Albany set the figure the people would pay for 20 years.

Mr. Campbell – Every year those thresholds change – people's systems are not working good and changes have to be made. No one is bound by numbers after the first year.

Mr. Fuller – You did the SEQR different than Rick Henry did the one last month where he gave the answers.

Mr. Campbell – You rely on the professional people for some things. The answers should be the boards, but there is a balancing act, you get knowledge from the experts. Mr. Campbell wasn't at the March meeting but before that there was a lot of information looked at and the process was slowed down by the town. N town is pretty good at fulfilling their duty.

Mr. McIlroy stated that the website would be taken care of and the alternates need to be addressed with the town board.

Mr. Campbell – You live and learn. You need to validly have alternates because not everyone can be here all the time. Need to add greater purpose to alternates to take care of business when it comes up. The Town Board would need to consider adopting a local law to change the alternates’ role.

Mr. Fuller – Why isn’t the water line and sewer line being run together?

Mr. McIlroy – so it will benefit more people.

Mr. Dermody – to benefit more people, especially those in Linwood.

Resolution 1: Mr. Dermody moved to close the privileges of the floor, Mr. Russo seconded

	Vote:		
AYES:	5	ABSENT:	0
NO:	0	DATE:	April 12, 2016

**Resolution 2:
SEQR NOTICE LEAD AGENCY DESIGNATION FOR THE WESTERN NEW YORK
CHEESE, LLC FACILITY**

The following resolution was adopted by the Town of York Planning Board:

Whereas, Western New York Cheese, LLC has proposed a new facility adjacent to the milk separation facility on Craig Road; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town of York Planning Board adopted a resolution on January 12, 2016 declaring its intent to act as Lead Agency for the Proposed Action and circulated said intent to all involved Agencies; and

Whereas, no Involved Agencies challenged the intent of the Town of York Planning Board to act as Lead Agency.

Now Therefore Be It Resolved that the Town of York Planning Board hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

Mr. Dermody moved to approve, Mrs. Grant seconded.

VOTE

AYES: 5
NO: 0

ABSENT: 0
DATE: April 12, 2016

Mr. Campbell proceeded with the SEQR review asking if all members had reviewed the topographical review and supporting materials. The board members answered they had. He then read through the questions and the planning board answered all questions. Answers:

1. Impact on Land Yes
 - a. No
 - b. No
 - c. No
 - d. No - Mr. Vitale asked if all natural material was staying on site and answer was yes
 - e. No - Small impact – up to 18 months
 - f. No - Small impact
 - g. No
2. Impact on Geological Features No
3. Impacts on Surface Water Yes
 - a. No - Small impact
 - b. No
 - c. No
 - d. No
 - e. No - Small impact
 - f. No
 - g. No
 - h. No - Small impact
 - i. No
 - j. No
 - k. No - Small impact
4. Impact on groundwater No

- 6. Impacts on Air No
- 7. Impact on Plants & Animals No
- 8. Impact on Agricultural Resources Yes
 - a. No - Small impact
 - b. No
 - c. No - Small impact – already on creamery property
 - d. No - Small impact
 - e. No
 - f. No
 - g. No – Small impact
- 9. Impact on Aesthetic Resources No
- 10. Impact on Historic and Archeological Resources Yes
 - a. No
 - b. No
 - c. No
- 11. Impact on Open Space & Recreation No
- 12. Impact on Critical Environmental Areas No
- 13. Impact on Transportation Yes
 - a. No
 - b. No
 - c. No
 - d. No
 - e. No
- 14. Impact on Energy Yes
 - a. No – Digester produces new energy
 - b. No
 - c. No - Small impact – produces own energy
 - d. No
- 15. Impact on Noise, Odor, and Light Yes
 - a. No
 - b. No
 - c. No – Small impact
 - d. No
 - e. No
 - f. No – Small impact
- 16. Impact on Human Health

- 17. Consistency with Community Plans
 - a. No – Small impact
 - b. No
 - c. No
 - d. No
 - e. No
 - f. No – Small impact
 - g. No – Small impact
- 18. Consistency with Community Character

Resolution 3: Mrs. Grant moved to adopt the findings made in Part 2 of the FEAF, Mr. McIlroy seconded.

Vote:

AYES:	5	ABSENT:	0
NOS:	0	DATE:	April 12, 2016

Mr. Campbell said that the board needs to make a decision of non-significance based on the long form of part 1 & 2.

Resolution 4: Mr. McIlroy moved to declare the proposed action as non-significant, Mr. Dermody seconded.

Vote:

AYES:	5	ABSENT:	0
NOS:	0	DATE:	April 12, 2016

Resolution 5: Mr. Russo moved to authorize the secretary to notify ENB SEQRA, Mrs. Grant seconded.

Vote:

AYES:	5	ABSENT:	0
NOS:	0	DATE:	April 12, 2016

Amended Special Use Permit & Amended Site Plan Application. Conditions from Creamery (August 13, 2013 minutes) need to be added to the Special Use Permit:

- Minimize use of jake brakes – applicant will notify all drivers and post on property that jake brakes be minimized within the town of York

- Facility shall meet all performance standards as identified in section 516 of zoning ordinance
- All signage and lighting shall meet requirements of zoning ordinance

Amendment will only be for the cheese factory.

Planning Board cannot specify weight limit – that requires legislative action.

Mrs. Grant said she keeps thinking about the odor, pg. 34 #5 in zoning – in the performance standards

Resolution 6: Mr. Dermody moved to approve special use permit with the added conditions from April 13, 2013 (as above), Mr. Vitale seconded.

	Vote	
AYES:	5	ABSENT: 0
NOS:	0	DATE: April 12, 2016

Mr. Campbell said for the Final Site Plan – adequate water and sewer, they will need to meet the requirements of DEC. Table Final Site Plan until they get new maps. Don't have to advertise special meeting for the site plan, but have to notify papers, post it on board and several post offices. Need to notify Project Gardens they need new maps with correct address and new name and conditions listed on the maps.

Resolution 7: Mr. Dermody moved to adjourn at 9:30 p.m., Mrs. Grant seconded.

	Vote:	
AYES:	5	ABSENT: 0
NOS:	0	DATE: April 12, 2016

Respectfully submitted,
Donna K. Falkner, Secretary

