

Public Hearing
July 30, 2019
5:30 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith and Norman Gates

Absent: Frank Rose Jr.

Others: Jim Campbell (Town Attorney), William C. Korth, William E. "Rusty" Korth, David Deuel, Kirk Richenberg and Dustin Geiger.

Supervisor Deming opened the Public Hearing at 5:33 p.m. and asked Attorney Campbell to read aloud the hearing notice for comment on the Formation of an Extension to the Consolidated Water District-RT 20 West of McVean Road.

Supervisor Deming asked for comments/questions:

Mr. Deuel asked if there is any possibility that Caledonia could participate with the location of this proposed line. Supervisor Deming replied that this line is for two homes within the Town of York and also the size of the line would not allow additional users.

Mr. Richenberg questioned if the two properties are owned by the same person. Supervisor Deming answered that one property is owned by Mr. & Mrs. Korth and the other by their son. Mr. Richenberg asked if the amount of \$332.78 is a yearly debt service charge because based on the wording in the actual resolution it does not reference a "yearly" amount. Mr. Campbell responded that the charge is yearly and "cost to the typical property" as stated represents an annual charge.

Mr. Richenberg asked what the \$85,000 covers? Attorney Campbell stated that the "estimated net cost of the improvements" as stated in the resolution would be the cost the Town would have incurred if they were doing this project. These property owners will be paying for this, which is required to be built to Town specifications for dedication purposes. Mr. Richenberg asked whom will be paying for engineering costs and Mr. Campbell replied that the engineering fees will be covered by the benefitted parties (Korth's).

Mr. Richenberg questioned what the Town will do to avoid what's happening in Linwood especially with all the delays. Mr. Campbell stated that the property owners have a desire to connect immediately so they will want the process to move along in order not to have to maintain the pipe. They will want to meet all specifications and turn it over to the town in a timely manner.

Mr. Richenberg asked whom the inspector will be for this project. Supervisor Deming replied a representative from Clark Patterson. Mr. Richenberg then asked about fire protection which Mr. Deming answered that the line will not have any.

Mr. Richenberg stated that by installing 2,800 feet of pipe this project goes against the Comprehensive Plan for agricultural purposes. Attorney Campbell replied that this district only accommodates two homes, not larger numbers of users to add to the existing water district. Mr. Richenberg added, when McVean water was originally discussed it was stated that there will not be any subdivisions on this line. Supervisor Deming and Attorney Campbell both answered that these two parcels are only being serviced, and with the size of the line, they would not be able to be developed, which is not the intention of the landowners.

Mr. Korth commented that he and his son are not encouraging any development, they simply want municipal water to the two residences. Mr. Korth continued by saying, once you put in a great deal of watermain, development comes thereafter and they do not wish to go that route.

Attorney Campbell stated that he has paperwork to complete regarding the formation of the district and will do his best to have it to the Board by the August 8th meeting or by the September meeting at the latest.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to close the Public Hearing at 5:45 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk

Public Hearing
July 30th, 2019
6:00 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Amos Smith, Lynn Parnell and Norman Gates

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), David Deuel, Kirk Richenberg, Dustin Geiger, Harold Wolcott and Mike VanGelder.

Supervisor Deming opened the Public Hearing at 6:00 p.m. regarding proposed Local Law #2 of 2019 to modify the boundaries of a certain Planned Development (PD) zoning district within the Town, changing a specified area to Agricultural District (A). Attorney Campbell read aloud the hearing notice specifying the location to be on the east side of Route 36 to the north where it intersects with town line road (4185 Main Street; tax map #: 70-1-57; 19.01 acres).

COMMENTS/QUESTIONS

Mr. Deuel asked specifically the location of this proposed change. Supervisor Deming answered that it is the previously used ballfields land in Wadsworth.

Mr. Geiger asked how the currently run business falls under the Agricultural district. Attorney Campbell replied that the business would be officially permitted under the agricultural distinction.

Mr. Deuel questioned if the business would be eligible for an Ag Value Assessment.

Mr. Richenberg, Mr. Wolcott and Mr. Geiger commented that they do not believe the business should be classified as agricultural.

Supervisor Deming stated that the questions posed this evening should be answered by Zoning & Code Officer, Carl Peter, but he is not in attendance. At this time Mr. Deming contacted Mr. Peter for clarification on such designation.

Mr. Peter conveyed that the existing business is classified as an Agri-business by definition.

Mr. Deuel asked what the reason was why the designation Planned Development came about for the ballfields and now have to come back for a different use. Supervisor Deming answered that with the type of existing business Zoning Officer, Mr. Peter recommended changing this parcel to Agricultural. Mr. Deuel questioned if the owner could conduct his business under Planned Development, which Mr. Campbell replied legally he cannot and thus is the reason to make it agricultural in order to conform.

Mr. Richenberg stated that the Board should not change this to agricultural for this Commercial business, he does not meet the specifications for Ag and it would ultimately be setting a president.

Councilman Smith stated we are talking about $\frac{1}{4}$ of the lot being used for Commercial, with the remainder being used for agricultural purposes.

Attorney Campbell read aloud from the Town of York Zoning regulations, specific uses in a Planned Development district, and added that his business would not be allowed in the current distinction. Mr. Campbell stated that the Zoning Officer's interpretation is that the agri-business would be permissible in the agricultural district.

Mr. Richenberg commented that it currently doesn't meet the Planned Development District requirement. Mr. Wolcott added that it won't meet specifications for a Use Variance either. Mr. Richenberg stated if we can't get a better explanation from Carl on the change then the Town Board should not change it.

Councilman Smith stated that $\frac{2}{3}$ of the property is used for agricultural purposes, with $\frac{1}{3}$ being used as a Commercial business. The change would be an abuse to the Ag. District. Supervisor Deming replied as it stands currently the farm land behind this business has crops

on it right now, so technically the farmer who rents the land should not be farming in a Planned Development District either.

Much discussion took place trying to determine where the existing business would fall under in our current zoning and to what classification district.

Mr. Geiger commented, we cannot alter one district at the expense of the other.

Attorney Campbell stated that a conversation with Mr. Peter will take place expressing that the Town Board is not comfortable with the potential change unless a more definitive explanation exists.

Mr. Wolcott stated as a member of the Zoning Board of Appeals he recommends updating Planned Development. Mr. Deuel added he also recommends updating PD, to allow Commercial uses. Mr. Richenberg stated, not all Commercial uses though.

Attorney Campbell explained in great length and gave a few examples, what is a Planned Development District and also what is allowed in such. Discussion took place on whether to change the code or update "Agri-business", but ultimately more information will need to be obtained from Mr. Peter.

Councilman Smith asked because of this situation, do we make him cease? Mr. Smith continued on by saying that this business owner is an asset to our community and would not want to hinder him. Mr. Richenberg commented we cannot ignore the codes just because he may be an asset.

Supervisor Deming responded that this owner is conducting business from previous permission by the Town of York.

After no further questions or comments...

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to close the Public Hearing at 6:30 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk

Public Hearing
July 30, 2019
6:15 p.m.-scheduled time

Present: Supervisor, Gerald Deming, Councilmembers: Amos Smith, Lynn Parnell and Norman Gates

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), David Deuel, Kirk Richenberg, Dustin Geiger, Harold Wolcott and Michael VanGelder

Supervisor Deming opened the Public Hearing at 6:30 p.m. relating to proposed Local Law #3 of 2019, to amend Article IV, Section 402 C of the Zoning Ordinance to include a new use permitted with a Special Use Permit within the Hamlet Residential District (HR), which is designated as § 402 C (6).

Attorney Campbell read aloud the hearing notice, specifically outlining what #6 will cover:

“Professional services office such as, but not limited to law office, accounting office, dental office, doctor office, architect or engineer office or land surveyor office Bar”.

COMMENTS/QUESTIONS

Mr. Richenberg asked if the home has been sold yet because there is a “sold” sign in the front lawn on Chandler Road. Clerk Harris stated that we have yet to receive confirmation from HUD or the proposed new owner regarding the sale.

Mr. Geiger asked if this update is tied to one particular property or area and Mr. Richenberg inquired if the person who requested such change is still interested in this property. Supervisor Deming responded that he has not spoken with the individual so he is unsure if they are still interested at this time.

Mr. Geiger commented this inclusion makes sense for Hamlet Residential areas.

Mr. Wolcott asked if this will update the codes throughout. Attorney Campbell replied just in Section 402 C.

After no further questions or comments...

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to close the Public Hearing at 6:35 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk

Public Hearing
July 30, 2019
6:30 p.m.-scheduled time

Present: Supervisor Gerald L. Deming, Councilmembers: Amos Smith, Lynn Parnell and Norman Gates

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), David Deuel, Kirk Richenberg, Dustin Geiger, Harold Wolcott and Michael VanGelder

Supervisor Deming opened the Public Hearing at 6:35 p.m. for proposed Local law #4 of 2019, to modify the boundaries of the Hamlet Commercial (HC) and Residential District (R) zoning districts, changing certain specified areas to Commercial District (C).

Attorney Campbell read aloud the hearing notice, specifying location of such changes: The parcels to be amended from Hamlet Commercial (HC) and Residential (R) to a new designation of Commercial (C) are located on the north side of NYS Route 63, south of where it intersects with Retsof Road.

Parcel 1: 2727 Genesee Street; Tax Map #: 61-1-51 (1.6 acres)
Parcel 2: 3695 Retsof Road: Tax Map #: 61-1-84.11 (220' x 195.27')
Parcel 3: Genesee Street: Tax Map #: 61-1-84.121 (2.37 acres)

COMMENTS/QUESTIONS

Mr. Deuel commented that the neighbors must be comfortable with the change since no one is here to dispute. Supervisor Deming agreed.

Mr. Richenberg asked for an explanation on what happened with the other parcels (VanGelder lots). Mr. VanGelder stated that the lots were zoned Planned Development when he purchased them. He had to subdivide 3 lots out of Planned Development, making 2 Residential and 1 Hamlet Commercial. Mr. VanGelder stated that it should have been 5 ½ acres of Commercial, but did what we could to move the process along in order to be up and running as quick as possible. Supervisor Deming asked Mr. VanGelder if the other lot is remaining residential, which he replied it is.

Mr. Deuel expressed if the neighbors are ok with the proposed change, he is as well. Supervisor Deming stated that the neighbors are well aware of the proposed change.

Mr. Richenberg verified that it was originally 1 lot and now it's currently 3 lots?
Mr. VanGelder replied that is correct.

Mr. Geiger stated as a Zoning Board of Appeals member, he can confirm that Mr. VanGelder had community support at the Zoning Board of Appeals meeting.

Mr. Wolcott commented that Retsof Road and Genesee Street (Route 63) is the only four corners within the Town of York that has 4 businesses located on each corner !

After no further questions or comments...

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to close the Public Hearing at 6:43 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,
Christine M. Harris
Christine M. Harris, Clerk