



Mr. VanRy asked Mr. Campbell if he has explained spot zoning to the Town Board? Attorney Campbell answered that the Board has discussed spot zoning previously for other projects but not for the York Travel Center project as it does not apply to this parcel, it does not constitute spot zoning. Mr. VanRy asked for specifics on spot zoning, particularly legal aspects. Attorney Campbell clarified in detail spot zoning. Mr. VanRy asked, isn't this request from the applicant illegal, which Mr. Campbell replied it is not.

Supervisor Deming stated that the Town Board has received several requests over the years from applicants for many different zoning changes, this is not the only application brought before the Board.

Mr. VanRy inquired if any of the Board members wished to speak on the applicant's request.

Councilman Smith commented that the Board does not always know every aspect of a project initially but once they contact us to consider a particular request, we are then better able to proceed with a potential alteration of the zoning.

Mr. VanRy stated that this issue is a no-win for the Board. One way or the other, people are going to be upset with their decision and he does not envy the Board's position. This community is divided right now between supporting or not supporting this project, which is difficult for our town.

Supervisor Deming clarified that the Town Board does not grant approval for the Travel Center project, that is the responsibility of the Planning Board. The Town Board can only potentially amend zoning regulations.

Mr. VanRy expressed that this Board decided at a meeting a month ago to send the issue to the Zoning Board of Appeals, now you are considering bypassing that Board and potentially rendering a decision yourselves. This law will have severe ramifications, once you alter the regulations more requests will certainly follow and we will lose the beautiful view of the Town of York.

Mr. VanRy added, since the Town Board is open to changing laws, he is asking as a resident of this community, to consider adopting a temporary moratorium on "Formula Restaurants"; "Chains/Franchises." We have survived for 200 years without these types of applications, it is not needed. Mr. VanRy commented that Tim Horton's is a Canadian company with 600 plus locations in the United States. Mr. VanRy feels that it does not belong in this small community based on where the chain restaurants are located with a population like ours (3,300). Mr. VanRy asked the Board to consider postponing a decision until next year in order to update the existing Comprehensive Plan first. The project does not need to go in right now, put in a temporary moratorium and work on a revision to the Comp. Plan and then render an answer at that point. Put a pause on a decision and take a few months to reevaluate where to go from here.

## **HIGHWAY:**

Mr. Worden reported the following for the Highway Department:

- We continue to mow roadside and cemeteries
- Recently installed driveway pipes
- Began the process of servicing our trucks for winter

Councilman Smith inquired if Craig Road is on the list. Mr. Worden replied it is and they will need to coordinate details specifically when, in order to have another route for the farm but ideally next week would be good.

Councilwoman Parnell asked about the status of Flats Road repairs. Mr. Worden answered that patching repairs will take place this year but complete maintenance will be next year.

## **WATER/SEWER:**

Mr. Worden reported the following for the Water & Sewer Department:

- We recently experienced 3 water leaks in Fowlerville. All were due to corroded bolts
- SEWER: Sewer Specialties has begun in the Retsof Hamlet cleaning and televising the sewer system. They will be completed by the end of the week.

## **OLD BUSINESS:**

1)Applications:

Supervisor Deming reported that we received 4 applicants for the Planning Board & 2 applicants for the Zoning Board of Appeals and will now schedule interviews. Mr. Rose and Supervisor Deming will be conducting the interview process.

2)York Road West Bid:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Town Clerk permission to advertise for sealed bids for Procurement of Appurtenances for York Road West water main. Voted on and approved, Yes-5, No-0.

\*Bid opening is slated for Thursday November 4, 2021 3:00 p.m. at the York Town Hall.

3)DOT Correspondence:

Supervisor Deming informed the Board that Clerk Harris received confirmation from New York State DOT regarding the request we made back in July pertaining to a reduction in speed on Chestnut Street between Route 36 and Short Street. Mr. Worden is now able to install signage for 30 mph for that area.

4)Marijuana Survey update:

Attorney Campbell stated that the Town received a very large response from the residents with the majority conveying that they did not want to allow marijuana/cannabis retail dispensaries in the township. If the Board does not opt out

by December 31, 2021 cannabis/marijuana retail dispensaries will be allowed. Based on the survey results, wording for the proposed Local Law has been prepared which the Board received recently, and can now schedule a Public Hearing for. This will also have to be submitted to the Livingston County Planning Department for review and recommendation. Mr. Campbell added that this Local Law is subject to Permissive Referendum on petition in accordance with Cannabis Law Article 6 §131 and the procedure outlined in NYS Municipal Home Rule Law § 24.

Supervisor Deming inquired once we schedule the Public Hearing, what if the majority of the residents in attendance are in favor of these on-site dispensaries. Attorney Campbell stated that the Board has the right to say no, especially based on the results of the survey. Under Permissive Referendum, a petition could be filed within the 45-day requirement, ultimately putting us over the deadline to render a no decision.

Supervisor Deming asked the Board how they wish to proceed. Councilman Smith replied that the people in our community answered by way of the survey and feels we should move forward with the Public Hearing. Councilman Rose commented even with the Public Hearing, we can still move forward with a Yes or No, correct? Attorney Campbell answered yes but to be clear if the Board opts-out, there will not be revenue for the Town.

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to schedule a Public Hearing for Wednesday, October 27, 2021 at 6:00 p.m. for the purpose of considering public comment about or concerning a proposed Local Law to opt-out of allowing cannabis/marijuana retail dispensaries and on-site consumption sites in the Town of York. A Special Town Board Meeting will follow the Public Hearing in order to render a decision on the subject. Voted on approved, Yes-5, No-0.

**NEW BUSINESS:**

1)Correspondence-proposed law change:

Patti

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From: Dr. Arnold Matlin <AHMatlingvcp@igc.org>  
Sent: Friday, October 8, 2021 6:13 PM  
To: Gerald Deming  
Subject: Vote no on proposed law change



Dear Supervisor Deming,

I am a retired pediatrician who practiced medicine in Livingston County for 33 years. For many years I was school physician at York Central School. Both of my daughters attended YCS.

I am opposed to approving a truck stop so close to York Central School. It's a bad location for any industrial site that will bring increased truck traffic. It's a terrible site for a truck stop. (Calling it a travel center is a marketing step—we all know it's a truck stop.)

I am incensed that the York Town Board is even considering changing the Town of York laws to accommodate the truck stop.

I urge you to vote no on this important matter involving the health of children and the health of our community.  
Respectfully yours,

Arnold H Matlin, M.D.  
Linwood, NY



From: Maxine Shimmel mshimmel@yahoo.com  
Subject: Truck Stop near the school  
Date: Oct 10, 2021 at 8:06 PM  
To: yorksupr@rochester.rr.com, lparnell@gvboces.org,  
ans422@gmail.com, roseft2113@yahoo.com

Please bare with me I'm not very good at expressing myself. I am not in favor of having a truck stop or Travel Center or what ever they want to call it near a residential area especially that close to a school. My son drove a truck cross country for five years and told us about the unsavory people that hung out at those areas. I think that there are other places less populated to put the facility in. I understand that lot has not been used for years and Joe would like to get rid of it but I don't think you should give him the ok for this venture. In my opinion Texaco Town or by the Mt. Morris / 390 exit are better options -thank you for your time. Please think hard and long before you give them the ok.

Thanks again,  
Maxine Shimmel, mshimmel@yahoo.com



**From:** Shannon Beatrice Chanler <shannonchanler@gmail.com>  
**Sent:** Monday, October 11, 2021 9:42 PM yorksupr@rochester.rr.com; Lparnell@gvboces.org; ans422@gmail.com; roseft2113@yahoo.com  
**Subject:** Not Another Truck stop - Trucks are hurting my local business

Dear Town Board,

The current truck traffic is hurting my business. Drivers are being forced off the road and unable to make their turn with the pressure of trucks. I have lost patients over their fear of driving with these trucks. The truck traffic is guaranteed to increase with the aid of google.

WE HAVE TRUCK stops at exit 9 and Dansville.

The majority of the trucks are not local. These trucks have gone off the road in my fields, I know they are going to and from Canada.

INSIST that developers BUILD FOR THE COMMUNITY! - not only their pockets. Create community and interest in tourism ! This is for years to come.

You are the gateway to Letchworth park.

Invite commerce, not discourage.

TRUCKS BELONG ON 390.

Shannon B. Chanler MA., L.Ac.  
GeneseoAcupuncture.com  
Geneseo Acupuncture - at the  
Gardener's Cottage  
Fallbrook Farms  
Medicinal Geneseo, N.Y.  
585-645-5468  
[www.Fallbrookfarms.org](http://www.Fallbrookfarms.org)

<http://acupuncturists.healthprofs.com/cam/529722>



**From:** Becky Lewis <blewis1980@gmail.com>  
**Sent:** Tuesday, October 12, 2021 11:27 AM  
**To:** yorksupr@rochester.rr.com; Iparnell@gvboces.org; ans422@gmail.com; frank rose  
**Subject:** Proposed zoning law change

Dear Superintendent Demming and Members of the York Town Board,

I am writing to ask you to postpone any changes in our zoning code until after the new Comprehensive Plan is developed.

Our zoning code definitely needs to be updated, but any changes should be made as part of a full (comprehensive) review, not in a disorganized, piecemeal fashion.

Furthermore, a zoning law should never be changed at the request of the developer of a controversial project that has been in the works for a year, with the express purpose of facilitating that project.

It could well be that the good people tasked with revising our Comprehensive Plan will decide, after thorough study, that our town would benefit from amplified drive-throughs adjacent to residential areas. But that decision should not be made in order to meet the timetable for a developer from Buffalo.

I urge you to take a methodical approach to the important task of shaping future economic development in our unique rural community.

Thank you for considering this request,

Becky Lewis  
585-969-0611



2) Proposed Local Law Zoning Amendment/Drive thru facilities:

Supervisor Deming stated at the September 14<sup>th</sup> meeting the Board authorized Attorney Campbell to prepare Local Law wording to modify the zoning code for Section 607 (c) as it pertains to Drive-thru facilities. The Board received a copy of the proposed law a week ago for review. Mr. Campbell stated that we are required to make a referral to Livingston County Planning Board but can still schedule a Public Hearing and asked if the Board wished to alter the setback requirement, which they did not.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing Attorney Campbell to refer the proposed Local Law to Livingston County Planning Board and to schedule a Public Hearing for Tuesday November 16, 2021 at 6:00 p.m. for the purpose of considering public comment about or concerning a proposed Local Law to modify section 607 (c) of such section concerning Drive-Thru facilities in the Town of York. A Special Town Board Meeting will follow the Public Hearing in order to render a decision on the subject. The Public Hearing and Special Town Board Meeting will be **held at the York Fire Hall, 2667 York Road West, York, New York**. Voted on and approved, Yes-5, No-0.

3) 2022 Budget:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the 2022 Town of York Budget as presented this evening. Voted on and approved, Yes-5, No-0.

**OTHER:**

Supervisor Deming stated that he wished to address comments made recently. Back in June of this year, the Town was forced to increase fees at the Recycling Center due to rising costs of solid waste and recycling removal, and the fees had not been changed in 20 years. Mr. Deming stated that he did not appreciate the remark made that the fees were raised to benefit the Supervisor. A second comment was made after the budget work session in September. We discussed at that meeting the need for additional attendants, specifically a recycling manager and how difficult it has been, if we are unable to get someone, we may have to close but that is not our desire. There was one person at the work session outside of board members and accounting representatives, to hear this situation, which was Mr. Richenberg. At the Recycling Center that Saturday, two days later, it was conveyed to the recycling attendants the Town was closing the center and all would be out of a job. Supervisor Deming stated he was willing to let the first two inaccuracies go but the third one he cannot. The latest comments were in regard to attendants may be "pocketing 1/2 of the money" which has gone too far. When Mr. Richenberg makes these statements, he does know the ramifications of his words. To say there is criminal activity taking place is unacceptable and needs to stop.

Mr. Richenberg and Supervisor Deming then exchanged additional remarks among one another.

**ADJOURNMENT:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting at 8:05 p.m. Voted on and approved, Yes-5, No-0.

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