

York Town Board Meeting  
December 7<sup>th</sup>, 2021  
7:00 p.m.

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

Absent: None

Others: Cortney Underwood, Greg Burm, Blaine VanRy, Francis Burger, Joe McIlroy, Dr. Arnold Matlin, Heather & Davies Nagel, Martha & Ned Edmonds, Donna Walker, Marta Burroughs, Molly Cummings, David & Lucy Rose, Henry Fuller, Denise Hahn, Jaylin Brooks, Becky Lewis & Roger Bruce, Celia Lewis, Amy Carpenter, Dustin Geiger, Carl Peter (Zoning/Code Officer), Grayce McLaughlin-Mingrino, Kirk Richenberg, Tim Boyle, Joe Bucci, George Worden Jr. (Highway Supt) and Alan Brightman.

Supervisor Deming opened the Town Board Meeting at 7:00 p.m. and invited Clerk Harris to lead in the Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the minutes of the November 9<sup>th</sup> Regular Town Board Meeting, November 15<sup>th</sup> Special Town Board Meeting and November 30<sup>th</sup> Public Hearing. Voted on and approved, Yes-5, No-0.

Supervisor Deming stated at this time he will entertain a motion to close the public hearing of November 30<sup>th</sup>.

RESOLUTION offered by Mr. Smith & seconded by Mr. Rose to close the Public Hearing of November 30<sup>th</sup>, 2021 Voted on and approved, Yes-5, No-0.

Supervisor Deming announced that there will not be a vote this evening of the board regarding proposed Local Law to amend the zoning ordinance pertaining to Drive-thru facilities with an amplified audio/visual system.

**BILLS:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-4, No-0.

- General Fund # 340-362 \$ 20,188.58
- Consolidated Water/Sewer # 267-282 \$ 11,689.59
- Highway Fund # 178-187 \$ 103,929.62
- Y-L Youth Fund #3 \$ 175.00

## **PRIVILEGES OF THE FLOOR:**

1) Donna Walker:

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Town Clerk

From: Donna Walker <dlw2@cornell.edu>  
Sent: Tuesday, December 07, 2021 8:40 PM  
Town Clerk  
Subject: Donna Walker, Travel Center 12-07-2021

I have listened carefully and I hope respectfully to the comments of the people of the Town of York since the project at the corner was proposed. I would like the following things to be noted

1. It is possible to get a cup of coffee in the Town of York right now.
2. We do need a place for trucks to pull off the road safely.
3. Just because people survived dangerous situations in the past does not mean that we should recreate or perpetuate dangerous situations. A number of people told me that when they were students, they left school and successfully dodged trucks get to the convenience store in the 1980s or 1990s. We know better and we can do better.
4. It seems like it is possible to do something at the corner that would not depend on the town ordinance being changed, would respect the rights of the seven property owners adjacent to the corner lot, would not create a danger to our school - which is the single largest investment York has made in our community, would protect the Little Italy Nature Preserve, and complement the Trail Towns Initiative.

Thank you

Donna Walker

2) Kirk Richenberg

Mr. Richenberg had a number of questions for the Board this evening:

Q-The \$18,000 figure in the budget under tax collection, can you explain that?

Supervisor Deming answered that the figured appeared in the worksheets not the actual budget. It was previously the line item for lighting but once it was rolled into the General Fund the accounting firm did not remove it initially but recognized it before the budget hearing. It was not a line item for the fire department.

Q-What will you use the \$164,000 for from COVID relief?

Supervisor Deming replied that we are putting numbers together now to decide how to allocate. One discussion has been the fact that we can use some funds to collect back the justice salaries for the three months they were not working, which would be placed in

the General Fund. We will not need to purchase supplies because the County gave us our supplies.

Comment by Mr. Richenberg: You should put that money back into the budget to help reduce the upcoming budget figures.

Q-At the last meeting (Nov 9<sup>th</sup>), the Board approved purchases through the Anderson Road water project?

Mr. Worden replied that the approval by the Board allows us to use the remaining funds (roughly \$85,000) to purchase additional necessary items for our districts such as meter reading equipment and extra parts to stock pile when needed.

Q-Are we only able to use this equipment for Anderson Road?

Mr. Worden stated we are able to use this for all districts.

Q-On this purchase list, it reflects (3) computers, printer?

Mr. Worden outlined that the computers will be placed: one at the Water/Sewer Department, a new one for the Water/Sewer Billing Clerk and a lap top to be placed in a truck to be used for verification purposes for a more immediate need.

Q-Will there be a reduction in the line items?

Supervisor Deming answered not necessarily. Mr. Worden added the rockhound we are purchasing is used for all services, water/sewer restoration after leaks or breaks as well as for highway ditching purposes.

Q-With the two Solar projects, how much is the PILOT Agreement worth?

Supervisor Deming replied that the town receives a one-time lump sum payment of \$270,000 from each. Mr. Deming then stated that this figure is actually for the Community Benefit Agreement. The PILOT spells out the capacity of the project is based on 5.0 megawatts to be split between the Town, School and County.

\*\*Note from Town Clerk: The actual PILOT states:

“The first annual payment in lieu of taxes shall be in the amount of \$1,524.00 which represents \$304.80 per megawatt AC of Capacity (the Annual Payment). The parties acknowledge that there is no escalator clause for this Agreement and that each successive year’s payment in lieu of taxes (for fifteen (15) consecutive fiscal tax years) shall be \$1524.00.”

Q-Will this amount be in this year’s budget?

Supervisor Deming stated now that it has been taken out of the Ag District, full value will be assessed in 2022.

Q-Will revenue be in this year?

Supervisor Deming replied he does not budget it until the money is actually here.

Q-So the Payment In-Lieu of Taxes will be next year?

Supervisor Deming answered that it will be next year.

Q-In regards to York Road West Water, he found an old map of the water district area and it does not show York Rd. West in a service area?

Supervisor Deming replied that the section of York Road West was part of the Linwood Water project as a non-service area until recently.

Q-For Rt. 20 Water District, on June 8, 2021 the Town Board approved the Establishment of the Route 20 Water District Extension but pursuant to Town Law §209-e there are specific parameters to follow: "All property and property owners within the proposed District Extension are benefitted" ...how can we move forward if you are not following this?

Supervisor Deming explained that the establishment of this district process has not changed from any of our previous water projects over the years. The Town will continue to rely upon the guidance of our Engineering firm and Town Attorney.

Comment: There was recent work done by the Highway Department. DOT cuts off hot pavement application by now but the Town did some in November. You may want to pay particular attention to those roads.

Supervisor Deming asked Mr. Worden if he had a comment to that statement. Mr. Worden replied he did and asked if Mr. Richenberg had ridden down I390 lately?

3)Becky Lewis:

Ms. Lewis stated that she submitted written concerns previously but wanted to reiterate this evening:

"I am asking again to urge you not to approve the proposed zoning change. As Donna Walker said this evening, it should be possible to do this project without changing the zoning. For example, the current zoning code does not prevent the project from having a drive-thru in commercial districts.

Is the proposed zoning change really appropriate for all the community zoned properties it will affect?

Even stipulating that the project will generate \$2 million in taxes, how much new revenue will come to the Town of York?

Thank you for your work on behalf of the community”

4)Dr. Arnold Matlin:

Dr. Matlin stated when he moved to this area many years ago with his family as a pediatrician, he wanted to have an office close by in Geneseo. Where he wished to have his practice would have required the Town to change the zoning which didn't happen and then had to discuss options on how to proceed. He could go to the ZBA for a variance but chose to make a decision based on the existing zoning regulations. He wants the Board to think about this as they consider a change to the Town of York's zoning code, and have the applicant go through the same process he had to years ago.

5)Henry Fuller:

Mr. Fuller asked a few questions this evening:

Q-Was the Town Hall opened on Veteran's Day?

Supervisor Deming and Clerk Harris both stated that the office was not open that day.

Q-Why was there a meeting later that evening?

Supervisor Deming stated he was not aware of a meeting but it was not the town Board. Zoning & Code officer, Mr. Peter clarified that the meeting later that night was the Zoning Board of Appeals.

Mr. Fuller stated that the Town can close the offices for Veteran's Day but still schedule a meeting later and feels that is disrespectful to the veterans and asked the guests in attendance by a show of hands how many veterans are present. Dr. Matlin, Francis Burger and Mr. Fuller raised their hands. Mr. Fuller commented again that he feels it was disrespectful to have business conducted that day.

6)David Rose:

Mr. Rose read aloud his thoughts concerning the proposed change in zoning:

December 7, 2021

To the Members of the York Town Board

We are here tonight to discuss changing a local law that currently prohibits outside audio amplification. This issue has divided our town.

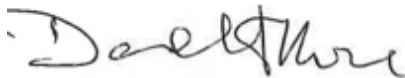
If you decide to change this law, you will be going against our current law as well as our Comprehensive Plan.

By changing this law, you will not only be allowing fast food restaurant chains into our town, you will also be opening the door to a truck stop next to a school. We've all seen the preliminary plans for it. Simply put, there is no more dangerous place possible to put a truck stop than adjacent to a school.

Truck stops are notorious for traffic problems, pollution problems, noise problems, sex trafficking and drug trafficking problems. These are facts. A quick google search will turn up numerous studies about all of these problems. A google search will not turn up any studies showing that truck stops neutralize or minimize these problems. To put these problems next to a school is to put our kids in danger. But don't take my word for it; please take a few minutes to do the google search yourself. Truly, a few minutes is all it will take to see what I've learned.

Yes, changing this law has become a divisive issue, but it really shouldn't be, because when it comes to the safety of our kids, there is clearly only one right answer. I strongly urge you to keep our current law in place, respect our Comprehensive Plan, and keep the safety of our kids foremost in your minds.

Thank you.



David H. Rose  
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York, NY 14592

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[david@truenorthfarmyork.com](mailto:david@truenorthfarmyork.com)

7)Martha Edmonds:  
Mrs. Edmonds read the following statement:

Martha Edmonds

12-07-2021

First of all, thank you to the people on the York Town Board who give their time for the greater good of the Town of York. I know that it is an elected and paid position, but it involves so much more. Rest your hand Chrissy, I will be giving you my written comments.

When I leave York for shopping, appointments, travel or whatever, I am always caught by the outstanding beauty of coming back to the Genesee Valley. If from the South, the view from the SUNY campus stretches out below me. If from the North, I often take McIntyre Rd, where the vista at the top is South and East. From Nations Rd I can pick out farms and the Abbey to the West. And one of my favorites is from the top of Route 63 near Federal Rd. where the valley opens up and out to where I have chosen to live for 37+ years.

Many surrounding towns have public parks that residents and visitors can use. Many are also classrooms and recreation areas for local schools. These include

Leicester — Starr Park

Avon — Driving Park

Caledonia — McKay Nature Preserve

Mumford — Oatka Park

Mt Morris — Al Lorenz Park

Lakeville — Vitale Park

Geneseo- Island Preserve and Indian Fort

I am sure that you can think of others, but most were donated to the good of the community by forward thinking, generous people. At this point the Town of York has nothing, but there is the opportunity to make this happen. Something that we all can enjoy and use. Who wants to walk through a truck stop to get to a park? I think that we can do better than what is proposed for this land use at the moment. Also, the marketing for this proposal has not been truthful. No trucks are shown in any of the marketing we have seen, since the name was changed to a travel center. What else have they not disclosed?

Where else is there a truck stop across from a school — 100 feet?

Time is money. Everyone is in a hurry. Vehicles running traffic lights. Speed limits not observed. Just grab a cup of coffee at the Barn and watch the traffic go by. Sure, there has "always" been a truck stop at the corners, but think about it, only the last 100 years, ...which is not always. The property is zoned commercial, including fuel sales, but a 24-hour, 27 semi-truck parking space with amenities like showers, laundromat and trucker's lounge, that is fuel sales on steroids! With drive-thru coffee, we have added to that corner, a 3-ring circus.

Your vote on the change to the drive-thru amplified audio systems adjacent to residential areas is important. Who owns the property does not change the zoning. You can make this happen by not changing the zoning law put in place in 2009. The Greigsville Transportation Plan written in 2018, spells out some of the hopes, dreams, and plans of the committee that wrote the 66-page report. Other issues like fracking, solar energy, wind energy, cannabis/marijuana retail all have come up and pushed this to the back burner. I urge the Town Board to take a deep breath and consider our future in what we open up, much like Pandora' Box.

You can make this happen by not changing the zoning law put in place in 2009.

## 8) Molly Cummings:

Ms. Cummings started by thanking the Board for their efforts, adding that sometimes it is not a pleasant experience to be a public servant but it is appreciated. Ms. Cummings stated that she grew up in King Ferry where this town and her hometown are quite similar. Ms. Cummings expressed that even though she and her family have only lived here 9 years, they really love York and try to be good citizens and contribute to the community. She was going to urge the Board to table the vote tonight but after Supervisor Deming stated there will not be one tonight, she inquired as to why not a vote?

Supervisor Deming stated that the Board received over 80 written comments regarding the change in zoning and feels that they need more time to review them all.

**HIGHWAY:**

Mr. Worden reported the following for the Highway Department:

- Shoulder machine went down recently but we are getting it repaired
- Continue to patch potholes, especially in Retsof
- Roof is now on the salt barn
- Our new hire, Mr. Pike is working out great, he is very knowledgeable.

**WATER/SEWER:**

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

- The water department is in the process of reading meters for the January billing cycle
- Sewer treatment plant has been running smoothly
- Our last hire (Riley Stella) has signed up for two weeks of schooling with testing to follow at the end of January into February.
- We sampled today for THM's; we will have the results for next meeting.

**OLD BUSINESS:**

1)Zoning Code 607 C status:

Supervisor Deming reported once again the vote pertaining to the change in the Town of York zoning code (Section 607 C) has been postponed.

**NEW BUSINESS:**

1)Appointments:

Supervisor Deming stated that an interview committee met to discuss all applicants for the positions on the Planning & Zoning Boards. Planning Board Chairman, Mr. McIlroy joined Supervisor Deming and Councilman Rose for Planning Board candidates while ZBA chairman, Mr. Connolly sat in on the Zoning Board interviews.

(a-)Planning Board:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to re appoint Alan Brightman and Zach Kobylanski to the York Planning Board for additional 5-year term; expiring December 31, 2026. Voted on and approved, Yes—5, No-0.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to appoint Steven Carroll as Planning Board Alternate, for a term of 3 years; expiring December 31, 2024. Voted on and approved, Yes-5, No-0.



(b-)Zoning Board of Appeals:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to re appoint Amy McMahon to the York Zoning Board of Appeals for an additional 5-year term; expiring December 31, 2026. Voted on and approved, Yes-5, No-0.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to appoint Heather Nagel as Zoning Board of Appeals Alternate, for a term of 3 years; expiring December 31, 2024. Voted on and approved, Yes-5, No-0.

(c-)Board of Assessment Review:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to reappoint Richard Ellis to the York Board of Assessment Review for an additional 5-year term; term runs from October 1, 2021-September 30, 2026. Voted on and approved, Yes-5, No-0.

2)Organizational Meeting:

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to schedule the 2022 Organizational Meeting for Saturday, January 1, 2022 at 11:00 am. Voted on and approved, Yes-5, No-0.

3)York Fire Department Contract renewal:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve the 3-year fire renewal contract with the York Fire Department for fire protection. Effective date January 1, 2022 through December 31, 2024. Voted on and approved, Yes-4, No-0, Abstain-1, Norman Gates.

Supervisor Deming stated now that all agenda items have been discussed, are there any additional questions this evening:

-David Rose inquired as to what additional paperwork we are waiting for?

Supervisor Deming replied that we are waiting for the Town Attorney to prepare the SEQR documents and Resolution wording for the change in zoning code. The Board will review and then render a decision on whether they wish to proceed with the Local Law.

-Grayce Mingrino asked if the written comments submitted will be accessible?

Supervisor Deming answered that a folder will be on file in the office to view as well as scanned to the Town website.

-Blaine VanRy inquired if the Town Board has taken into account the comments submitted and whom are actually town residents?

Supervisor commented that the Board reviewed the comments and has documented the number of town residents.

-Molly Cummings asked if the vote will take place at the next meeting?

Supervisor Deming replied it may, we have one more meeting scheduled for the year, it will take place on the 28<sup>th</sup> at 5:00 p.m.

Dustin Geiger addressed Mr. Fuller's comments in regards to the ZBA meeting scheduled on Veterans' Day. Mr. Geiger apologized stating that he did not mean to offend or be disrespectful to Mr. Fuller or any veteran. The Zoning Board scheduled that meeting around his work schedule and Mr. Geiger apologized once again.

**ADJOURNMENT:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adjourn the Town Board Meeting. Voted on and approved, Yes-5, No-0.

Town Board meeting closed at 7:40p.m.

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