

ZONING PUBLIC HEARING MINUTES

August 26, 2008

7:00 p.m.

Present: **TOWN BOARD:** David Deuel, Frank Rose Jr., Jerry Deming, Lynn Parnell,
Norm Gates
PLANNING BOARD: Dave Russo, Frank Rose, Davies Nagel, George Worden,
Rob Susz
ZONING BOARD OF APPEALS: Dick Ellis, Marjorie Fasano
PLAN/ZONING SECRETARY: Donna Falkner
CLARK PATTERSON ASSOCIATES: Justin Steinback
STEINMETZ PLANNING GROUP: John Steinmetz
RESIDENTS: Attached list
ATTORNEY: Ron Cicoria
ZONING OFFICER:
COUNTY PLANNING BOARD: Heather Ferrero

Meeting held at Town Hall

At 7:05 p.m. George Worden welcomed everyone, asked everyone to sign the sign-in sheet and said that everyone could voice their concerns. He introduced a speaker, Officer Chris Ward from NYS DEC regarding the Burning Ordinance.

Officer Ward said that the article in the Speak Out section of the Mt. Morris Shopper was not correct in stating tonight's hearing was about the burning ordinance – the burning ordinance was not part of the Zoning Code.

George Worden said that the Planning Board was asked to review the old Zoning Code and he introduced the members of the committee that was involved. He called the public hearing for the Proposed Zoning Code to order at 7:10 and turned the meeting over to John Steinmetz.

John Steinmetz went over the agenda and the objectives of the proposed Zoning Code:

- Implement the recommendations of the Comprehensive Plan
- Incorporate 6 Town Laws into the Zoning Code
- Clarify the code and submission requirements for staff, property owners & developers
- Make land use decisions more legally defensible
- Provide more flexibility to property owners
- Improve organization of code document

2006 Comprehensive Plan

- Remain predominantly rural residential communities
- Locate residential development near existing hamlets
- Conserve environment sensitive areas
- Control frontage development along major highways
- Support the viability of farming

Article I – Intent & Applicability

Article II – Definitions – new terms added (adult uses, car wash, bed & breakfast, dance, art, music studio, drive thru facility)

Article III – Zoning Districts

Heather Ferrero went over the proposed zoning map and explained how the committee developed the new map using a 2006 air photo and the old zoning map. She stated that the primary change between the old and proposed is that the proposed has updated zoning districts plus it's more in line with property tax districts. It reflects the hamlets, more intense development and allows smaller scale commercial area.

John Taylor pointed out that Mt. Pleasant Road on the map was actually east of Rt. 36 and Cowan Road was to the west, which Heather thanked him for noting the correction.

Existing Districts (6)

1. A – Agricultural
2. RA – Residential
3. RAA – Residential
4. B – Business
5. I – Industrial
6. P – Planned Development

Proposed Districts (10)

1. A – Agricultural
2. R – Residential
3. HR – Hamlet Residential
4. HDR – Hi Density Residential
5. HC – Hamlet Commercial
6. C – Commercial
7. LI – Light Industrial
8. I – Industrial
9. MU – Mixed Use
10. PD – Planned Development

Article IV – District Regulations – Specially permitted uses will now be done by Planning Board. Didn't change code as to setbacks and maximum height

Ag District – Existing has 19 uses – Proposed has 17 uses – lot size and frontage changed under dimensional requirements

Residential – Existing has 8 uses – Proposed has 11 uses – minimum lot size increased from 20 KSF (1/2 acre) to 40 KSF (an acre)

Hamlet Residential – Existing has 10 uses – Proposed has 12 uses – went over changes

High Density Residential – two parts of town, in Planned Development on Chandler Road and the trailer park on Ellicott Road – Existing has 10 uses – Proposed 14 uses

Hamlet Commercial – two places – Existing has 18 uses – Proposed has 22 – no minimum lot size in existing – Proposed is by Site Plan Review (SPR)

Commercial – Existing has 18 uses – Proposed has 26 uses – changes in size

Light Industrial District – Existing has 14 uses – Proposed has 10 uses – changes in sizes

Industrial District – Existing has 13 uses – Proposed has 12 uses

Mixed Use District – expansion area – can do light industry in it

Planned Development District – 5 acre minimum – Site Plan Review

Article V – Regulations Applicable to All Districts – big change from old code – established thresholds for noise, smoke, odor, dust, radiation, heat, glare, etc.

Signage 101 – can legally regulate size height, location and physical characteristics, not content.

Proposed Sign Regulations – Signs without permit are official signs supported by state or federal government, A-frame signs (limit 2), gas signs – more permissible than what York currently has

Article VI – Use Specific Regulations

Article VII – Non-Conforming Uses, Buildings and Lots

Article VIII – Administration

Article IX – Boards - Descriptions

Article X – Violations

Article XI – Site Plan Review & Approval – important duty of Planning Board

8:15 p.m. – Opened public comment period

Kurt Richenburg – Do we have any other means of commenting on the proposed zoning law?

George Worden – There will be 14 days for written comments.

Donna Brian – Under this new law will existing businesses be pre-existing, non-conforming?

John Steinmetz – yes

Jim Aimsley – Why not allow light manufacturing in light industrial?

John Steinmetz – not a bad suggestion

George Worden – We could go outside the blue or green areas.

Heather Ferrero – If you want a Planned Development District somewhere you could go to the board?

Gary Wall – The fine of 6 months in jail seems a harsh. Has there ever been a fine or jail time in York? If we've never had a problem do we need 6 months?

John Steinmetz – didn't remember anyone ever going to jail anywhere.

George Worden – says up to 6 months

Rob Susz – maybe if something serious did happen we might need this provision

Ron Cicoria – have to keep it in the document for people who deserve it – may have to use it

Gary Boyd – Is there a list of codes and penalties in the zoning law?

John Steinmetz – Yes there is – all the land use stuff is in it

Jim Pfunter

- on page 37, G-2 – Are A-frames going to be required to be brought in or can they be left out 24 hours? It says two A-frames per business. Can you put two A-frames on each piece of land if a business has two spots?
- Page 39, D-3 – Doesn't feel it's fair that outdoor lighting has to be shut off during non-operating hours

John Steinmetz said that this pertains to outdoor lighting not signs – signs can stay on

- Page 55, 606-B – “performed within an enclosed structure” is impossible for dealers who need to fix a light or wiper
- 606-C takes away half of the display area – shouldn't be any setback for display of vehicles

Kurt Richenburg – feels qualifications for Code Enforcement Officer should be included in the document

Mike Farwell – appreciates all the work done, but feels we have gone way beyond and there is more regulations and restrictions than we need, i.e. 517, 604, 606, 617, 616 – why are bed and breakfasts and day care singled out rather than home occupations?

Heather Ferrero – There are day care centers not located in homes?

Rob Susz – home occupations would have different regulations

Gary Wall – 50 foot setback on corner lots – Is it from center of the road?

Heather Ferrero – setback is from edge of right of way and any structure on the lot

George Worden – depends on which road you're on

John Steinmetz – it's in the current code

Jim Aimsley – Are dentists included in medical?

John Steinmetz – Yes

Mike Farwell – Are there any new boards?

John Steinmetz – Town has a Planning Board and Zoning Board of Appeals – this just articulates what they do

Mike Farwell – Article 9 states they're appointed. Is it going to raise our taxes?

Rob Susz – we get paid substantially under minimum wage

Jerry Deming – the members get \$25 per meeting

Jim Pfuntner – How does the process go forward from here? Will there be another public hearing?

John Steinmetz – How many changes and what the committee decides is up to the committee how we go forward.

Dave Nagel – make note that next meeting will be open for discussion

Tom Wiest – when all is said and done do we vote or what?

George Worden – Town Board will decide, based on recommendation from Planning Board and input from this hearing

Heather Ferrero – there must be a public hearing with public input

George Worden – legal notice will be in the Livingston County paper and will be put on the board in front of Town Hall

Ron Cicoria – there have been many meetings over a year, sometimes twice a month and a lot of work has gone into the proposed Zoning Code.

John Steinmetz – this code is an extension of the Comprehensive Plan that was passed in 2006.

Donna Brian – How come no one was aware of this code until the last two weeks? If we don't have input how are we going to change anyone's mind? Is it really going to matter what we say? There should be another public meeting before it's finalized.

Tom Wiest – There's a lot of good stuff in the code. All in all the proposals are good.

John Steinmetz – No zoning code is perfect. Try it on for awhile. You can make changes down the road.

Dave Nagel – It seems like a lot of regulations, but we should get ahead of the curve a little so we're ready 10-15 years in the future before we have a problem.

John Steinmetz – There are about 20 pages of local laws absorbed into the code.

Mike Farwell – If we can change things as we go, then back off a little now.

Ron Cicoria – You really can't because you have to have something in place for an individual who might say you're singling him out.

John Steinmetz – Be very specific in writing your concerns within the next 14 days to the Town Hall.

Jim Pfuntner – I have strong feelings about government regulations. When you look at the regulations, if in doubt go with no regulation.

Mike Farwell – 95 percent of us are pretty reasonable people. Why limit yard sales? Livestock – chickens – are no more bothersome than a dog. If farm stands are limited to certain hours how can they sell after hours?

Barb Price – What is the reasoning about the three yard sales?

Dave Russo – So no one can have a continuous yard sale 365 days a year.

Mike Farwell – The code has nothing to do with the scope of general welfare & health.

Ron Cicoria – If you live by one (yard sale) you would hate it – looks shabby and like a second class town.

Rob Susz – I agree with Jim somewhat. But your activities impact your neighbors. There are bigger reasons why it's this way and not yours.

Frank Rose Sr. – Said he wrote the article about burning but he didn't mean the burning law was part of the zoning code, but that our liberties will be taken away.

Frank for Carol Rose – Regarding accessory buildings – if no more than three living in a house, would you drown a twin if they made 4 people?

Dutch Van Ry – The more and more people there are, the more we have to regulate. Everyone has their own opinion. We have to do something about bringing order to the town. Just one written law around what is already there, so what are we complaining about?

Barb Price – It's great if we live in Batavia or Pittsford. How many square miles is there in York, does anyone know?

Heather Ferrero – The Town of York is in an unique position because you have the most mileage of water infrastructure which is attractive to development. The Ag District (every 8 years) protects us. Zoning sets the stage to guide development where you want it. Town of Nunda looks at the same zoning issues.

Jason Boyd – You've done a great job and agrees with most of what is in the code. Smart development is needed. This document protects our freedom. Without regulation what protection do we have for our property. There would be potential for losing our freedom and property.

Mary Schlaker – Just putting guidelines on what can be done when they do it – to hit the little people regarding yard sales – lighten up

Donna Brian – We do need zoning but don't pick on things like yard sales.

Betsy Linsner – regarding non-conforming use – How does it apply to eyesores of abandoned homes?

John Steinmetz – That's not a zoning issue, but a property maintenance law.

Gary Wall – regarding Appendix 1201 – windows and door signs – one per business if wall sign – what happens with Dollar General who has many?

John Steinmetz – should talk about it at the meeting

Margie DeLena – If a store puts their open sign on door would that be the only sign allowed? Businesses need signage in their windows to survive – feel this is very restrictive.

John Steinmetz – The sign code York has now is more restrictive.

Gene Amburgey – Brought up book Metro Track by Joe Heineman – Zoning Officer is not allowed on premises.

Chris Pascuzzo – gave Chrissy Harris his comments regarding major and minor subdivisions
Kurt Richenburg – what is it costing the Town of York for the planners.

Jerry Deming - \$34,000

Mary Schoonover – Where did you come up with the number of cattle for acreage? Shouldn't be a number if they're being cared for.

Jerry Deming – you're talking about a residential area (Heather – p. 62)

John Steinmetz – does not pertain to ag district

Jim Pfuntner - #617 on p. 62 – 2 horses on 5 acres is very restrictive

Ron Cicoria – agreed

Meeting adjourned 9:20 p.m. The committee will meet on **Wednesday, September 17 at 7 p.m.** to go over any written comments that come in. The meeting is open to the public.

Respectfully submitted,
Donna K. Falkner