

York Town Board Meeting
November 15, 2007

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Norman Gates, William Hasler and David Sliker

Absent: None

Others: Kip Finley (Avery Engineering), Carl Peter (Town Zoning & Code Officer), Don and Mary Davis, Mary Schlaefer, Anne Sapienza (Town Assessor), David Deuel, Norman Barrett (Senior Water & Sewage Treatment Plant Operator), George Worden Jr. (Highway Supt.), Myron Rodger, Robert Lowden, Frank Rose Jr. and Ronald Cicoria (Town Attorney)

Supervisor Deming opened the Town Board Meeting at 7:35 p.m.

MINUTES

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to approve the minutes of the October 25th Town Board Meeting. Voted on and approved, Yes-5, No-0.

PRIVILEGES OF THE FLOOR

1) Anne Sapienza:

Town Assessor, Mrs. Sapienza asked to speak with the Board this evening on the issue of unit charges for water & sewer customers. Currently the Town charges are based upon kitchen facilities in a residence as was discussed originally several years ago when creating the sewer districts, but unfortunately a written policy is not in place.

Mrs. Sapienza stated as Assessor, she would like to see the Board and Zoning Officer, Mr. Peter prepare a written policy describing what constitutes a unit charge for water and sewer customers, in order to use as a guide for future inquiries.

Mr. Deming stated that the Board discussed several years ago if a home had a full kitchen and bathroom, it would then be deemed as a unit, if only 1 appliance existed, it would not be classified as a unit.

Ms. Schlaefer asked the Board what they considered to be "a kitchen". Supervisor Deming replied that a kitchen would consist of a sink, stove and refrigerator. Ms. Schlaefer stated when her parents (Don & Mary Davis) purchased their home at 2935 Main Street many years ago it was a one family dwelling, and now due to the apartment issue, it is now being changed to a two family residence, which they are unhappy with. Ms. Schlaefer stated that her sister and her family live in the basement apartment in order to be close to their parents if they should need anything, and don't believe it should be classified as a two family residence. The Board stated, based upon what was discussed this evening, they agree with the assessment made by Town Assessor, Mrs. Sapienza that 2935 Main Street is a two family residence and will be charged as such unless appliances are removed, which would bring it back to the one family zoning code.

Town Attorney, Mr. Cicoria stated according to the information given tonight, the dwelling should be considered a two family residence, but understands the concern of the homeowners to have a concrete policy in place to work from. Mr. Cicoria added, if the homeowner wishes to convert back to a one family home, appliances will need to be

removed and an inspection performed by the Zoning/Code Officer, Mr. Peter in order to finalize the issue. Ms. Schlaefer conveyed their desire to keep the residence as a one family dwelling and stated she will be scheduling an appointment with Mr. Peter on how to proceed.

2) Kip Finley:

Mr. Finley refreshed the Board with the information Avery Engineering prepared regarding the 114 acres of land owned by Myron & Randy Rodger south of York Central School, to the east of Route 36 and to the north of Chandler Road. Mr. Finley stated that the plan they have prepared takes into account the Town's Comprehensive Plan, and has made several suggestions to continue further with that idea.

Mr. Finley reported, based on the assessment of the recommendations to date, the development team proposes a mixed use PD with an emphasis on industrial land use plus a modest mix of office, high density residential, and institutional uses to buffer the school and residences from heavier industrial uses proposed in the central portions of the site.

Mr. Finley briefly reviewed with the Board the Proposed Land Use Categories, their permitted uses and prohibited uses. Supervisor Deming stated to the Board and Mr. Finley that he is aware of the meetings with the York Planning Board and their recent recommendation for approval of zoning change from Agricultural to Planned Development for the Rodger's property. The Board received this recommendation this evening, but did not have any further documentation (maps) to review in order to make a decision tonight.

The Board discussed the need to schedule a work session with Mr. Finley in order to further discuss and review the Rodger's information in order to render a decision in a timely manner.

* A work session has been scheduled for Thursday, December 6th at 7:00 p.m. at the York Town Hall. To include: Town Board, Kip Finley, Myron Rodger and Mr. Cicoria.

3) Bob Lowden:

Mr. Lowden came tonight to speak with the Board about his property on Chandler Road and his desire to receive a Certificate of Occupancy (C of O). Mr. Lowden stated that he is in the process of purchasing the parcel of land from Barbara Martin that has his utilities are located on, and asked if at that time he may receive approval for the C of O.

Mr. Deming stated not until the transfer of ownership takes place and then has been filed at the Livingston County Clerk's office, a C of O can not be granted because Mr. Lowden will not officially own the parcel that the utilities are on until the filing takes place. Mr. Deming added, after Mr. Lowden gains ownership of the parcel he will have to grant Ms. Martin an easement for water service that feeds the barn and file that as well.

Senior Water & Sewage Treatment Plant Operator, Mr. Barrett stated the water service that is currently in place was first installed for barn purposes, and Mr. Lowden has since run a line from that service to supply his residence as well, which must be separated. Mr. Barrett and Supervisor Deming stated in addition to separating the lines, Mr. Lowden must obtain a Water Tap Application for his service, which has a \$ 1,500.00 fee involved.

Mr. Lowden asked if his driveway will be an issue, which the Board replied it would not, it may stay as is.

Zoning & Code Enforcement Officer, Mr. Peter addressed with the Board and Mr. Lowden the issue of not residing in the new residence until the C of O has been issued, and further stated that the barn was not a legal residence because a C of O was never issued for an apartment in the barn. Mr. Lowden acknowledged that he understood the regulations and added that he hopes to have all issues and paperwork filed within the next few weeks.

** Mrs. Harris gave Mr. Lowden this evening an application for water service.

HIGHWAY

1) Paving:

Highway Supt., Mr. Worden reported to the Board that the Highway Department will not be able to complete the paving in Piffard or the UP Church parking lot this year. The parking lot will require new drainage be installed before the paving can take place.

WATER/SEWER

1) Bernecker lots:

Senior Water & Sewage Treatment Plant Operator, Mr. Barrett reported that he spoke with Art Bernecker recently and was informed that within the next few days the asbuilts prepared by Sandy Vreeland will be ready, and the other approvals have already been met.

2) Gates water main:

Mr. Barrett stated that the Gates water main has been put in the ground, pressure tested and chlorinated. All test results came back negative, and expect the second round of chlorine samples to have the same result.

Mr. Barrett stated that he will be dropping off the Gates' asbuilt drawings to Larsen Engineers tomorrow morning.

** Mr. Barrett stated that the Water/Sewer Department has been busy over the past week winterizing the plant and all fire hydrants throughout the town.

OLD BUSINESS

1) New York State Codes:

Zoning & Code Enforcement Officer, Mr. Peter stated that a revised version of the New York State Uniform Fire Prevention and Building Code has been prepared (dated: 2-23-2006) and asked the Town Board to review. Mr. Peter reported that the existing Local Law was adopted by the Board back in 1984, but new regulations now exist and the Town Board must decide if they wish to follow suit and update our records as well.

The Board agreed to table the issue until the December 13th meeting in order to allow the Board time to review the proposed revisions.

NEW BUSINESS

1) Water shut-off request:

RESOLUTION offered by Mr. Hasler and seconded by Mr. Gates to approve the Water Service Shut-off request submitted by James Predmore for property located at 3256 Flats Road. Voted on and approved, Yes-5, No-0.

2) Water Request:

Supervisor Deming read aloud a written request prepared by Gerald Yacono of 1912 York Road West (Gratwick Estate) expressing a strong desire in acquiring public water. Mr. Yacono outlined in his petition other neighbors on York Road West also interested in connecting as well, and would respectfully ask the Board to consider a feasibility study.

After a brief discussion the Board agreed that water in the hamlet of Linwood, not just the area on York Road West has been a topic for several years and will be a priority for 2008 if water pressures and grant money is available.

3) "Healthy Trails, Healthy People":

Supervisor Deming reported that we received a packet recently from Davies Nagel regarding a program partially funded by a grant from the Healthy Heart Program of The New York State Department of Health, and created by Parks & Trails NY called "Healthy Trails, Healthy People".

Mr. Nagel's letter states that the program would assist the Town of York with its trail development. Each year, Parks & Trails New York selects up to 5 new communities interested in trail development. As part of the program, selected communities will receive technical and planning assistance, workshops, mini-grants and organizational support.

After some discussion the Board thought it would be appropriate to ask Mr. Nagel to attend the December 13th meeting to further outline the program and the Town's proposed involvement.

4) Planning Board vacancy:

Mr. Deming reported that we recently advertised for an upcoming vacancy position on the Town of York Planning Board. Current member and Planning Board Chairman, George Worden Jr. will be stepping down before the end of the year, and wanted to be sure a new member will be appointed before January. Supervisor Deming stated that we did receive interest from the advertisement and will begin the interview process shortly, including at least two members of the current Planning Board.

The applicants are as follows:

Phil Cooper
Grace McLaughlin-Mingrino
Pam Battaglia
Anna May Allenbrandt
Jerry Parsons
David Russo

5) Ambulance Service:

Supervisor Deming informed the Board of the upcoming meeting with Bill Sheehan and the Fire Department's Board of Directors. The meeting has been scheduled for Monday, December 3rd at 7:00 p.m. at the Retsof Fire Hall.

BILLS

RESOLUTION offered by Mr. Sliker and seconded by Mrs. Parnell to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

Retsof Sewer District	# 124-130	\$ 1,381.88
Consolidated Water	# 230-243	\$ 94,182.39
General Fund Claim	# 368-395	\$ 8,171.53
Highway Fund Claim	# 177-191	\$ 17,388.92

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Sliker to adjourn the Town Board Meeting until December 13th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:40 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk