

Planning Board Minutes
October 16, 2012

Present: Dave Russo, Joe McIlroy, Mark Vitale, Davies Nagel, Mike Van Gelder, Frank Rose Sr., Heather Grant

Others: Carl Peter, Valerie Vattimo, Jerry Deming, Brendan Bystrak (Labela Assoc.), Brenda White, Ray White, Jamie Tooley, Attorney Andy Emborsky, George Worden

Dave Russo called the meeting to order at 7:00 pm

New Business-

- Mr. Brendan Bystrak was invited to speak in regards to the amendments on the sketch plan for the RG&E building on corner of Federal and Rt. 63 to incorporate landscaping. He presented several copies of the plan including the landscaping with details. Mr. Bystrak stated that the landscaping contractor would be in touch with him tomorrow on an estimate for cost and they expected the work to be in November.

Mr. Emborsky stated that what is proposed is a Type 2 action which does not require further SEQR review

Mr. Russo asked if there were any questions

Mr. Emborsky stated that the board first needs a motion to classify this as a Type 2 action- Mr. Nagel asked for a clarification of Type 2 action- Mr. Emborsky explained needs no further SEQR review

Mr. Nagel made a motion to classify this as a Type 2 action, Mr. Russo seconded, all in favor, motion carried.

Mr. Russo made motion to approve the sketch plan with landscaping additions, Mr. McIlroy seconded, all in favor, motion carried.

- Ray and Brenda White and Jamie Tooley seeking information in regards to obtaining a special use permit for the old "Landing" property on Main Street.

Mr. White explained that through speaking with Carl he learned that they would need a special use permit to continue with their plans of opening up a pizza shop in the Landing Building. Due to the building having been closed for over a year this requires obtaining approval for a special use permit from the Planning Board.

Mr. Russo expressed his concern in regards to limited parking. Mr. White stated parking has always been a problem there. They would like to be able to seat approx. 20 people in the front of the space for dining. No changes are planned for the building, just improvements such as a handicap accessible bathroom, replacement of equipment that is not working, new windows/ door. The main parking for the building is on the street.

Mr. Russo said that they will need to provide a sketch plan including parking. Asked what the hours would be.

Ms. Tooley stated 11-9 weeknights and until 11 on weekends- closed Monday.

Mr. Peter said he will need to look at the occupancy compliance for the building.

Mr. Russo requested a sketch plan from the Whites.

Mr. White expressed that he would like to get this process going soon and they will work on sketch plan right away. He stated that they are trying to figure out if what they plan is feasible and would like to start work on the property soon if so, no outdoor seating is planned.

Mr. Emborsky said this plan would be subject to SEQR- just the simple form- short environmental impact statement

Mr. Peter stated SEQR form is on York Town website

Mr. Deming said we schedule the next meeting tonight

Mr. Peter stated that he should be able to have necessary paperwork available in order to have the next meeting on 10/30/12.

Mr. Russo scheduled the meeting for 10/30/12 and stated must have proper paperwork in as soon as possible in order to advertise meeting.

- ▲ Valerie Vattimo seeking information in regards to obtaining a special use permit for a home occupation (dog grooming) she would like to start in her detached garage- located on 10th Street in Retsof. Mr. Peter advised that since this business would be located in an accessory building- she needs to be granted a special use permit from the planning board.

Ms. Vattimo stated that she would be the only person employed there and possibly have one person helping her answer phones in the future. Stated the building is currently 15'x18'.

Mr. McIlroy stated she will need a bldg. permit to alter the structure

Mr. Russo inquired about adequate parking.

Ms. Vattimo stated there is adequate parking for her intended business. She will need water and sewer connections which is part of her plan.

Mr. Peter explained home occupation specifics.

Mr. Emborsky asked how many animals would be there at one time.

Ms. Vattimo stated only one every 1 ½ hours- everything will take place in garage.

Mr. Peter said that the water and sewer connection plans will be part of the bldg. permit and Mr. Worden stated that there is enough capacity to add this on. Ms. Vattimo added that the plan is to use a mascerated pump.

Ms. Grant asked about how many customers per day did she intend on serving. Ms. Vattimo said the maximum per day would be 7 customers. Parking would not be an issue because they would be coming one at a

time. Ms. Grant asked Mr. Peter if home occupation regulated hours of business- Mr. Peter stated no- Ms. Vattimo said her work hours would be over by dinner time every day.

Mr. Emborsky referred the planning board members to page 87 section 905D of the Town of York Code... he said he is comfortable moving forward w/o a public hearing however the wording in the code says a public hearing shall be held on all special use permits. He advised to be safe, to advertise for a public hearing for this permit.

Discussion ensued on the meeting previously scheduled for 10/30 for the Whites- some were not aware that this was to have a public hearing for their special use permit. Advised that yes that is what the meeting was scheduled for.

Determined that both public hearings (White's and Vattimo's) will be scheduled for 10/30/12.

Mr. Emborsky stated there would be no need for sketch plan since not changing foot print; will need short SEQR; make photocopy of survey of property to submit with SEQR; this should make it complete.

Mr. Deming checked the Town map to make sure Ms. Vattimo's property was not within Ag. District and determined it is not so no need to refer to County.

Mr. Peter reviewed what she would need for next meeting- sketch plan, short SEQR form; \$150 for hearing; notification to neighbors of public hearing.

▲ Old Business-

Mr. McIlroy inquired as whether or not the planning board has received anything back from Mr. Korth. Mr. Russo stated no.

Mr. Peter explained that Mr. Campbell took back his statements from the last meeting and said that after further review of the Town Code, splitting one lot into two does not require subdivision review.

Mr. Deming said that Mr. Korth's plan to divide is not simple- there are many issues including access to the lots and septic

Mr. McIlroy made a motion to approve the minutes of the June 12, 2012 planning board meeting.

Mr. Nagel said he had a question on the wording of a part of the Oct. 2, 2012 minutes. There was confusion on the portion stating the votes on whether or not to hold a public hearing on the Dominion case (landscaping plan).

Mr. Nagel wondered if we would be able to put the Planning Board meeting dates on the calendar on the town's website. Mr. Peter said that we are listed in the office calendar for every second Tuesday of the month.

Mr. Nagel asked if we would always have legal counsel at our meetings. All agreed that it is very helpful when there are special issues being

presented to the planning board. Mr. Deming said yes, at most meetings with public issues we will have legal counsel.

Mr. McIlroy asked if we should be updating the zoning regularly. Mr. Emborsky stated that the planning board might be able to coordinate zoning updates with the newly formed Fracking committee. Mr. Peter said the process of updating is tedious as the Town Clerk must file all changes with the state so to do many changes together would be helpful.

Mr. Russo brought discussion back to planning board minutes of June 12, 2012. Mr. McIlroy made motion to approve the minutes. Mr. Vitale seconded. All in favor- motion carried.

Mr. Russo asked for a motion to approve the minutes from the Oct. 2, 2012 planning board meeting with the addition of the correction to change the wording to: motion was to waive a public hearing for the changes to the RG&E building. Motion passed: Yes – Mr. McIlroy, Mr. Russo, Ms. Grant; No – Mr. Nagel, Mr. Vitale

Mr. McIlroy made a motion to approve the Oct. 2, 2012 minutes with new correction; Mr. Nagel seconded; all in favor; motion carried.

Next meeting is October 30, 2012 at 7:00 pm

Mr. Russo made motion to adjourn meeting at 8:25 pm. Second by Mr. Vitale; all in favor- motion carried.

Respectfully Submitted,

Heather Grant, Planning Board Vice Chair