

York Town Board Meeting  
August 8th, 2019  
7:30 pm

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

Absent: None

Others: Kirk Richenberg, Harold Wolcott, George Worden (Hwy Supt), David Sliker and Carl Peter (Zoning & Code Enforcement Officer)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. and invited Councilman Smith to lead in the Pledge of Allegiance.

**MINUTES:**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the minutes of the July 11<sup>th</sup> 2019 Town Board Meeting and July 30<sup>th</sup> four (4) Public Hearing Minutes. Voted on and approved, Yes-5, No-0.

**HIGHWAY REPORT:**

Mr. Worden reported the following for the Highway Department:

- The department sealed Retsof Road, which will be set for 5 years
- Oil & Stoned Batzing Road from Casey Rd to McVean.
- We started on Cowan Rd. by building it up with black top
- Simpson Road repair has been completed and we will now bill the farmer directly for reimbursement.
- Dow Road bridge area was patched
- Guardrail mowing has taken place.

**WATER/SEWER REPORT:**

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

- Routine flushing of the mains is underway & will continue until August 16<sup>th</sup>. Thus far the process has been smooth.
- Mr. Worden & Casey DeGraff (CP Lee) met with Visone Construction

recently to review the last few items to address on the punch list. Morsch Pipeline will be the next meeting to do the same.

- A question was posed at a previous meeting about the depth of the water main on Stewart Road and has now finally been able to be verified. Mr. Worden explained in detail the depth of the existing line, ultimately stating that there is more than sufficient depth for protection.
- Mr. Worden & Clark Patterson Lee will be meeting with both contractors shortly about finishing up the last of the items but a date has not been scheduled yet.

### **PRIVILEGES OF THE FLOOR:**

1) Kirk Richenberg:

Mr. Richenberg stated that the majority of the questions he had this evening have already been addressed but did inquire if the watermain project for Mr. Korth will be in the Right of Way (ROW) or on private property.

\*\* Mr. Deming and Mr. Worden stated that the line will be on private property and the Town will obtain an easement from them.

2) Harold Wolcott:

Mr. Wolcott asked what the final decision was for the Cowan Road repair.

Mr. Worden replied that the edges have been built up already but center work must be completed, ultimately adding 3 inches more.

Mr. Wolcott informed the Board that he recently had a conversation with Carol Hasler about the previous discussed Volunteer of the Year award in Bill's honor. Mrs. Hasler expressed her desire not to proceed with the award.

Mr. Wolcott's letter to the Board is as follows:

Attention York Town Board Members,

It is with much regret that I need to withdraw my request for the creation of the "William Hasler Volunteer of the Year Award". I recently spoke with Carol Hasler and after further thought; she thinks that Bill would have preferred not to have a fuss made over him. We all know that Bill was a humble man whom never asked for anything in return for many of the kind deeds that he performed. I would like to thank you, the York Town Board, for your willingness to honor such a great man!

Respectfully,

Harold Wolcott

**OLD BUSINESS:**

1) Board of Assessment Review:

Supervisor Deming reported that we received one application for the position on the Board of Assessment Review. The application received was from present member Chris Pascuzzo seeking re appointment.

RESOLUTION offered by Mr. Smith & seconded by Mrs. Parnell to re-appoint Chris Pascuzzo to the York Board of Assessment Review, term will run from October 1, 2019-September 30, 2024. Voted on and approved, Yes-5, No-0.

**NEW BUSINESS:**

1) Water Service Restoration:

a-2647 York Road West:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to approve the Water Service Restoration request submitted by Nick Schneider for property located at 2647 York Road West in the amount of \$200.00. Voted on and approved, Yes-5, No-0.

2) Lawn Maintenance:

Councilman Smith inquired if Zoning Officer Mr. Peter was aware of the lawn situation at the Beach residence, located at 2872 Main Street. Mr. Peter replied that he was aware of the matter and has already sent a letter of violation to the owner. Unfortunately, he no longer resides at the property making it difficult to make contact.

3) Valley Fest update:

Councilwoman Parnell reported that the Valley Fest event was once again successful. Mrs. Parnell stated after 11 years though the current committee will be stepping down but others have expressed an interest in keeping the event going. We will have to wait to see how this unfolds.

Councilwoman Parnell reported that at our next Town Board meeting the Valley Fest committee will be presenting the YCS Backpack program and Honor Flight with proceeds from this year's event.

4) Local Law #2 of 2019:

Supervisor Deming commented that issues were raised at the July 30<sup>th</sup> Public Hearing pertaining to the proposed Agricultural distinction for the property located at 4185 Main Street. Zoning Officer, Mr. Peter clarified that the business would be covered as Horticulture/Greenhouse in our current zoning.

Councilman Smith inquired how long it will be before the business owner will be buying the property from current owner Mr. Bernecker. Mr. Peter answered that he is unaware of that situation but added he didn't have to own it, he could rent/lease the property. Mr. Smith stated that a great deal of discussion took place at the hearing about what the zoning should be but in his opinion, he is running a Commercial business at this location.

Mr. Peter responded that the public is not receiving or buying any products at this site, as would be in a commercial business. Mr. Smith answered they are still selling a service and added that Genesee Valley Feeds at the corner of Retsof Road and Chandler Road is an actual agricultural business, maybe split off the business for 1 acre and keep the remainder Ag.

Mr. Peter described that Genesee Valley Feeds is part of a different Planned Development that was created on Trathen's property. Mr. Peter added he

was not the Zoning Officer at that time to know now what the stipulations were.

Councilman Smith stated he still has an issue with running a commercial business in an agriculture district. Ag business provides an agricultural service, this business is 99% not agricultural. Mr. Peter replied that the business owner came to the Town from the beginning to make sure he was taking the proper steps to do this correctly; he has not tried to skirt or ignore any laws. I suggested that he proceed this route due to the nature of his business. Supervisor Deming added that the parcel is a total of 19 acres, as a Town we cannot split the land into 18 acres for Agricultural and 1 acre for business.

Mr. Peter commented if we follow the zoning law, there is sadly not much can be put in.

Mr. Richenberg stated due to the new information brought up this evening, he suggests that the Board re schedule a Public Hearing by changing the definition.

Supervisor Deming stated with ongoing questions, the Board will not take any action tonight on this law.

#### 5) Proposed Local Law #3 of 2019:

Supervisor Deming stated at the hearing that proposed Local Law # 3 was well received and asked the Board if they are comfortable in proceeding. All members agreed to continue.

Clerk Harris informed the Board if this law is approved tonight, it would now be recorded as **Local Law #2 of 2019**, not #3 due to tabling of the previous law.

#### **LOCAL LAW #2 of 2019**

Supervisor Deming stated that this law is to amend the permitted uses with special use permit within the Hamlet Residential District (HR) to allow professional services offices. We will now review the required SEQR documents that must be completed prior to an approval decision.

**PART 1-PROJECT AND SETTING:**

Supervisor Deming read aloud the purpose of Part 1 which describes amending the provisions relating to permitted uses allowed with a special use permit within the Hamlet Residential District, which would add as a permitted use with special use permit, professional service offices such as but not limited to law offices, accounting offices, dental offices, doctor offices, architect or engineer offices or land surveyor offices. This portion only requires a signature from Supervisor Deming.

**PART 2-IDENTIFICATION OF POTENTIAL PROJECT IMPACTS:**

Supervisor Deming read aloud 18 questions for Part 2 SEQR review with the Board replying “NO” to each of them.

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to Adopt the Findings that were made in the review of Part 2 of the Full Environmental Assessment Form as set forth therein for proposed Local Law #2 of 2019 to amend Article IV, Section 402.C of the Zoning Ordinance of the Town of York to add a new permitted use with Special Use Permit. Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

b) Negative Declaration:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adopt a Negative Declaration based on the findings made in the review of the Full Environmental Assessment Form. Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

c) Authorization:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

**PART 3-DETERMINATION OF SIGNIFICANCE:**

a) Town Clerk Certification

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Town Clerk to file the Negative Declaration with the Environmental Notice Bulletin. Voted on and approved, Yes-5, No-0.

**ADOPTION:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to approve Local Law #2 of 2019 entitled, “A Local Law to amend Article IV, Section 402.C of the Zoning Ordinance of the Town of York to add a new permitted use with Special Use Permit. Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

**6) Local Law #3 of 2019:** (Previously advertised as Local Law #4) Supervisor Deming stated that his law is to modify the boundaries of the Hamlet Commercial (HC) and Residential District (R) zoning districts within the Town changing such certain specified areas to Commercial District (C ).

2727 Genesee Street; Tax Map # 61-1-51  
3695 Retsof Road; Tax Map # 61-1-84.11  
Genesee Street; Tax Map # 61-1-84.121

This law was also well received at the July 30<sup>th</sup> Public Hearing and asked the Board if they wish to proceed. All members agreed to continue with the SEQR documents.

**PART 1-PROJECT AND SETTING:**

Supervisor Deming read aloud the purpose of Part 1 which describes changing certain zoning district boundaries in the Town of York from Hamlet Commercial (HC) and Residential ( R ) to Commercial ( C ). This portion only requires a signature from Supervisor Deming.

**PART 2-IDENTIFICATION OF POTENTIAL PROJECT IMPACTS:**

Supervisor Deming read aloud 18 questions for Part 2 SEQR review with the Board replying “NO” to each of them.

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to Adopt the Findings that were made in the review of Part 2 of the Full Environmental Assessment Form as set forth therein for proposed Local Law #3 of the 2019 to modify the boundaries of the Hamlet Commercial (HC) and Residential District (R ) zoning districts within the Town changing such certain specified areas to Commercial District (C ).  
Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

b) Negative Declaration:

Resolution offered by Mrs. Parnell and seconded by Mr. Smith to adopt a Negative Declaration based on the findings made in the review of the Full Environmental Assessment Form. Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

c) Authorization:

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-5, No-0.

**PART-3 DETERMINATION OF SIGNIFICANCE:**

It is not necessary to file the Negative Declaration with the Environmental Notice Bulletin because this is an Unlisted Action rather than a Type 1 Action.

**ADOPTION:**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve Local Law #3 of 2019 entitled “A Local Law to change certain zoning district boundaries in the Town of York from Hamlet Commercial (HC) and Residential ( R ) to Commercial ( C ). Voted on and approved, Yes-5, No-0.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Aye
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

7) Retsof Sewer District:

a- Improvements

Supervisor Deming informed the Board that the Town has the ability to apply for grant funding for improvements in the Retsof Sewer District. We will need to have funding in place and it requires a Public Hearing for such application.

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to schedule a Public Hearing to receive comment on the Town of York Retsof Sewer District Improvements pursuant to NYS Town Law § 202-b and §199. Voted on and approved, Yes-5, No-0.

**The entire resolution for publication is as follows:**

# TOWN OF YORK

2668 Main Street, York NY 14592

## **Resolution calling for a Public Hearing to Receive Comment on the Town of York, Retsof Sewer District Improvements Pursuant to New York State Town Law §§202-b and 199.**

**WHEREAS**, the Town Board of the Town of York has determined that it is necessary to make significant improvements, rehabilitation and repairs to the combined wastewater and stormwater collection facilities within the Retsof Sewer District; and

**WHEREAS**, the Town Board of the Town of York recognizes there is a need to provide safe and effective collection and treatment of sanitary wastewater and appropriate collection and dissipation of stormwater and that appropriate improvements to the existing wastewater and stormwater collection facilities will mitigate the public health risks associated with the potential for inadequate collection and/or treatment of sanitary wastewater within said District as well as the proper and effective collection and distribution of stormwater within said District; and

**WHEREAS**, in order to accomplish such needs, the Town Board of the Town of York is proposing the following improvements to the combined wastewater/stormwater collection system: The installation of replacement sewer mains to convey the wastewater to the sewer plant for treatment and the conversion and rehabilitation of the existing mains to convey the stormwater to local drainage areas. The replacement sewer main will consist of 8-inch PVC pipe, while the manholes will be pre-cast concrete. The slope and location of all replacement mains will be identical to the existing, but at a higher elevation. All laterals in the project area will be re-connected from the right-of-way. The pump station along Retsof Avenue will also be rehabilitated. Since the stormwater flows will be separated from the sanitary flows, the existing main will be lined and utilized for the storm water transmission to designated drainage areas. An additional 5,500 linear feet of stormwater piping with catch basins will be installed, as the lines need to be extended to permit them to “day light” or emerge at the surface within the designated stormwater drainage areas; and

**WHEREAS**, the Town Board is empowered to authorized such improvements subject to the provisions of New York State Town Law §202-b and §199 (for that portion of the improvements relating to sewer laterals); and

**WHEREAS**, this Public Hearing Notice is made pursuant to and in compliance with Town Law §§202-b, 199 and 193; and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to New York State Town Law, a public hearing be held on the **12<sup>th</sup> day of September, 2019 at 7:00 p.m.** at the Town Hall located at 2668 Main Street, York, New York, with respect to the replacement of the existing mains to convey the wastewater for treatment and the rehabilitation of the existing mains to convey the stormwater to local drainage areas as more particularly described in the Preliminary Engineering Report last dated August, 2015, prepared by Clark Patterson Lee, which said report is on file in the York Town Clerk’s office; and be it further

**RESOLVED**, that the maximum amount proposed to be expended for the improvements is \$1,770,255.00 of which it is expected that \$442,563.75 will be funded from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant and \$1,327,691.25 will be financed through long term financing through either the New York State Environmental Facilities Corporation or the United States Department of Agriculture, Office of Rural Development; and be it further

**RESOLVED**, that the anticipated cost for such improvements shall be borne by the Retsof Sewer District; and be it further

**RESOLVED**, that a copy of Preliminary Engineering Report dated August, 2015, prepared by Clark Patterson Lee, describing the proposed improvements to be constructed therein shall be available for the public inspection at the York Town Clerk's Office; and be it further

**RESOLVED**, that at the time and date aforementioned, all interested parties may be heard concerning the proposed improvements to the Town of York Sanitary Sewer District as noted above and described in more detail in the Preliminary Engineering Report.

**Dated:** August 8, 2019

**Publish date:** August 29, 2019

By order of the Town Board  
Christine Harris, Town Clerk

#### 8) Retirement Party:

Supervisor Deming stated that the Town will be hosting a retirement open house for Norma Geary on Tuesday, August 27<sup>th</sup>, 2019 from 6-8pm at the York Town Hall. The retirement notice will be appearing in the Livingston County News shortly.

#### **BILLS:**

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

GENERAL FUND:	# 228-256	\$ 12,170.42
HIGHWAY FUND:	# 144-165	\$ 102,124.93
CONSOLIDATED WATER/SEWER FUND:	# 156-186	\$ 258,452.30
LIGHTING DISTRICT:	# 8	\$ 1,476.48
YOUTH FUND:	# 6	\$ 891.00

Mr. Sliker inquired about the status of solar. Supervisor Deming replied that the committee is waiting for the Attorney to complete the final draft.

Councilman Smith inquired, if we change the definition of a law, does it require a Public hearing? Supervisor Deming replied that any change from the original will require a hearing.

**ADJOURNMENT:**

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

Town Board Meeting closed at 8:10 p.m.

Respectfully Submitted,

*Christine M. Harris*  
Christine M. Harris, Clerk