

**York Planning Board
Meeting Minutes**

Meeting Date: April 17, 2007, 7:00 p.m.

Present: Frank Rose, Mark Vitale, Dave Nagel, Rob Susz, George Worden

Others: Heather Ferrero, Carl Peter, Jerry Deming, Stanley Rodgers, Mike Van Gelder

George Worden – Mike Van Gelder wants to take one lot by his garage for residential and asked Heather if this was a simple split

Heather Ferrero – it's a subdivision so he won't be able to do anything until after the moratorium is up

Carl Peter – this land went from Planned Development to residential with business on the corner

George – the Rodgers will be coming in regarding questions about their land that is in the Empire Zone

George – that land is in the Comprehensive Plan as high density residential and behind it is industrial - we need a buffer between the school and that land

Jerry – he has to divide it because it's all one parcel

George – if property is in ag can it be taken out

Heather – nothing in the zone is in agricultural but it can be taken out

Stanley Rodgers came representing Myron and Randy who own the land.

George – need to have the land zoned properly south of the tracks

The Rodgers are hoping to find a buyer for the whole thing

George – land needs to be zoned right in the Empire Zone – complication is the Empire Zone

Jerry Deming – 117 acres are in the Empire Zone. The parcel north of the tracks wasn't supposed to be in the Empire Zone (35 acres was supposed to go onto Trathens and it didn't) and will be coming out of it in July. The remaining part south of the tracks is in the Empire Zone. Don't think the town or the school would stand for industrial next to the school.

Stanley – boys wanted to sell north side of tracks off and keep south side for housing

Jerry – the town would want it the opposite with industrial south of tracks

Dave Nagel – have they looked at any light industrial?

Stanley – they've had leads but nothing definite

Jerry – there has been interest on this property and salt mine property

Dave – there was a buffer zone before between the school and the mine

Stanley – the boys have checked and if zoned industrial there won't be any change, it will be taxed as what it is used for (agriculture)

George – you would be a step closer for the Rodgers if rezoned for empire zone

Jerry – how can it be one parcel with another (railroad) running through it?

Heather – it's possible, railroads a right of way – any permitted use can go in the industrial use district

George – we really need the boys here to find out their intentions

Jerry – know they can't meet at night because they work but they can meet on a Saturday

George – schedule Saturday, April 28, 9 a.m. so that Myron & Randy can answer some questions from the board – 5 days posted in front

Jerry – you realize this has to go before the public and you've got a lot of residents to convince

Heather – can't limit what goes in the industrial district – anything which is permitted can go in – you can set conditions on something that has a special use permit

Stanley will let Donna know if this date and time is good for the boys.

Mike Van Gelder – regarding lot for a house

George explained to Mike that we have a 9 month old moratorium started on 9/19/06 on subdivisions. Mike could still build a house because it's zoned residential and then subdivide later. The moratorium is on subdivisions of two or more. Yours would be three which would put it over.

Heather – the town is not able to approve a subdivision of more than two lots until the moratorium is over – could still build the house and subdivide later

Mike – but bank wants to use the land as collateral and wanted separate deeds – this might stop the building of the shop

Rob – why

Mike – because they might not finance the construction of the shop because of the one parcel

Dave – moratorium is until June

Frank – but it may be extended

Heather said that the moratorium can be appealed for extraordinary hardship to landowner and if the subdivision would not affect the health and welfare of the general public.

Rob Susz asked if Mike would need a letter of refusal from the bank to present hardship.

Heather said not necessarily. Mike would have to send a letter to the York Town Board stating the hardship plus \$150 fee for public hearing on subdivision and stating you would not adversely affect the health, safety and general welfare of the public. Have public hearing, make your decision and then go to the Town Board who would make the final decision. Could be presented to Town Board on April 26, but not enough time to schedule a public hearing on the 28.

George – is everyone in agreement about what we want to see there?

Mark & Frank - yes

Rob – don't see an issue – it's already residential,

George – yes, just making an extra lot there

George – need to present this to next Town Board and your hardship

Heather – Planning Board needs to get material to County Planning Board (handed to Heather tonight)

George – do everything the same night as Town Board
Thursday, May 10, 2007 there will be a special Planning Board Meeting and public hearing for the Van Gelder subdivision moratorium at 7 p.m., before the Town Board meeting. – we need at least 3 planning board members here that day

Heather – told Mike he had to submit letter to Town Board for April 26, and then to Planning Board for Public Hearing on May 10 and then to Town Board

George asked Heather about a local business that wants to purchase land where its light industrial and extend it into an agricultural district – end up with a split of two, can't do split of 3 – can we rezone that being in the Ag District

Heather – Ag District 1 or Ag Zoning?

Jerry – Ag District 1 and they want to buy property out of the ag district

Heather said that you can rezone anything in agricultural but can't combine two lots, one in Ag district and one somewhere else into one – would have to take two tax parcels until end of Ag District 1 – just one split doesn't fall under moratorium
– water would be an issue

George – no public water or sewer there

Heather – don't see a problem – he can do anything he wants but 2 tax parcels - the business would have to talk to the assessor if their taking the land out of the ag district

George – will have Paul Raymond come before the Planning Board on May 15 and tell us what his plans are. He filed for a variance which he doesn't need to do. So find out what he wants to do and he needs to file site plan.

George – if you take land out of ag district can you get water and sewer? If someone buys ag land how do you get it out of lateral restrictions?

Heather – Like for a fire department? Perhaps appeal to Ag & Mkts because its for public use.
Would write a letter (appeal) to Ag & Markets with personal follow-up

Jerry - with copy to Burling & Volker

Heather – stress public use

George – any bids for Zoning Regs?

Jerry – haven't seen anything yet

George – do we want to recommend continuing the moratorium

Heather – as long as you show reasonable progress – you would lead lot sizes in your zoning first
will be available to July, except for Tuesdays and by phone

Consensus of the York Planning Board to recommend to the Town Board to extend the
moratorium.

Rob – do you want to schedule public hearing the same night we meet with Paul Raymond?

George – we need to know what Paul Raymond's plans are before doing the hearing

Heather - If you only rezone it without site plan review you leave it open to whatever is the
permitted use of the district – but if you rezone it and do site plan review at the same time
you are specifically rezoning it to what they are proposing, a safer way

George – safer to get a commitment of what Paul expects or it could change often

Chairperson – George can stay as long as he's appointed.

Motion: Frank Rose moved to keep George Worden as chair, Mark Vitale
seconded, carried.

Meeting adjourned 8:30 p.m.

Respectfully submitted,
Donna K. Falkner
Secretary