Town of Yates
Regular Planning Board Meeting
April 7, 2022

Chairman Richard Kurz called the Regular Planning Board Meeting to order at 7:00 pm at the Town of Yates, 8 S. Main Street, Lyndonville, NY 14098.

Those Present:
Richard Kurz, Chairman of Planning Board
Ralph Smith, Planning Board Member
Joanne Suhr, Planning Board Member
Mark Hughes, Planning Board Member
Ed Urbanik, Planning Board Member
Gary Daum, Alt. Planning Board Member
Dawn Metty, Deputy Clerk
Dave D'Anniballe
Kevin S. Brubacker
Kevin A. Brubacker
Benjamin Stauffer
Daryl Stauffer
Joel Horst
Larry Wolfe

MINUTES:

Chairman Richard Kurz entertained a motion to accept the minutes from the March 3, 2022 Planning Board meeting.

RESOLUTION # 3-4/22

RESOLUTION TO ACCEPT THE MINUTES FROM THE MARCH 3, 2022 PLANNING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the March 3, 2022 Planning Board meeting as presented to each board member.

Offered by: Mark Hughes
Seconded by: Joanne Suhr

Votes: 6 Ayes (Hughes, Suhr, Smith, Urbanik, Daum, Kurz); 0 Nays

Chairman Richard Kurz – Want to speak about Kevin Brubacker's business first and amending it. Change of business is not the first one done. Yoder's on Waterbury Road has changed businesses a few times. You would like to keep it as woodworking after the partnership, right?

Kevin Brubacker – Yes.

The board asked what was going to be done with the waste.

Benjamin Stauffer – Everything will be disposed of. Working with Safety-Kleen, when the barrels are full they come and pick up the full ones and leave empty ones.

Ralph Smith – With any other disposals, will it be dumpster or curb pickup?

Kevin Brubacker – It will be curb pickup.

Chairman Richard Kurz entertained a motion to modify Kevin Brubacker's previous business from a bakery/deli to woodworking with the understanding to keep noise under control/muffled.

RESOLUTION # 4-4/22

RESOLUTION TO MODIFY KEVIN BRUBACKER'S PREVIOUS BUSINESS FROM A BAKERY/DELI TO WOODWORKING WITH THE UNDERSTANDING TO KEEP NOISE UNDER CONTROL/MUFFLED AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to modify Kevin Brubacker's previous business from a bakery/deli to woodworking with the understanding to keep noise under control/muffled as presented to each board member.

Offered by: Ralph Smith
Seconded by: Mark Hughes

Votes: 6 Ayes (Smith, Hughes, Suhr, Urbanik, Kurz, Daum); 0 Nays

Next Dave D'Anniballe spoke on behalf of H.H. Dobbins.

Dave D'Anniballe – I have worked for H.H. Dobbins for 20 years and am here on behalf of them regarding the property at 1657 N. Lyndonville Rd. It will be for H2A workers that are not on farm work but inside work. The property is in a Hamlet area not Ag Residential. Decided to come to the Planning Board to see what they can do with it. Russell Bentley sold the property to Dobbins with everything included and housing. We're asking the board to see if it can be farm housing.

Chairman Richard Kurz asked if they are going to change the size of the building.

Dave D'Anniballe – No but do need to do some work. Do not want to add or change the foot print.

Chairman Richard Kurz – I believe because of the house's long established use as housing for H2A workers and its location directly on the border of the hamlet and AgResidential area, the Board recommend it be grandfathered in with no changes made.

Ralph Smith asked how many occupants there will be.

Dave D'Anniballe – 12 occupants, beginning of August approx. 3 months stay. The house has always been H2A and plan to keep it that way.

Mark Hughes commended Dave for doing the right thing by coming to the board and said that he has lived next door from that property for years there's never been a problem and is all for grandfathering it in. He has no problem with it.

Joanne Suhr – Some of the workers have come to the Golf Course and have been very nice. I have no problem either.

Gary Daum asked if a special use permit needs to be issued.

Chairman Richard Kurz – Don't think we need to, we should grandfather it in.

Chairman Richard Kurz entertained a motion to grandfather the property at 1657 N. Lyndonville Road contingent upon maintaining ownership and use as labor housing which had been used year's prier. If property should ever be sold, it will be revisited with the new owner.

RESOLUTION # 5-4/22

RESOLUTION TO GRANDFATHER THE PROPERTY AT 1657 N. LYNDONVILLE ROAD CONTINGENT UPON MAINTAINING OWNERSHIP AND USE AS LABOR HOUSING WHICH HAD BEEN USED YEARS PRIER. IF PROPERTY SHOULD EVER BE SOLD, IT WILL BE REVISITED WITH THE NEW OWNER AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to grandfather the property at 1657 N. Lyndonville Road contingent upon maintaining ownership and use as labor housing which had been used years prier. If property should ever be sold, it will be revisited with the new owner as presented to each board member.

Offered by: Ralph Smith
Seconded by: Mark Hughes

Votes: 6 Ayes (Smith, Hughes, Suhr, Urbanik, Daum, Kurz); 0 Nays

Chairman Richard Kurz asked Joel Horst if Jason our code enforcement officer has gone over with him if his business will be Class A or Class B.

Joel Horst – Not sure.

There was discussion on the property lines, neighbors and the difference between Class A and B businesses.

Ed Urbanik suggested that Class B would be better, gives more room.

There was a round table discussion, the Planning Board suggested Joel talk to Jason to decide whether his business should be Class A or B. He needs to get a site plan and bring it the board before the next meeting

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Richard Kurz entertained a motion to adjourn the meeting.

Offered by: Ralph Smith
Seconded by: Joanne Suhr

Votes: 6 Ayes (Smith, Suhr, Hughes, Urbanik, Daum, Kurz); 0 Nays