Town of Yates
Regular Planning Board Meeting
April 11, 2023

Chairman Richard Kurz called the Regular Planning Board Meeting to order at 7:02 pm at the Town of Yates, 8 S. Main Street, Lyndonville, NY 14098.

Those Present:	Richard Kurz, Chairman of Planning Board Mark Hughes, Planning Board Member Ralph Smith, Planning Board Member Joanne Suhr, Planning Board Member Gary Daum, Alt. Planning Board Member Andrew Meier, Town Attorney Dawn Metty, Deputy Clerk Dave D'Anniballe, H.H. Dobbins Brett Baker, H.H. Dobbins Paul Sylvestri, H.H. Dobbins Attorney Jim Simon, Town Supervisor Paul & Sandy Lauricella Sue Seefeldt Steve Colon Larry Wolfe
Those Absent:	Ed Urbanik, Planning Board Member

MINUTES:

Chairman Richard Kurz entertained a motion to accept the minutes from the February 2, 2023 planning board meeting.

RESOLUTION # 06-4/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE FEBRUARY 2, 2023 PLANNING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER

RESOLVED, to accept the minutes from the February 2, 2023 planning board meeting as presented to each board member.

Offered by: Mark Hughes
Seconded by: Ralph Smith

Votes: 4 Ayes (Hughes, Smith, Suhr, Kurz); 0 Nays

Chairman Richard Kurz noted that this meeting is a replacement from the April 6th meeting that was canceled and that it's for a Special Use Permit submitted by H.H. Dobbins for construction of farm worker housing on property they own located on N. Lyndonville Rd.

Chairman Richard Kurz asked Dave D'Anniballe & Paul Sylvestri why the application had not been submitted to the Zoning Officer in January according to application procedures.

Paul Sylvestri, H.H. Dobbins Attorney, The Zoning Officer was in transition from previous officer to current officer who was not available.

Dave D'Anniballe, H.H. Dobbins, The application was dropped off with the Town of Yates office staff with the understanding the application would be turned over to the Zoning Officer for review. The application was given directly to the Zoning Officer on February 2.

Chairman Richard Kurz – Dave Reese must not have had enough time to review the paperwork. A site plan should be submitted with measurements to scale, this site plan is lacking set back dimensions for the building. The submission of the application included two buildings, each building present and future will require a separate application for each special use permit. Only going to do one building at a time.

Andrew Meier, Town Attorney, Our Zoning doesn't talk about H2A and H2B workers, only the housing. Who are the workers employed by?

Paul Sylvestri, H.H. Dobbins Attorney, H2A's work for H.H. Dobbins, LLC and H2B's work for H.H. Dobbins Inc.

Paul Sylvestri, H.H. Dobbins Attorney, handed out a packet with all of the information needed for the building that H.H. Dobbins wants to build.

Dave D'Anniballe, H.H. Dobbins, explained to the planning board what exactly H.H. Dobbins does as a company, Dobbins only processes, packs and markets apples owned by the other 58 area apple growers; Dobbins does not purchase that fruit but just processes it along with their own. Dobbins never gains title to the fruit grown by others.

Paul Sylvestri, H.H. Dobbins Attorney, stated pertinent Law allows the consideration of "extraordinary circumstances" to permit H2A workers to stay beyond their normal resident time period, but generally not year round.

Andrew Meier, Town Attorney, Yates Planning, Zoning and the County Planning Boards will all have an input on this.

After considerable discussion dealing with reconciling differing local, state and at least two federal departments or bureaus' definitions regarding H2A and H2B worker's rights and limitations, it was agreed that further clarification would be required before the Planning Board could render an informed recommendation.

Andrew Meier, Town Attorney, Usually get applications for H2A's but now H2B's. It would be very helpful to get more info on H2B's from Ag. & Markets.

Dave D'Anniballe, H.H. Dobbins, spoke about how the 2/14 site plan met all the offset requirements but the new site plan was 150' feet from the Southern property line and that they moved it in response to concerns they heard from the town.

Ralph Smith – What concerns are those? I wasn't at that meeting.

Dave D'Anniballe, H.H. Dobbins, spoke about the meeting they had with the Town Board regarding visibility with the building and where it should go and that maybe moving it behind the other buildings to reduce the visibility would be sufficient.

Ralph Smith – Houses in that area are considered Class D housing.

Joanne Suhr – I just don't think that it's the right place for it. My concern is the proximity to 2 populated areas and they are not community oriented.

Paul Sylvestri, H.H. Dobbins Attorney, What do you mean?

Ralph Smith – Meaning Blacks and Brown people will stand out in the community.

Joanne Suhr- I'm not racist.

Dave D'Anniballe, H.H. Dobbins, The workers are very community and family oriented. A co-worker was diagnosed with cancer a 2nd time, and Dobbins had a fundraiser where the Honduran workers donated hundreds of dollars.

There was mix discussion on where the H2A and H2B's should live and not live.

Brett Baker, H.H. Dobbins, I can buy a house anywhere and put H2B's in there?

Chairman Richard Kurz – Yes.

Brett Baker, H.H. Dobbins, Before spending a bunch of money for a map, where do you want the building to go?

Ralph Smith – Location isn't the issue, it's the question of can you put H2B's in there.

Chairman Richard Kurz – Need to know exactly where the building is going to go and specify on the site plan the footage for the building.

Chairman Richard Kurz entertained a motion to refer 1. Housing of H2B's and Labor Camps. 2. Workers for non-applicant farm operations. 3. Setbacks and 4. Seasonal vs. Year Round to the Zoning Board of Appeals for discussion.

RESOLUTION# 07-4/23

RESOLUTION TO REFER 1. HOUSING OF H2B'S AND LABOR CAMPS. 2. WORKERS FOR NON-APPLICANT FARM OPERATIONS. 3. SETBACKS AND 4. SEASONAL VS. YEAR ROUND TO THE ZONING BOARD OF APPEALS FOR DISCUSSION AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to refer 1. Housing of H2B's and Labor Camps. 2. Workers for non-applicant farm operations. 3. Setbacks and 4. Seasonal vs. Year Round to the Zoning Board of Appeals for discussion as presented to each board member.

Offered by: Mark Hughes
Seconded by: Ralph Smith

Votes: 4 Ayes (Hughes, Smith, Suhr, Kurz); 0 Nays

Joanne Suhr – If there's questions for the Zoning Board, why are we waiting for answers. I'm not comfortable with it moving forward.

Chairman Richard Kurz – Need to get it to the County before the 20th.

Joanne Suhr – Worried about it moving forward to the County.

Chairman Richard Kurz entertained a motion to refer the special use permit submitted by H.H. Dobbins to the County Planning Board for recommendation.

RESOLUTION# 08-4/23

RESOLUTION TO REFER THE SPECIAL USE PERMIT SUBMITTED BY H.H. DOBBINS TO THE COUNTY PLANNING BOARD FOR RECOMMENDATION AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to refer the special use permit submitted by H.H. Dobbins to the County Planning Board for recommendation.

Offered by: Ralph Smith
Seconded by: Mark Hughes

Votes: 3 Ayes (Smith, Hughes, Kurz); 1 Nay (Suhr)

Chairman Richard Kurz entertained a motion to set a public hearing for May 4, 2023 with the Zoning Board of Appeals for H.H. Dobbins.

RESOLUTION # 09-4/23

RESOLUTION TO SET A PUBLIC HEARING FOR MAY 4, 2023WITH THE ZONING BOARD OF APPEALS FOR H.H. DOBBINS.

RESOLVED, to set a public hearing for May 4, 2023 with the Zoning Board of Appeals for H.H. Dobbins.

Offered by: Ralph Smith
Seconded by: Mark Hughes

Votes: 4 Ayes (Smith, Hughes, Suhr, Kurz); 0 Nays

Chairman Richard Kurz - County has 30 days, after that point, it's automatically recommended.

Paul Sylvestri, H.H. Dobbins Attorney, stated not all are area variances and planning board should give the variances for the ones that are not area.

Dave D'Anniballe, H.H. Dobbins, We sent out information and 25 growers bring in H2A before May 1st. Bring in from mid- February and stay until early November.

Paul Sylvestri, H.H. Dobbins Attorney, Ag. & Markets analyze the code and are calling the zoning unreasonable.

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Richard Kurz entertained a motion to adjourn the meeting.

Offered by: Ralph Smith
Seconded by: Joanne Suhr

Votes: 4 Ayes (Smith, Suhr, Hughes, Kurz); 0 Nays