

York Planning Board
July 20, 2022
York Town Hall

Present: Joe McIlroy, Chris Wall, Zach Kobylanski, Al Brightman

Others: Donna Falkner, Carl Peter, James Campbell, Esq., Lance Brabant, Sean Hopkins, Esq., Davies & Heather Nagel, Kirk Richenberg, Mike Van Gelder, Keith Van Gelder, Chris Van Gelder, Jerry Deming, Frank Rose Jr., Tim Boyle

7:00 pm – Chairman McIlroy opened the Public Hearing for York Milling and Grain and read the ad:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, that a public hearing shall be held by the Planning Board of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at 7:00 p.m. on Wednesday, July 20, 2022 for the purpose of considering public opinion and comment about or concerning the following:

A request by the York Milling and Grain LLC for Site Plan approval for the development of six (6) new grain bins that will be 80' in height and are to be located on a 20.31acre parcel known as 2907 York Road East and which has a Tx Map No. of 41-1-67.

A copy of the application materials and other relevant submissions are available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: June 23, 2022

By Order of the Planning Board of the Town of York
Donna K Falkner
Donna Falkner – Planning Board Clerk

Chairman McIlroy asked if there were any comments, and we would hold the hearing open for 15 minutes.

Mr. Mike Van Gelder said he thought it was a good thing.

7:15 pm Chairman McIlroy opened the Public Hearing for Van Gelder Self Storage LLC and read the ad:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, that a public hearing shall be held by the Planning Board of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at 7:15 p.m. on Wednesday, July 20, 2022 for the purpose of considering public opinion and comment about or concerning the following:

A request by the Michael J. VanGelder for Site Plan approval for the immediate development of one new 30’x130’ building containing 34 non-climate controlled mini storage units, with a future plan to construct two (2) additional buildings of the same size and design, including site access improvements, all of which are to located on a parcel known as 3689 Retsof Road in the Town of York.

A copy of the application materials and other relevant submissions are available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: June 23, 2022

By Order of the Planning Board of the Town of York
Donna K. Falkner
Donna Falkner – Planning Board Clerk

Chairman McIlroy asked for comments.

7:30 pm Chairman McIlroy opened the Planning Board meeting with the pledge.

OLD BUSINESS

Chairman McIlroy asked if there were any corrections to the June 22, 2022 minutes and if not for a motion.

Resolution:

Mr. Brightman moved to approve the June 22, 2022 minutes, Mr. Kobylanski seconded, carried.
Ayes – 4 Nays - 0

Chairman McIlroy asked for a motion to close the Public Hearings.

Resolution:

Mr. Kobylanski moved to close York Milling and Grain Public Hearing, Mr. Wall seconded, carried.
Ayes – 4 Nays - 0

Resolution:

Mr. Brightman moved to close the Van Gelder Self Storage Public Hearing, Mr. Wall seconded, carried.

Ayes – 0 Nays – 0

York Milling and Grain

Chairman McIlroy asked if there were any comments for York Milling and Grain. If not, would someone make a motion.

Resolution:

Mr. Wall moved to approve the preliminary site plan as presented for York Milling and Grain, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Chairman McIlroy asked for a motion to approve the final site plan.

Resolution:

Mr. Brightman moved to approve the final site plan as presented for York Milling and Grain, Mr. Wall seconded, carried.

Ayes – 4 Nays - 0

Van Gelder Self Storage

Chairman McIlroy asked for comments regarding Van Gelder Self Storage and read the County letter pertaining to it.

Planning/Zoning Clerk From: HFerrero@co.livingston.ny.us on behalf of LCPlanningBoard@co.livingston.ny.us Sent: Tuesday, July 5, 2022 5:54 PM To: Planning/Zoning Clerk Cc: abpierce4; LCPlanningBoard@co.livingston.ny.us Subject: #2022-052 - Re: Fw: Van Gelder storage site plan

Hi Donna,

We have received Zoning Referral #2022-052 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law. The Livingston County Planning Department has reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. The Planning Department would like to forward the advisory comment that the Applicant should ensure that lighting for the proposed meets Town of York standards and does not have a negative visual impact on vehicles traveling on State Route 63 or on neighboring properties. Please be aware that a determination of “No Significant Countywide Impact” should not be interpreted as either approval or disapproval by the County Planning Board. If you have any questions, please do not hesitate to contact me at 243-7550.

Best, Heather Ferrero From: Heather Ferrero/Livingston County

Mr. Campbell said that this is an unlisted action and we will complete SEQR part 2 and the board will answer the questions with no or small impact or moderate or large impact.

Agency Use Only [If applicable]

Project: Vangelles Self Storage
 Date: 7/20/2022

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project: Vanderbilt Self Storage
Date: 7/20/2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>York Planning Board</u>	<u>7/20/2022</u>
Name of Lead Agency	Date
<u>Joseph McIlroy</u>	<u>Chairperson</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Mr. Campbell – if there are no questions we need a motion to adopt the answers given in the Part 2 analysis as the official findings for Part 2.

Resolution:

Mr. Wall moved to adopt the findings of Part 2 of SEQR, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Mr. Campbell indicated that having adopted those findings for Part 2, the logical conclusion is to issue a Negative Declaration, stating that there will not be any adverse environmental impacts associated with the proposed action.

Resolution:

Mr. Kobylanski moved to adopt the negative declaration, Mr. Wall seconded, carried.

Ayes – 4 Nays - 0

Mr. Campbell suggested a motion for chairman to sign the negative declaration.

Resolution:

Mr. Kobylanski moved for Chairman McIlroy to sign the negative declaration, Mr. Wall seconded, carried.

Ayes – 4 Nays - 0

Chairman McIlroy asked the board if there were any questions regarding the preliminary site plan. Having heard none, he asked for a motion regarding preliminary site plan.

Resolution:

Mr. Brightman moved to approve Van Gelder’s preliminary site plan as presented , Mr. Kobylanski seconded, carried.

Ayes – 4 Nays – 0

Resolution:

Mr. Kobylanski moved to approve the final site plan as presented, to include all 3 buildings (even though the applicant will only be building one initially), Mr. Wall seconded, carried.

Ayes – 4 Nays - 0

York Travel Center

Chairman McIlroy said that the Zoning Board approved the Travel Center’s variance on July 13, 2022 and he asked Mr. Brabant if he had any questions or comments. He said no.

Mr. Campbell said the variance granted included more than one row of parking between the building and frontage row. Mr. Campbell said that Mr. Brabant had prepared draft resolutions for the Board’s consideration. Chairman McIlroy asked Mr. Campbell to read the proposed preliminary site plan resolution into the record for the Board.

Mr. Campbell read the preliminary site approval resolution.

TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
PRELIMINARY SITE PLAN

PRELIMINARY SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), received an application for Site Plan approval for the construction of an approximately 6,600 square foot convenience store with a drive-thru, ATM, and fueling facility, and parking for cars and tractor trailers, and includes pedestrian access improvements, lighting, and stormwater mitigation located on the approximately 11.7-acre parcel 61.-1-53.22 in the Town of York, Livingston County, New York, as described in the Site Plans dated May 12, 2021 last revised June 10, 2022 prepared by Carmina, Wood, Morris DPC and all other relevant information submitted as of July 20, 2022 (the current application); and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review under Sections 239-l and m of the General Municipal Law of the State of New York and was discussed at the March 15, 2022 meeting where a recommendation of "Approval" was provided; and

WHEREAS, the Town of York Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Town of York Planning Board on Wednesday, June 22, 2022; and

WHEREAS, on May 25, 2022 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and continued its review thereafter; and

WHEREAS, on July 13, 2022, the Zoning Board of Appeals granted the requested area variance for non-residential districts, to allow for more than one row of parking between the building and the frontage ROW; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the requested Preliminary Site Plan with the following conditions:

1. All signage is required to meet the Town of York Town Code.
2. A Special Use Permit granted by the PB is required prior to signatures being affixed to the final site plans.
3. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.

The above Resolution was offered by Chris Wall and seconded by Zach Kobylanski at a scheduled Town of York Planning Board meeting held on Wednesday, July 20, 2022. Following discussion, a voice vote was recorded:

Alan Brightman	AYE
Chris Wall	AYE
David Dermody	ABSENT
Zach Kobylanski	AYE
Joe McIlroy	AYE

Alt – Steven Carroll

TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
PRELIMINARY SITE PLAN

PRELIMINARY SITE PLAN APPROVAL RESOLUTION

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 20, 2022 meeting.


Donna Falkner, Clerk of the Board

Mr. Campbell asked if there were any questions or additions to the resolution for Preliminary Site Plan? If not, a motion would be in order.

Resolution:

Mr. Wall moved to adopt the Preliminary Site Plan Approval Resolution, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Chairman McIlroy asked Mr. Campbell to read the draft resolution for the Special Use Permit. Mr. Campbell read the proposed SUP Approval Resolution:

TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
SPECILA USE PERMIT

SUP APPROVAL RESOLUTION

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), received an application for Special Use Permit approval for the construction of an approximately 6,600 square foot convenience store with a drive-thru, ATM, and fueling facility, and parking for cars and tractor trailers, and includes pedestrian access improvements, lighting, and stormwater mitigation located on the approximately 11.7-acre parcel 61.-1-53.22 in the Town of York, Livingston County, New York, as described in the Site Plans dated May 12, 2021 last revised June 10, 2022 prepared by Carmina, Wood, Morris DPC and all other relevant information submitted as of July 20, 2022 (the current application); and

WHEREAS, a Special Use Permit is required for Commercial District zoned parcels to allow for Automotive Service Station and Eating & Drinking Establishment use.

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review under Sections 239-l and m of the General Municipal Law of the State of New York and was discussed at the March 15, 2022 meeting where a recommendation of "Approval" was provided; and

WHEREAS, the Town of York Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Town of York Planning Board on Wednesday, June 22, 2022; and

WHEREAS, on May 25, 2022 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and continued its review thereafter; and

WHEREAS, on July 13, 2022, the Zoning Board of Appeals granted the requested area variance for non-residential districts, to allow for more than one row of parking between the building and the frontage ROW; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §201.
2. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
3. In the event of any complaints about the Special Use Permit being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
4. All conditions as required by the Planning Board as part of Final Site Plan approval are required to be addressed and the Final Site Plans signed by the Planning Board Chairman prior to the issuance of permits.
5. All signage is required to meet the Town of York Town Code.

TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
SPECILA USE PERMIT

SUP APPROVAL RESOLUTION

6. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
7. The sidewalks and crosswalk locations as depicted on the Final Site Plans are to be installed in their entirety prior to issuance of the Certificate of Occupancy.
8. Trail signage to be placed along the proposed walking trail at locations to be approved by the Town of York, is to be provided to the Town CEO for review and approval.
9. The walking trail, trail signage, and trail parking area as depicted on the Final Site Plans are to be installed in their entirety prior to issuance of the Certificate of Occupancy.
10. The applicant is to provide two (2) flashing speed signs to be placed at the Town of York discretion.
11. The Special Use Permit allows for a total of (20) truck & trailer parking spaces as depicted on the Final Site Plans. At no time shall there be more than (20) tractor trailers parked on the site.
12. There shall be no disconnected truck trailers parked onsite or left for overnight storage.

The above Resolution was offered by Chris Wall and seconded by Zach Kobylanski at a scheduled Town of York Planning Board meeting held on Wednesday, July 20, 2022. Following discussion, a voice vote was recorded:

Alan Brightman	AYE
Chris Wall	AYE
David Dermody	ABSENT
Zach Kobylanski	AYE
Joe McIlroy	AYE

Alt – Steven Carroll

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 20, 2022 meeting.


Donna Falkner, Clerk of the Board

Mr. Hopkins and Mr. Wall had the same question regarding #1 – does the SUP stay with the owner or the property. The consensus of the Board was that the SUP should go with the property.

Mr. Hopkins asked regarding #10 where the portable speed limit signs would go? Mr. Campbell answered that the portable speed limit signs were to be placed at the town's discretion and that Mr. Bucci Jr. knows about them.

Mr. Richenberg asked if the SUP renewed every year and who maintains the signs. Mr. Campbell said no, the SUP would not need to be renewed annually and the town would maintain the signs.

Mr. Wall asked what #3 meant? Mr. Campbell said that should the applicant or owner fail to abide by the conditions of approval of the SUP, it could lead to revocation of the SUP.

Mr. Wall asked about #8 and 9 – are there certain specs on how the signs will look? Mr. Campbell said the trail committee would work with the town on signage. Mr. Wall commented as long as the developer doesn't just put up their version of a sign anywhere without input from the Town.

When there was no further discussion of the SUP conditions, Chairman McIlroy asked for a motion regarding the SUP approval.

Resolution:

Mr. Wall moved to adopt the Special Use Permit Approval Resolution, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Chairman McIlroy suggested the Board now move forward to the Final Site Plan Approval Resolution and asked for comments.

Mr. Brabant said he will have final details on SWPP, no significant change on drainage. Trail parking area has more detail, fencing, greening, etc. and discharge from the pond is relocated. Applicant has expanded the trail to 63. Mr. Brabant said it was appropriate to move forward with consideration of final site plan approval.

Mr. McIlroy said the sidewalks will go to the merged property and short sidewalk across 63 to existing entrance.

Mr. Brabant read the Final Site Plan Resolution and asked for comments.

**TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
FINAL SITE PLAN**

FINAL SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), received an application for Site Plan approval for the construction of an approximately 6,600 square foot convenience store with a drive-thru, ATM, and fueling facility, and parking for cars and tractor trailers, and includes pedestrian access improvements, lighting, and stormwater mitigation located on the approximately 11.7-acre parcel 61.-1-53.22 in the Town of York, Livingston County, New York, as described in the Site Plans dated May 12, 2021 last revised June 10, 2022 prepared by Carmina, Wood, Morris DPC and all other relevant information submitted as of July 20, 2022 (the current application); and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review under Sections 239-l and m of the General Municipal Law of the State of New York and was discussed at the March 15, 2022 meeting where a recommendation of "Approval" was provided; and

WHEREAS, the Town of York Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Town of York Planning Board on Wednesday, June 22, 2022; and

WHEREAS, on May 25, 2022 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and continued its review thereafter; and

WHEREAS, on July 13, 2022, the Zoning Board of Appeals granted the requested area variance for non-residential districts, to allow for more than one row of parking between the building and the frontage ROW; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested Final Site Plan with the following conditions:

1. The Town Engineer's comments regarding the final site plans and related technical documentation are to be to be addressed prior to the final site plans being signed by the Planning Board Chair.
2. All signage is required to meet the Town of York Town Code.
3. A Special Use Permit granted by the PB is required prior to signatures being affixed to the final site plans.
4. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
5. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Code Enforcement Officer.
6. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of York at its discretion) for the construction of the site, with York as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Surety Estimate.

TOWN OF YORK PLANNING BOARD RESOLUTION
YORK TRAVEL CENTER PROJECT
MAIN STREET (TAX PARCEL ID: 61.-1-53.22)
FINAL SITE PLAN

FINAL SITE PLAN APPROVAL RESOLUTION

7. A preconstruction meeting with the Town of York, once all conditions of approval have been met, is required to be held prior to issuance of any permit.
8. The Lot Line Adjustment/ merger of the residential property identified as "2551 Genesee Street" to the parent parcel of approximately 11.7-acre with Tax Map ID of 61.-1-53.22 is to be completed and filed with the County Clerk's Office and Town Clerks office prior to signatures being affixed to the Final Site Plans.
9. The Final Site Plans are to be updated to extend the proposed sidewalk along the north side of Genesee Street to the eastern property line of the residential property to be merged with the York Travel Center. Also the site plans are to be updated to depict the proposed sidewalk improvements on the south end of crosswalk going east along NYS Route 63 from crosswalk to existing entrance.
10. An approval from Livingston County Health Department regarding their review of the RPZ is to be provided to the Town of York CEO prior to issuance of a building permit.
11. Executed copy of Stormwater Management Maintenance Agreement to be provided to the Town of York prior to issuance of a building permit.
12. Executed copy of Access Easement to the Town of York to be provided to Town of York prior to issuance of a building permit.
13. A copy of the Highway Work Permit issued by the NYS Department of Transportation is to be provided to the Town of York CEO prior to issuance of a building permit.

The above Resolution was offered by Alan Brightman and seconded by Zach Kobylanski at a scheduled Town of York Planning Board meeting held on Wednesday, July 20, 2022. Following discussion, a voice vote was recorded:

Alan Brightman	AYE
Chris Wall	AYE
David Dermody	ABSENT
Zach Kobylanski	AYE
Joe McIlroy	AYE

Alt – Steven Carroll

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 20, 2022 meeting.


Donna Falkner, Clerk of the Board

Mr. Wall regarding #7, asked who would participate in the preconstruction meeting. Mr. Brabant said the applicant and whoever he wants – Code officer and town engineer most likely. Checks and balances that we have.

Mr. Wall asked what an RPZ was in #10. Mr. Brabant answered a backflow preventor.

Resolution:

Mr. Brightman moved to adopt the Final Site Plan Approval Resolution, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays – 0

Solar Park

Mr. McIlroy asked about the screening issue at Solar Park. Mr. Brabant replied that they had sent another plan for the screening that he reviewed. Mr. McIlroy said that the trees that were initially brought in were never 8-foot that we had required and most are dead. Mr. Brabant said the solar company is running into problems with the trees so have met with experts and believes they will be 6-8 feet high. MRB has reviewed and approves the species and where they are planting. Mr. Peter said they need trees more customized to the soil there. Mr. Kobylanski said the original trees sat in a pile for over a month before they were planted.

Mr. McIlroy said we have to approve the species at a planted height of 8 feet. Mr. Campbell said that based on the emailed plan the applicant sent, they will be using white spruce, blue spruce, black hill spruce with arborvitae along the fence line. Mr. Campbell said they would have to find a species that works. Mr. Wall said the whole idea is to screen so need same height and width.

Resolution:

Mr. Brightman moved to accept the new plan with height of 8 feet from ground up, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Mr. Brabant said they're obligated to do it all before they get C of O.

Mr. McIlroy asked Mr. Peter for an update. Mr. Peter said Solar Park's permit has expired and OYA's expires next week. Both have asked for an extension. Mr. Kobylanski asked if they could hook up to the grid before the trees are planted. Mr. Campbell said they could hook up to grid but they cannot make the solar array operational and spin the meter until the final C of O is issued.

NEW BUSINESS

Mr. McIlroy said that Frank Rose Jr. was present to tell us about his project with Rose's Bar and Grill. Mr. McIlroy did not change the submission date when we moved the meeting date so he's just here to give us information.

Mr. Rose said that he received a grant to restore Rose's Bar & Grill. He said he has to go to ZBA for an area variance because of the setback. He doesn't want parking in the front. Mr. Campbell said he has to go through SEQR before ZBA hearing. Mr. Rose said there are 32 parking spaces in back and the rear of property is buffered with pines. It was built in 1903. Mr. Peter asked if the driveway lines up with the travel center. Mr. Rose replied it did not. Mr. McIlroy said the town was working on a sidewalk to the school and across 36.

Mr. McIlroy asked if everyone was good with doing SEQR and Mr. Campbell will go through it.

Agency Use Only (If applicable)

Project: Peas Bin 2 Cell
 Date: 7/20/2022

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
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2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only (If applicable)

Project: Rawls Bldg. & Conv.
Date: 7/20/2020

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>York Planning Board</u>	<u>7/20/2020</u>
Name of Lead Agency	Date
<u>Joseph M. Flynn</u>	<u>Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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After reviewing Part 2 with the Board, Mr. Campbell indicated that a motion to adopt the answers from Part 2 as the official findings for Part 2 of SEQR would be appropriate.

Resolution:

Mr. Wall moved to adopt the answers for Part 2 as the official findings of SEQR Part 2 for Rose's Bar and Grill, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays - 0

Mr. Campbell indicated that a motion to adopt a Negative Declaration would be in order as a result of the findings made in Part 2.

Resolution:

Mr. Kobylanski moved to adopt the negative declaration, Mr. Brightman seconded, carried.

Ayes – 4 Nays – 0

Resolution:

Mr. Brightman moved that the Planning Board Chairman sign the negative declaration, Mr. Wall seconded, carried.

Ayes – 4 Nays –

Mr. McIlroy asked for a motion to set a Public Hearing for Rose's Bar & Grill for our next meeting date.

Resolution:

Mr. Wall moved to set a Public Hearing for Mr. Rose at 7:15 pm before our August 24th meeting, Mr. Kobylanski seconded, carried.

Ayes – 4 Nays – 0

Mr. Wall asked Mr. Rose is they allowed him to restore renewable energy. Mr. Campbell said the county was not as stringent as state on historical stuff.

Resolution:

Mr. Kobylanski moved to adjourn at 8:30 pm, seconded by Mr. Wall, carried.

Ayes – 4 Nays – 0