



**LIVINGSTON COUNTY
PLANNING BOARD**

Livingston County Government Center
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June 13, 2022

James W. Campbell, Jr. Esq.
Attorney, Town of York
P.O. Box 30-A
Lima, NY 14487

Re: Zoning Referral #2022-043, Town of York, Site Plan Modification & Conditional Use Permit for the York Travel Center (Applicant: York Travel Center c/o Shawn Hopkins, Esq)

Dear Mr. Campbell:

The Livingston County Planning Board, at its regular meeting on June 9, 2022, reviewed the zoning referral from the Town of York of the above mentioned pursuant to Sections 239-l, m, and n of the General Municipal Law of the State of New York.

A motion was made to recommend "Approval" with staff and board comments of the abovementioned referral. However, due to a lack of a quorum vote, the County Planning Board has taken no official action on this application. A response of "No Action" on the part of the County Planning Board should not be construed as a judgment on the project. The Town is now free to take final action on this application.

The County Planning Department would like to forward the following staff report, informal board and staff advisory comments:

1. For consistency, if not considered already, the proposed sidewalk network should be extended along Genesee Street southward through the new parcel area.
2. The County Planning Board recommends to the Town of York that a dedicated cross walk, with lighting should be constructed across NYS Route 63 to increase pedestrian safety, most notably for students walking from the nearby York Central School to the proposed trail access site.
3. Any development on this parcel should take Bidwell's Creek and any other identified natural resource into consideration.
4. If not done already, the Town should complete the SEQR process before final action is taken.
5. If not done already, the Applicant should ensure that the proposed Automotive Service station and Drive Thru-Facility meets the Special Use Specific Regulations of the Town of York Zoning Ordinance (Section 605 & 607) and meets the satisfaction of the Town Code Enforcement Officer.

6. It is unclear on the Site Plan whether there is separation between the auto parking spaces for the recreation trail access and the overnight commercial truck parking area. If not considered already, the Applicant should separate the dedicated recreational trail parking space area and the overnight commercial trucking area with a physical barrier.
7. If not done already, the Applicant should ensure that all residences are adequately buffered, including residences to the south portion of the project along the new trail parking lot.
8. The Town may wish to require the Applicant to leave some trees near the south and western property line to buffer the adjacent residential uses. The Applicant should ensure all buffering is in conformance with Town Zoning Ordinance Section 520, and show all forested areas on the Site Plan.
9. The Site Plan submitted to the County shows a different trail alignment than the amended Site Plan. If not done already, the Applicant should update the Snow Storage Plan to reflect the amended Site Plan.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call me or Deputy Planning Director Heather Ferrero at 243-7550.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Rooney', written over a horizontal line.

Shawn Rooney
Planner

cc: Alexander W. Pierce, Chairman, Livingston County Planning Board
Gerald Deming, Supervisor, Town of York

STAFF REPORT

Zoning Referral #2022-043, Town of York Site Plan Modification & Conditional Use Permit for the York Travel Center (Applicant: York Travel Center c/o Shawn Hopkins, Esq)

June 9, 2022

Description of the Proposal

The Town of York is reviewing an updated Site Plan proposal for the construction of an approximately 6,600 sq. ft convenience store, general automobile fueling stations, commercial truck filling stations, an overnight truck parking area, an ATM drive thru lane, and a Tim Hortons fast food restaurant with a supporting drive through facility on an approximately 12.2-acre site (formerly 11.7 acres) at the intersection of NYS Route 63 (Genesee Street) and 36 (Main Street) within the Hamlet of Greigsville. (Tax Map IDs# 61.1-53.22 & 70.05-1-9.21).

At the March 10, 2022 Livingston County Planning Board meeting, a motion to recommend “Approval” (ZR# 2022-011) of the original Site Plan with Staff and board comments was made.

Most notably, the County Planning Board issued comments back to the Applicant and the Town of York concerning pedestrian access and safety to the proposed recreational trail at the north eastern area of the overnight tractor trailer parking lot. The trail was formerly blocked by two proposed tractor trailer parking spots.

According to the application materials, there is a pending purchase and combination of 2551 Genesee Street (NYS Route 63) with the proposed fueling / convenience store parcel. The existing curb cut will be used for a seven-space auto parking lot to access the trail recreational amenities. According to the Town, the house on the parcel will be demolished.

The Applicant details the reduction of tractor trailer parking from 17 to 10 spaces on the eastern parking lot, with the addition of nine, 40 ft by 12 ft “Alternative Vehicle” Spaces for RV’s and auto truck / trailer parking.

Other notable updates include an extension of two sidewalks that will connect to the proposed convenience store, and an extended ATM drive thru lane. The Town of York Planning Board has a meeting scheduled for June 22, 2022.

INTER-COMMUNITY & COUNTY-WIDE ISSUES

1. **Municipal Notification.** The proposed property is not within 500 feet of the boundary of a village, town, county, state park or parkway. Planning Staff believes that the proposed does not require municipal notification, per Town Law § 264, or NYS Law § 239-nn.
2. **Traffic & Pedestrian Safety.** The proposed is located adjacent to NYS Routes 36 & 63 in the Hamlet of Greigsville. Identified in the *Livingston County Transportation Connectivity*

Plan, pedestrian access is an inter-community concern given this proposal's proximity within the Hamlet of Greigsville.

The *2006 Town of York Comprehensive Plan Update*, and the *2018 Hamlet of Greigsville Transportation Plan*, identified the need to increase pedestrian safety by recommending:

- Improving pedestrian safety by reducing speeding
- The construction of sidewalks throughout the Hamlet of Greigsville
- The installation of dedicated right and left turn lanes specifically at the intersection of NYS Route 36 and 63.
- Access curbing and crosswalks
- The Town of York Comprehensive Plan outlines a plan to request that the NYS DOT institute traffic calming measures by installing signage and traffic signaling at the NYS Route 63 & 36 intersection

Specific to the proposal, the Applicant has submitted, based on the recommendations made within the Applicants Traffic Study reviewed with the previous referral, a Permit Plan for Pedestrian Facility Improvements with the NYS DOT. The Applicant has outlined a proposal to include following traffic calming measures and pedestrian safety in the project:

- Concrete sidewalks, and pedestrian ramps
- Embedded sidewalk detectable warning units
- Pedestrian Pavement stripping
- Pedestrian crosswalk signal and push button pull boxes
- Pedestrian push button instructional signage
- Signage for speed limits and no Parking along street

Advisory Comment: For consistency, if not considered already, the proposed sidewalk network should be extended along Genesee Street southward through the new parcel area.

3. **Agricultural District #1.** The proposed is not included in Ag District #1, and it is not within 500 feet of property within Ag District #1.
4. **DAN Plan.** The DAN Plan encourages municipal land use development to take place in a rational manner and to be consistent with its surroundings.
5. **Natural Resources Inventory.** Bidwell's Creek is located at the northern end of the proposed project.

Advisory Comment: Any development on this parcel should take this natural resource into consideration.

Local Issues

- 1. SEQR.** Planning Staff believes that the proposed is an Unlisted Action under SEQR because it is not listed as a Type I or Type II Action. The Applicant has submitted an amended Full Environmental Assessment Form for the Town to review.

Advisory comment: If not done already, the Town should complete the SEQR process before final action is taken.

- 2. Land Use Compatibility.** The surrounding land uses are commercial, educational, and residential in nature.
- 3. Zoning.** The proposed is located in the Commercial Zoning District (C). According to the Town of York Zoning Ordinance, the purpose of the Commercial District (C) is to “encourage commercial development in areas designated in the 2006 Town Comprehensive Plan. The Commercial District is established to provide areas for intensive commercial activities that primarily depend upon a large volume of vehicular traffic and serve the daily shopping needs of the community. This District encourages controlling access to commercial areas from the main routes of travel to minimize conflicts between local residents and heavy truck traffic.” Per the Town of York Zoning Ordinance, Automotive Service Stations and Restaurants with Drive Thru-Facilities are a Specially Permitted Use within the Commercial District (C).

Bulk Regulations			
	Regulations	Proposed	Meets Ordinance
Min Lot Size	0.92 acres	12.2 acres	Yes
Max Lot Coverage	70 % or 8.19 acres	+/-6.95 acres	Yes
Min. Front Setback	50 ft.	104 ft.	Yes
Min. Side Setback	25 / 50 ft.	122.48 ft.	Yes
Min. Rear Setback	25 / 50 ft.	>730 ft.	Yes
Max Height	35 ft.	24 ft.	Yes
Min Frontage / ROW	150 ft.	>175.25 ft.	Yes

Advisory Comment: If not done already, the Applicant should ensure that the proposed Automotive Service station and Drive Thru-Facility meets the Special Use Specific Regulations of the Town of York Zoning Ordinance (Section 605 & 607) and meets the satisfaction of the Town Code Enforcement Officer.

- 4. Parking & Site Access.** It is unclear on the Site Plan whether there is separation between the auto parking spaces for the recreation trail access and the overnight commercial truck parking area.

Advisory Comment: If not considered already, the Applicant should separate the dedicated recreational trail parking space area and the overnight commercial trucking area with a physical barrier.

- 5. Landscaping & Buffering.** The proposed includes open greenspace area with gazebo, picnic table, and bicycle racks east of the property. Residential homes are located to the south of the property. According to the SEQR, approximately 7 acres of forested area currently exists on site with the planned removal of approximately 3.5 acres, leaving about 3.5 acres of forested area left on site.

The Site Plan has been amended to address two comments made by the County Planning Board concerning recreational trail access and parking. However, the issue of whether the forested areas will remain near the stormwater management area and the tree line buffering with the existing parcel and the new parcel area remains unclear with the submitted Site Plan.

Advisory Comment: If not done already, the Applicant should ensure that all residences are adequately buffered, including residences to the south portion of the project along the new trail parking lot.

Advisory Comment: The Town may wish to require leaving some trees near the south and western property line in place to buffer the adjacent residential uses. The Applicant should ensure all buffering is in conformance with Town Zoning Ordinance Section 520, and show all forested areas on the Site Plan.

- 6. Trail Access & Snow Storage Plan.** According to the Town, the Town has requested the Applicant to submit a Snow Storage Plan. The plan submitted to the County shows a different trail alignment than the amended Site Plan. The Town confirmed that the trail alignment and access is correct on the amended Site Plan.

Advisory Comment: If not done already, the Applicant should update the Snow Storage Plan to reflect the amended Site Plan.