

York Planning Board
June 22, 2022
York Town Hall

Present: Joe McIlroy, Chris Wall, Steve Carroll, Zach Kobylanski, Al Brightman, Dave Dermody

Others: Donna Falkner, Carl Peter, James Campbell, Esq., Lance Brabant, Sean Hopkins, Esq., Patrick Sheedy, P.E., Davies & Heather Nagel, Kirk Richenberg, Martha Edmonds, Mike Van Gelder, Blaine VanRy

7:30 pm – Chairman McIlroy opened the meeting with the Pledge.

Mr. McIlroy asked if there were any corrections to the May 25 minutes and he had a couple.

Resolution:

Mr. Kobylanski moved to approve the May 25 minutes with corrections, Mr. Brightman seconded, carried.

Ayes – 5 Nay – 0

NEW BUSINESS

Joe went to New Business first

He is not available July 27 so would like to move that meeting back to July 20 and would like a motion.

Resolution:

Mr. Wall moved to change the July meeting to July 20, Mr. Dermody seconded, carried.

Ayes – 5 Nay – 0

Mr. Van Gelder explained what he wanted to do. He wants to install three 30'x130' steel storage units, one per year, with 34 in each building. Mr. McIlroy said this is his preliminary site plan review and asked if any questions. There were none. Mr. Peter stated that he has all the information needed and Donna should send it to the county for review.

Resolution:

Mr. Kobylanski moved to send the Van Gelder information to the county for review, Mr. Dermody seconded, carried.

Ayes – 5 Nay - 0

Resolution:

Mr. Kobylanski moved to have a public hearing for Van Gelder's at 7:15 pm on July 20, 2022, Mr. Dermody seconded, carried.

Ayes – 5 Nay – 0

Mr. McIlroy said that York Milling & Grain needs a variance before we can approve the site plan and it was already sent to the county for planning board and zoning. County said no significant impact and read the letter:

We have received Zoning Referral #2022-045 in accordance with the provisions of Section 239-1 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.

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 Ferraro

Mr. McIlroy asked for a motion for a Public Hearing.

Resolution:

Mr. Kobylanski moved to have Public Hearing for York Milling & Grain at 7 pm on July 20, 2022, Mr. Wall seconded, carried.

Ayes – 5 Nays - 0

Mr. Campbell read and recorded the board’s answers on the short EAF, part 2:

**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;

Date:

York Milling & Grain
June 22, 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.

1---- 1 Check this box if you have determined, based on the information and analysis above, and any supporting documentation,

1---1 that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Iii 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.

Town of York Planning Board _____ 6/22/2022 _____
Name of Lead Agency Date

Joe McIlroy _____ Chairman _____
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

[Signature] _____ P.B. Chairman _____
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Resolution:

Mr. Dermody moved to accept the findings on part 2 of SEQR for York Milling & Grain, Mr. Brightman seconded, carried.

Ayes – 5 Nays – 0

Resolution:

Mr. Kobylanski made a motion for a negative declaration for York Milling & Grain, Mr. Wall seconded, carried.

Ayes – 5 Nays – 0

Resolution:

Mr. Kobylanski moved for Mr. McIlroy to sign the SEQR negative declaration, Mr. Brightman seconded, carried.

Ayes – 5 Nays -0

YORK TRAVEL CENTER

Mr. McIlroy said there had been no written comments before the required date. Mr. Richenberg said the minutes had not been posted within the 10 day period. Mr. Campbell said we typically don't advertise for public hearing continuations. Mr. McIlroy said comments came in prior to the hearing.

Mr. Campbell began the SEQR review process. Mr. Campbell went through the written resolution for the Planning Board to accept Lead Agency designation for the SEQR review. Mr. Campbell also reminded the Planning Board that this proposed project technically would be categorized as an unlisted action for purposes of SEQR. However, at the beginning of the application the Board determined that the proposed project would be treated as a Type 1 action under SEQR, which means it will receive a heightened review under SEQR.

Resolution:

Mr. Wall made the motion that Planning Board accept lead agency, Mr. Kobylanski seconded, carried.

Ayes – 5 Nays – 0

Mr. Campbell then instructed the Board with regard to the remaining SEQR review process. Mr. Campbell explained the review process for Part 2 of the Full Environmental Assessment Form, indicating there are 18 main category questions that need to be answered by the Board. If any of the 18 main categories are answered "yes" the Board will need to review and answer additional sub-category questions. Mr. Campbell encouraged the Board to take time before answering and to have as much discussion as necessary. Mr. Campbell also indicated that the Board could ask questions, or for assistance or clarification from himself, the Board's engineering consultant, Mr. Brabant, or the applicant's representatives.

Mr. Wall asked for a quick update of the drawing changes.

Mr. Hopkins answered him

- Recreational trail
- Additional parking – we now own the residential property which will be merged with ours
- Bidwell Creek - Mrs. Nagel stated the water will run on our property
- Stormwater qualities – runoff is handled following the natural runoff with controlled runoff
- Modification to underground fuel tanks – will need permit from DEC
- County Planning Board reviewed on June 9

- Have updated project rendering to make it more compatible with Town of York

Mr. Richenberg asked if we should have new public hearing for the changes. Mr. Campbell answered no.

Mr. Hopkins said 7-10 months to complete.

SEQR Findings

Mr. Campbell and Mr. Brabant then led the Board through a lengthy and detailed discussion of Part 2 of the Full Environmental Assessment Form. The Board’s answers and discussion are set forth below in Exhibit “A” to Part 2 of the FEAF.

EXHIBIT “A”

SEQR Findings for York Travel Center

Part 2 Detailed Findings:

1. Impact on Land - Proposed action may involve construction on, or physical alteration of the land surface of the proposed site.

Yes

- a. No
 - b. No
 - c. No
 - d. No
 - e. No
 - f. No. With compliance with the most current edition of the NYS DEC Erosion and Sediment Control requirements and implementation of the project the Stormwater Pollution Prevention Plan (SWPPP) and anticipated construction practices, no increased erosion from physical disturbance or vegetation removal will occur. The Applicant will be required to follow the approved plans and construction sequence to minimize unnecessary disturbances during construction. The Applicant will also be required to maintain the site in accordance with the NYSDEC SPEDES General Permit for stormwater mitigation during construction. The Applicant is proposing the construction of an on-site stormwater management facility that will be constructed to most current NYS DEC Stormwater Design Standards and discharges to Bidwell’s Creek, which is not a NYS protected waterway as confirmed by NYSDEC in a letter dated March 8, 2022.
 - g. No
 - h. No
2. Impact on Geological Features - The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves).
No – There are no unique or unusual landforms on the site.
 3. Impacts on Surface Water - The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds, or lakes).
No – There are not any mapped jurisdictional wetlands subject to the jurisdiction of either the United States or the New York Department of Environmental Conservation located on the portion of the Project Site to be developed. The only surface water body in close proximity to the parcel is Bidwell’s Creek, a small portion of which enters the rear of the property, approximately 300 feet north of the truck parking area. There is significant

ground cover, including a large area of trees that will remain undisturbed between the area of development and Bidwell's Creek. All discharge to Bidwell's Creek will come from an on-site stormwater management facility that will be constructed to the most current NYS DEC Stormwater Design Standards so as not to cause a negative impact to Bidwell's Creek or neighboring properties.

4. Impact on Groundwater - The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer.

Yes

- a. No
- b. No
- c. No
- d. No
- e. No
- f. Small Impact – The proposed storage of bulk petroleum products will be in three (3) approved underground storage tanks (total capacity of 56,000 gallons) and those tanks will be equipped with required containment infrastructure to prevent introduction of contaminants to ground water or an aquifer as permitted by NYSDEC. These underground storage tanks are regulated by the NYSDEC and will be protected and installed in accordance with the most current NYSDEC regulations.
- g. No
- h. No

5. Impact on Flooding - The proposed action may result in development on lands subject to flooding.

No – The area of the parcel that will be developed is not subject to flooding, although approximately 55% of the project site is poorly drained. The construction of an on-site stormwater management facility that will be designed and constructed to the most current NYS DEC Stormwater Design Standards, which will ultimately discharge to Bidwell's Creek, will address pre & post-development run off and may have a positive impact on certain portions of the site that are poorly drained.

6. Impacts on Air – The proposed action may include a state regulated air emission source.

No – In addition to not including a state regulated air emission source, the Planning Board finds that the diesel exhaust emissions resulting from tractor trailers is already present in the area due to the high volume of truck traffic that currently exists.

7. Impact on Plants and Animals - The proposed action may result in a loss of flora or fauna.

Yes

- a. Small Impact - As per the DEC environmental Resource Mapper, the project site does not contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or any areas identified as habitat for an endangered or threatened species. Also, the project site does not contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern. Further, the NYSDEC, coordinated with as part of the Lead Agency Coordination, did not identify any occurrences of protected resources in the vicinity of the project site. Page 1 of the NYSDEC lead agency concurrence letter dated March 8, 2022 states that it has reviewed the available information in the New York State Natural Heritage Program databases for known occurrences of federally-listed or proposed endangered or threatened species; state-listed endangered, threatened or rare animal and plant

species; significant natural communities and other significant habitats and did not identify any occurrences of protected resources in the vicinity of the project site.

In a letter dated May 25, 2022, Bridget O’Toole, Esq. indicated that the Retsof area is known for regular sightings of the endangered short-eared owl, pursuant to a May 13, 2014, posting of the Rochester Birding Association. There has been no indication that any sightings of the short-eared owl have occurred on or even near the subject property. The map as referenced by the Rochester Birding Association in its 2014 posting, identifies an area to the south of the subject site as being the area identified as a reference to the posting. The relatively small area of development will not result in any significant decline to the type of habitat utilized by the short-eared owl or any other form of animal, including the Northern Harrier, Grasshopper Sparrow and Eastern Meadowlark, none of which have been identified as being present on the subject property.

b. No.

c. No.

d. No.

e. No.

f. No.

g. Small Impact - In addition, the Board has taken into consideration that the while the Applicant is proposing to remove approximately 3.1 acres of forested area on the subject parcel (out of approximately 6.6 acres of pre-development forest area), the removal of such forest area should not have a negative impact on nearby wildlife, as there will be approximately 80 +/- acres of remaining forest contiguous to the parcel to be developed, providing ample habitat for wildlife to thrive. (See map labeled as Exhibit “A1”).

h. No.

i. No.

j. No

8. Impact on Agricultural Resources - The proposed action may impact agricultural resources.

No – The parcel to be developed is zoned commercial and has not been meaningfully used for agricultural purposes in the recent past.

9. Impact on Aesthetic Resources - The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

No – The proposed land use is not in sharp contrast or different to what is in the area.

Currently, there is a convenience store located across the street from the proposed site.

The additional proposed use of a portion of the site as a truck stop is not obviously

different or in sharp contrast to the area, as the area is frequented by large trucks as a crossroads of two (2) major state highways.

The subject property is currently zoned for commercial development and the area has been previously identified in the Town's Comprehensive Master Plan as an area for appropriate for larger commercial use. See Town of York 2006 Comprehensive Plan Update: Chapter 5. Recommendations subsection G. Commercial Development – “Encourage small scale developments in hamlet areas while focusing larger developments along Route 63 and Route 36 in designated areas.”

Subsequent to the adoption of the 2006 Comprehensive Plan, the Town of York adopted the Zoning Ordinance of the Town of York (adopted January 15, 2009). That Zoning Ordinance, presumably in recognition of the suggestion from the Comprehensive Plan Update, identified a Commercial Zoning District that encompasses the parcel that is subject to this proposed action. Section 405 of the Town Zoning Ordinance states that “The purpose of a Commercial (C) District 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.”

10. Impact on Historic and Archaeological Resources - The proposed action may occur in or adjacent to a historic or archaeological resource.

No – Applicant caused a Phase 1 Archaeological Reconnaissance Survey to be conducted by the University at Buffalo Archaeological Survey (Austin & Whelan, June 2021; 21SR00378) in accordance with Section 106 of the National Historic Preservation Act of 1966. The results of such survey were presented to the New York State Historic Preservation Office which determined in a letter dated July 8, 2021 from Josalyn Ferguson, Ph.D. that “...it is SHPO’s (State Historic Preservation Office) opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be affected by this undertaking, and SHPO concurs with the report’s conclusion that no further archaeological investigations are warranted.”

11. Impact on Open Space and Recreation – The proposed action may result in a loss of recreational opportunities, or a reduction of an open space resource as designated in any adopted municipal open space plan.

No – Applicant, as part of its proposed Site Plan, has committed to certain improvements to the parcel that are not related to the underlying action, but which are intended to enhance recreational opportunities that might not otherwise be accessible. Applicant has proposed to make meaningful improvements that will allow the general public to access the Little Italy Walking Trail more readily. Such improvements include a dedicated parking area for those that wish to access the trail, along with a walking path to access the trail, a gazebo and picnic table, as well as bike racks for visiting trail enthusiast to utilize.

12. Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area.

No

13. Impact on Transportation – The proposed action may result in a change to the existing transportation systems.

Yes

- a. No or small impact may occur. The NYS Route 63 and NYS Route 36 corridors, where they intersect generate large volumes of traffic, especially as a major tractor trailer thoroughfare. It is not expected that the proposed action will cause any appreciable increase in the volume of traffic in the area proximate to the site. As part of its Site Plan materials, Applicant supplied a Traffic Impact Study by SRF Associates, dated January 2021. In section XI. Of that report , *Conclusions & Recommendations*, subsection 6. States:

“The projected traffic impacts resulting from full development of the proposed project during both peak hours can be accommodated by the existing transportation network.”

Additionally, SRF Associates further concluded in subsection 7 that “For purposes of the environmental review of the proposed project pursuant to the State Environmental Quality Review Act (SEQRA), it is our firm’s professional opinion that the proposed project will not result in any potentially significant adverse traffic impacts to the study area intersections.”

The Planning Board was provided with a Memorandum from LaBella Associates, Lorenzo Rotoli, P.E. date January 20, 2022, to Mr. David Nagel and Mrs. Heather Nagel. It is the Planning Board’s understanding that LaBella Associates was engaged by Mr. and Mrs. Nagel to review the SRF Associates Traffic Impact Study dated January 2021. The Memorandum, in pertinent part states:

“In general, we find that the TIS was prepared using industry-standard practices, and we agree with the general conclusions that the project is not expected to result in significant impacts to traffic capacity and Level of Service at the analyzed intersection of NYS Route 63 and NYS Route 36.

- b. No
- c. No
- d. No. The proposed action includes sidewalk improvements along both NYS Routes 36 and 63 extending the length of the subject property and proposes a designated and striped pedestrian crosswalk in a location authorized by NYS Department of Transportation (DOT) to improve pedestrian movement across the intersection on NYS Routes 63 and 36, specifically with regard to students seeking to cross the road from the school district property. These improvements were forwarded to NYS DOT as they are located within the NYSDOT right-of-way.
- e. Small impact may occur. It is anticipated that some school age children will seek to cross NYS Route 63 to access the convenience store that is a part of the proposed action, or to access the Little Italy Trail located adjacent to the rear (northeast) portion of the subject property which has been extended out to both NYS Routes 63 and 36 as part of this project. The proposed action includes sidewalk improvements and a designated and striped pedestrian crosswalk at an approved location by the NYSDOT to improve pedestrian movement across the intersection on NYS Routes 63 and 36, specifically with

regard to students seeking to cross the road from the school district property.

f. No

14. Impact on Energy - – The proposed action may cause an increase in the use of any form of energy.

Yes

- a. No
- b. No
- c. No
- d. No
- e. No

15. Impact on noise, Odor and Light – The proposed action may result in an increase in noise, odors, or outdoor lighting.

Yes

- a. No
- b. No
- c. Small Impact - The parking of tractor trailers and sale of diesel fuel may cause some minor additional odor. However, the maximum 5 minute idle regulation for tractor trailers will mitigate against excessive odor. Also, the diesel fuel station will contain a fuel vapor containment system that will minimize the odor of diesel fuel being sold. The Planning Board recognizes that the intersection that the development is located at has a high frequency of tractor trailer traffic, both passing by in each direction and stopped at the traffic signal, each of which contributes to an existing level of odor from exhaust.
- d. Small Impact - The proposed action will result in the need for outdoor lighting at a greater level than what currently exists. All outdoor lighting will be code compliant to negate intrusion onto adjoining properties. The Planning Board also acknowledges that Applicant is in the process of purchasing the adjoining residential parcel that is nearest to the proposed development.
- e. Small Impact - The proposed action will result in the need for outdoor lighting at a greater level than what currently exists. All outdoor lighting will be code compliant to minimize or negate sky-glow brighter than existing area conditions.
- f. Small Impact – The proposed Tim Horton’s drive-through will have an automated audio speaker system for placing orders. The automated technology will adjust the volume of the speaker based on ambient noise levels, so that the volume is reduced during quieter times when ambient noise levels are lower.

16. Impact on Human Health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

Yes

- a. Small Impact – The parking of tractor trailers and sale of diesel fuel may cause some minor exposure to new or existing sources of contaminants in the form of diesel exhaust and diesel fuel and the proposed project is located significantly less than 1500 feet from the York Central School. However, the maximum 5 minute

idle regulation for tractor trailers will mitigate against excessive exposure to exhaust. Also, the diesel fuel station will contain a fuel vapor containment system that will minimize exposure from the sale of diesel fuel. The Planning Board recognizes that the intersection that the development is located at has a high frequency of tractor trailer traffic, both passing by in each direction and stopped at the traffic signal, each of which contributes to an existing level of potential exposure from contaminants relating to exhaust.

- b. No
- c. No
- d. No
- e. No
- f. No
- g. No
- h. No
- i. No
- j. No
- k. No
- l. No
- m. No

17. Consistency with Community Plans – The Proposed action is not consistent with adopted land use plans.

No - The subject property is currently zoned for commercial development and the area has been previously identified in the Town’s Comprehensive Master Plan as an area appropriate for larger commercial use. See Town of York 2006 Comprehensive Plan Update: Chapter 5. Recommendations subsection G. Commercial Development – “Encourage small scale developments in hamlet areas while focusing larger developments along Route 63 and Route 36 in designated areas.”

The 2006 Comprehensive Plan Update made some reference to the goals of creating bicycle and/or foot paths linking the community. The Town of York, Livingston County Planning Department, and the Genesee Transportation Council, as part of the Genesee-Finger Lakes Regional Trail Initiative have advocated a connection between the Little Italy connector trail and the Genesee Valley Greenway to the Groveland Extension Trail. The Applicant has made provisions for significant improvements to the site to accomplish this goal, including pedestrian foot paths from both NYS Routes 36 and 63,

as well as a dedicated parking area and entrance off of NYS Route 63 for visitors to access the Little Italy trail head. The applicant has also provided for bicycle racks and picnic tables for trail patrons to use. These improvements, while not directly relevant to the underlying commercial operation of the proposed project, do significantly advance some of the stated goals of the 2006 Comprehensive Plan.

Subsequent to the adoption of the 2006 Comprehensive Plan, the Town of York adopted the Zoning Ordinance of the Town of York (adopted January 15, 2009). That Zoning Ordinance, presumably in recognition of the suggestion from the Comprehensive Plan Update, identified a Commercial Zoning District that encompasses the parcel that is subject to this proposed action. Section 405 of the Town Zoning Ordinance states that “The purpose of a Commercial (C) District 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.”

18. Consistency with Community Character – The proposed project is inconsistent with the existing community character.

No – The proposed project is not inconsistent with the existing community character. There is existing commercial development in the immediate area of the proposed development. The proposed use of a convenient store with a Tim Horton’s restaurant and drive-through, a Tompkins Bank of Castile ATM and a tractor trailer truck stop is not inconsistent with the character of the Town of York.

Resolution:

Mr. Wall moved to adopt the findings answered on part 2 SEQR, Mr. Kobylanski seconded, carried.

Ayes – 5 Nays – 0

Part 3 – determination of significance

Mr. Campbell – result of part 2 is to declare a negative declaration. Make sure you’ve taken a good hard look. Any questions or statements to add to the review process? He said he would read through some statements (Exhibit B) which may cause you to change your mind. There are 3 categories: Type 1 is the highest, most comprehensive review, Type 2 DEC list and Unlisted.

Mr. Campbell read the proposed Resolution regarding the Travel Center.

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), is considering Special Use Permit & Site Plan approval for the construction of an approximately 6,600 square foot convenience store with a drive-thru and fueling facility, parking for cars and tractor trailers, which includes pedestrian access improvements, lighting, and stormwater mitigation and is located on the approximately 11.7-acre parcel 61.-1-53.22 in the Town of York, Livingston County, New York. All of the above are described in a Site Plan dated May 12, 2021, last revised June 10, 2022, as prepared by Carmina, Wood, Morris DPC along with all other relevant information submitted as of June 22, 2022 (the current application); and

WHEREAS, the Planning Board has determined the above referenced Action to be a Type I Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Part 1 completed by the Applicant; and

WHEREAS, the Planning Board has determined that said Action is to be subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies; and

WHEREAS, the Planning Board has given consideration to the comments and testimony received from the public provided during the Public Hearing; and

WHEREAS, the Planning Board on June 22, 2022, in a separate resolution, has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 (including the detailed findings contained in Exhibit “A”) and 3 (including the detailed findings contained in Exhibit “B”) of the Full EAF; and

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following with regard to the impacts that are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action.
- (iv) the overall density of the site is consistent with the Town’s Comprehensive Plan land use recommendations.
- (v) the site will not negatively impact an identified archaeological sensitive area.
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action.
- (vii) there will not be any hazard created to human health.
- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland.
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action.
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences.
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts; and

BE IT FINALLY RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board’s determination.

The above Resolution was offered by Zach Kobylanski and seconded by Chris Wall at a regular scheduled Planning Board meeting held on Wednesday, June 22, 2022. Following discussion, a voice vote was recorded:

Alan Brightman	AYE
Chris Wall	AYE
David Dermody	AYE
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 June 22, 2022, meeting.

Donna Falkner, Clerk of the Board

Resolution:

Mr. Kobylanski moved to adopt SEQR Resolution for Determination of Significance and make a Negative Declaration and have Mr. McIlroy sign it, Mr. Wall seconded, carried.

Ayes -5 Nays – 0

Mr. Hopkins asked to be on July 13 ZBA meeting.

Mr. Brabant – all preliminary comments have been addressed but still working on stormwater criteria. He will review and comment back before July 20. Some other things that need to be integrated – preliminary buffer, trail, fence, etc.

Mr. Hopkins said they did purchase the adjoining residential property which will merge together with the main commercial parcel, but it will not change the hamlet residential classification of that residential property.

Resolution:

Mr. Dermody moved to adjourn at 9:30 pm, Mr. Brightman seconded, carried.

Ayes – 5 Nays – 0