



**LIVINGSTON COUNTY
PLANNING BOARD**

Livingston County Government Center
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www.livingstoncounty.us/planningboard.htm

March 15, 2022

Donna Falkner
Planning Board Clerk
Town of York
2668 Main St.
York, NY 14592

Re: Zoning Referral #2022-011, Town of York, Site Plan Review, Special Use Permit and Area Variance for a Truck Stop, including a convenience store, drive-thru facility for eating and drinking, ATM, and fuel facility for cars and tractor trailers on the northeastern corner of the Route 36/63 intersection
(Applicant: York Travel Center LLC c/o Sean Hopkins, Esq)

Dear Ms. Falkner:

The Livingston County Planning Board, at its regular meeting on March 10, 2022, reviewed the zoning referral from the Town of York of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the following advisory and board comments:

1. 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. If not done already, the Town should complete the SEQR process before final action is taken.
2. As the proposed disturbs more than one acre of soil, it is subject to NYS Department of Environmental Conservation (DEC) Phase II Stormwater Regulations. If not done already, the Applicant should ensure that the proposed SWPPP meets the satisfaction of the Town, and is in compliance with the NYS DEC regulations.
3. 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. Bidwell's Creek is located at the northern end of the proposed project. Any development on this parcel should take this natural resource into consideration.
5. The Applicant has applied for an Area Variance regarding parking. The review of an area variance must weigh the benefits of the requested variance to the applicant against the

potential negative impact on the neighborhood using the following five factor “balancing test” as set forth in the State statute:

- Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?
- Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
- Is the requested area variance substantial?
- Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- Is the alleged difficulty for the applicant self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

The Town should carefully consider the benefits of the requested variance to the applicant against any potential negative impact on the neighborhood.

6. If not done already, the Applicant should ensure that all placement, storage, and distribution, of fuels are in compliance with NYS Fuel and Gas Code, and be registered with the NYS DEC Petroleum Bulk Storage Program as required.
7. Illustrated on the site plan are proposed overnight trucking parking spaces (2) that would block the entrance to the walking path and open greenspace area. If not done already, the Applicant should consider removing the proposed parking spaces or re-direct the path away from the proposed truck parking to allow for safe entry and exit to the proposed recreational resources.
8. There are no general public parking spaces or general public access points via a sidewalk or path that connects to the trail on the site plan. If not done already, the Applicant should update the site plan to include safe pedestrian access to and from the proposed trail.
9. If not done already, the Applicant should ensure that all residences are adequately buffered, including residences to the south east portion of the project. The Applicant should also ensure all buffering is in conformance with Town Zoning Ordinance Section 520.
10. If not done already, the Applicant should ensure that all lighting and signage conform to Town Zoning Ordinance section 517 & 518.
11. The County Planning Board would like to forward additional comments regarding that the Applicant consider, if not done already:
 - Add a tree line of disturbance to the site plan
 - Add needle bearing trees for aesthetic buffering against nearby residences during the colder months
 - State clear mitigation strategies to the Town for any adverse air quality impacts
 - Consider the implementation of vehicle electric charging stations
 - If permitted by the NYS DOT, the implementation of dedicated turn lanes on NYS Route 36 and 63 to address the heavy commercial truck traffic to and from the site.

The Planning Department staff report is attached. There was a quorum present at this meeting. There was a majority vote on this matter.

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 "S. Rooney", with a long horizontal flourish extending to the right.

Shawn Rooney
Planner

cc: Alexander W. Pierce, Chairman, Livingston County Planning Board
Gerald L. Deming, Supervisor, Town of York
York Travel Center LLC c/o Sean Hopkins Esq., Applicant

STAFF REPORT

**Zoning Referral #2022-011, Town of York
Site Plan Review, Special Use Permit and Area Variance for a Truck Stop, including a
convenience store, drive-thru facility for eating and drinking, ATM, and fuel facility for cars
and tractor trailers on the northeastern corner of the Route 36/63 intersection
(Applicant: York Travel Center LLC c/o Shawn Hopkins, Esq)**

March 10, 2022

Description of the Proposal

The Town of York is reviewing a proposal for the construction of an approximately 6,600 sq. ft convenience store, general automobile fueling stations, commercial truck fulling stations, an overnight truck parking area, and a Tim Hortons fast food restaurant with a supporting drive through facility on an approximately 11.7-acre parcel at the intersection of NYS Route 63 (Genesee Street) and 36 (Main Street) within the Hamlet of Greigsville (Tax Map ID# 61.1-53.22).

For general automotive access, there are two entrances proposed on the site site plan, one on Route 63 and on Route 36, with four fuel islands and dedicated parking. The proposed shows a separate tractor trailer fueling station with three island pumps and an overnight truck parking lot located at the northern end of the property. Commercial Trucks would enter via a one-way curb cut from NYS Route 63, and exit via a one-way curb cut onto NYS Route 36.

Access to the 6,600 sq. ft convenience store will be divided with a southern building entrance facing Genesee Street for the general public, and a commercial truck drivers' entrance on the opposite north side of the building. Both the Automotive Service Station (fueling) and supporting fast food establishment with drive through facility require a special use permit. The proposed also illustrates a second row of parking on the south side of the building adjacent to Genesee Street, and a second row of tractor trailer parking adjacent to Main Street. According to the Town, the Applicant is required to submit an Area Variance for the additional rows of parking.

The proposal has identified pedestrian access and safety improvements such as sidewalks, crosswalks, and is proposing to connect to a local trail on the north side of the property. A stormwater management bio-retention area is outlined to the east side of the property. The proposed will be served by public sewer, water and existing utilities. The Town of York Zoning Board of Appeals held scheduled a public hearing on the proposed for March 9, 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 Route 36 & 63 in the Hamlet of Greigsville. Because the proposed identified seven fueling island positions, according to the SEQR Traffic generation table used by NYSDOT, the SEQR Traffic

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generation table states that this proposal would likely generate greater than or equal to 100 peak hour trips, which is an indicator to result in a potential significant increase in traffic.

The Applicant hired a firm to conduct an independent Traffic Study, which was shared with the NYS DOT in 2021. The report concluded that the proposed would not result in a substantial increase in traffic levels with peak ingress and egress ranging from 84 - 93 peak hour trips. The study further concluded that the projected traffic impacts resulting from development during peak hours can be accommodated by existing traffic network, and the study identified the need to institute traffic improvements to enhance pedestrian safety.

According to the *NYS DOT Route 63 Traffic Corridor Study*, typically, rural highways like NYS Route 63 experiences 3-5% heavy vehicles. The report concluded that truck percentages on the Route 63 corridor are significantly higher than the 3-5% figure, and that the increased heavy traffic contributes directly to many of the public concern collected within the 2003 report, such as pedestrian and vehicular safety.

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*, also identified the concern of increased heavy truck traffic along NYS Route 63 in relation to the broader Hamlet of Greigsville, and noted 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, 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

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.

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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 completed a Short 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. **Stormwater and Erosion Control.** As the proposed disturbs more than one acre of soil, it is subject to NYS Department of Environmental Conservation (DEC) Phase II Stormwater Regulations, and a Notice of Intent has been filed by the Applicant and submitted to NYSDEC for review. The SEQR submitted states the proposed project disturbance for this project is 6.83 acres. The proposed will direct stormwater runoff to the proposed on-site stormwater management facility.

Advisory Comment: If not done already, the Applicant should ensure that the proposed SWPPP meets the satisfaction of the Town, and is in compliance with the NYS DEC regulations.

4. **Town of York Comprehensive Plan.** The Town of York has planned for the direction of how the community develops by publishing textual and illustrative guidance pertaining to future land uses within *Chapter 4* of the Comprehensive Plan. Specifically, commercial uses within the Town of York are encouraged to cater to not only local residents but to those traveling on main routes. Additionally, within *Chapter 4*, commercial future land uses are suggested to include a mixture of retail, service, and general business uses that are less than 5,000 sq. ft.

In *Chapter 5 Recommendations*, smaller commercial developments are encouraged to locate within the hamlets, while larger developments are suggested to be developed along NYS Routes 63 and 36 under design guidelines, and access management standards regulated by the Town of York Zoning Ordinance.

5. **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	11.7 acres	Yes
Max Lot Coverage	70 % or 8.19 acres	6.83 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: 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. Parking & Site Access.** The Applicant has proposed 38 general automobile parking spaces (9 ft. by 20 ft.) parking spaces, and 27 commercial trucking spaces (18.5 ft. by 70’ ft.). The Town of York Zoning Ordinance has a minimum parking requirement of 34 spaces for the Travel Center Convenience store and proposed Tim Hortons restaurant with a drive thru. This proposal meets the minimum parking requirements for the two facilities, however, per the Town, the Applicant has been required to file for an area variance to Town Zoning Ordinance section 519(f) because the Applicant is requesting two rows of parking between NYS Route 63 and the proposed structure, and for the additional two rows of truck parking behind the convenience store whereas only one is permitted with screening in both scenarios. In addition, the minimum parking requirement of overnight truck parking is determined by the Town Planning Board.