

York Planning Board
May 25, 2022
York Town Hall

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

Others: Donna Falkner, Carl Peter, James Campbell, Esq., Lance Brabant, Tim Boyle, Sean Hopkins, Patrick Sheedy Jr., John & Annie Cichelli, Elaine Bucci, Joseph Bucci Sr., Thomasine Wing, Alan Wing, Art Bernecker, Peter Occhioni, Craig Hitchcock, Steve McLean, Frank Chirico, Gurminder Virk, Preet Baidwan, Mike Vazquez, Madison Barnes, Chris Englert, Jon Hann, James Cicero, Greg Norris, Linda Plummer, Greg Spezzano, Joseph Bucci Jr., Chris Pascuzzo, Sylva Palmer, Jerry Deming, Jim Webb, Joanne & Dan Caraher, Marcia Trathen, Jeanette Starr, Davies & Heather Nagel, Lonni Carroll, Grayce McLaughlin, Dustin Geiger, Richard Ashley, Christopher Beyer, Hui Chi Chen, Tyler Chen, William Flynn, David Kruse, Bridget O'Toole, Esq., Denise Hahn, Natasha Nicole Hart, Marcia Koch, Marilyn Curley, Mary Lou Boyd, Marta Nagel Burroughs, Norman Gates, Kirk Richenberg, Mark Cole, Chris (apt. at Denise Hahns), Brittany Harvey, Becky Lewis

Resolution:

Mr. Kobylanski moved to open the public hearing at 6:30 pm, Mr. Wall seconded, carried.

Aye - 4 Nay - 0

Mr. McIlroy asked Mr. Campbell to read the public notice:

**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 6:30 p.m. on Wednesday, May 25, 2022, for the purpose of considering public opinion and comment about or concerning the following:

A request by the York Travel Center LLC for Site Plan and Special Use Permit approval for the development of an approximately 6,600 square foot convenience store with a Tim Horton's restaurant and drive through, drive through ATM and overnight truck accommodations on an approximately 11.7-acre parcel located at the corner of NYS Route 63 and NYS Route 36.

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 and are also posted on the Town's official website at www.yorkny.org.

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

Dated: April 28, 2022

By Order of the Planning Board of the Town of
York

Donna K. Falkner

Donna Falkner – Planning Board Clerk

Mr. McIlroy asked the Travel Center team - Sean Hopkins, Esq., Patrick Sheedy Jr., David Kruse, Tim Boyle, and Preet Baidwin - for an update to the plans.

Mr. Sheedy

- Separate vehicle access for trucks
- Modified access to walking trail

Mr. Hopkins

- Snow storage area has been added
- All changes have been sent to the engineer
- We did submit SEQR part 1, special use permit and preliminary site plan

Mr. Sheedy – preliminary site plan based on 14 criteria, 1104 of the town’s Zoning Ordinance

1. All vehicle access points to town and state. Mr. Hopkins said they will need a final contractor permit prior to final approval by Planning Board
2. We are providing sidewalks along 36 and 63
3. All off-road parking compliant
4. All proposed signage and lighting within the town code. Mr. Hopkins said the updated plan adds more woods, etc. and was presented to the county.
5. Storm water – meets all current D.E.C. regulations. Mr. Hopkins said a 100-year storm event will be handled on site.
6. Public water main will serve the site.
7. Approximately 4.1 acres will remain undisturbed. Mr. Hopkins said that Mr. Brabant had a picture last month showing 85.9 acres of wooded area.
8. Hours of operation
9. Adjacent properties – landscape screening around developed site. Mr. Hopkins said we are currently seeking a variance from the Zoning Board of Appeals, added ton of landscape and left hearing open for future date.
10. Existing fire hydrant there already and ok with state and town.
11. Existing phone, electric and gas utilities all installed underground on site.
12. Not proposing any solar on site.
13. Mr. Hopkins stated under Comprehensive Plan this is commercial development.
14. Site plan conforms with all commercial zoning and seeking a variance (516) for parking.

Mr. Hopkins went over performance standards procedures (516b)

1. Code enforcement officer can ask for more detail.
2. Vibration during construction,
3. Short term construction noise and sound system of the drive through
4. Smoke – not industrial
5. Odor
6. Fly ash, dust, fumes, etc. not applicable
7. Radiation – not applicable
8. Radiation – not applicable
9. Heat – not applicable

10. Glare from vehicles – hidden by landscaping
11. Liquid or Solid waste – adequate sanitation
12. Storm Water adequate

Special Use Permit (905d2) – Mr. Hopkins

- a. Satisfied
- b. Satisfied, no adverse traffic impacts and implementation of safety
- c. Arranged and operative compliance, 50 ft. setback
- d. Consistent
- e. Only exception is the area variance we're seeking from Zoning Board
- f. No destruction of scenic, natural resources.

Mr. Hopkins continued with Additional Factors (905d3)

- a. General conformance, properly zoned and minimized loss of nature
- b. Effort to comply other than area variance. No spillover onto neighbor's property
- c. Prerequisite to SEQR determination. Preparing designated parking, reducing trailer spaces, putting in sidewalks. Drainage has been looked at. Mr. Brabant sent all to other agencies who said no significant impact.

Mr. Hopkins asked for SEQR to be done by the board. Attending engineer has done very well with all the research. It was referred to the county planning board. Would like to proceed with the SEQR determination.

Mr. Campbell stated that each speaker will have 3 minutes and one at a time would be allowed. If extra time at the end they would be allowed to speak again. Please state your name and address before speaking.

Sylva Palmer, 2581 Genesee St. PO Box 12 Retsof – I'm here to read a letter from Mark & Teresa Easton, 3819 Retsof Rd. Piffard

Dear York Town Board:

We were unable to attend the meeting tonight unfortunately; but wanted to send a few words and express to all of you the importance of having the York Travel Center. What a blessing it will be to have such a beautiful place for our community. We don't have to travel far to get gas and a nice meal. More important for us is we now have a safe place for our truck drivers to stop when they are feeling tired to take a break and get a cup of coffee. We cannot tell you how many times we have seen truck drivers pulled over on the side of the road because they need to rest. There is no place for them currently. That is very sad. Where would we all be without our truck drivers that haul so much for all of us? Lastly every single one of us in the York community should feel very thankful to have Joe and Elaine Bucci who care so much to want to make our town better and improve it so much. Remember they both graduated from York raised their children here, also taught at York. They currently provide many jobs for a lot of local people and just imagine the jobs that will be created at the new Travel Center. It's a win win for everyone!

Thank You

Sincerely;

Mark and Teresa Easton

Bridget O'Toole Esq. Zoghlin Group 300 State St., Suite 502 Rochester representing the Nagels
The key word is not significant but potential. It impacts noise and air quality and affects the birds.
Attached is a letter from Mary Steblein of LaBella Associates regarding the 8 inch gas main underneath where the pond will be. Runoff is still directed on to the Nagels property which is not ok under common law. It's an attractive nuisance. Two years ago, a student was hurt at the intersection.

Heather Nagel, 3588 Main St., Piffard

- In November 2020 Planning Board it was said didn't anticipate truckers staying overnight
- 4.8 acres of asphalt not an enhancement
- Need to know exactly where the gas line is
- How does water get to the creek without crossing their property?
- Evergreens not on the plan near the pumps
- Would unhitched trailers be allowed to spend the night?

Mike Vazquez, 2500 Virginia Ave., Piffard asked if the grill property across the road a concern?

Mr. McIlroy stated that it was not on the agenda tonight.

Denise Hahn, 2300 Main St. PO Box 60 Piffard

- Worried about the culture of the area
- Bigger scale than farm trucks
- We're inviting them to come
- How are you staffing it?

Chris - tenant at 2300 Main St Piffard

- Drives truck for Spelina
- Trucks are loud and some are obnoxious
- Always dirty and leaking oil and coolant
- Highly flammable gases and dangerous
- Isn't comfortable having it near school.

Chris Englert

- Every venture Bucci's have entertained are very well done
- Zoned commercial and a viable business
- Ponds are designed to handle big events

Brittany Harvey

- Ponds aren't done well
- Tires break and litter
- Tons of noise
- Moved here for quiet town life

Joe Bucci Jr. according to D.E.C.

- Prohibits heavy duty trucks from idling more than 5 minutes at a time
- All spills must be reported to the state hot line and cleaned up within 2 hours
- Spill on pavement does not impact the dirt
- Ponds more than adequate
- Trucks are nothing new
- Going to see an upgrade from what's always been there

Becky Lewis, 1980 York Rd. West, Pavilion

- Difference between Plan 2 and 3
- Has trail connectivity been dropped from the project?
- No trail on north side going to trailhead
- D.E.C. has the ability to monitor -has anyone seen them
- Had hoped some of the pavement would have been reduced

Grayce McLaughlin, 3112 Federal Rd., Pavilion

- Safety for our most vulnerable, our children
- Proposing sidewalk to nowhere- across the street
- Speed excessive, truck traffic- what measures can we take for safety
- Residential property next door – is it going to be a parking lot with tenant in a tent

Marta Nagel Burroughs, Main St., Piffard

- Nothing against trucks but concerned with safety issue

- It's going to be on the town's shoulders if something happens

Davies Nagel, 3588 Main St., Piffard

- Major and lasting impact on the town and need to do it right away and location of Little Italy preserve
- Needs to benefit our community
- Joe Jr. led a meeting at Livingston County Historical Committee to create a salt mine exhibit - Geneseo and York will be working to collaborate. Already have an exhibit at our historical center
- Davies 3 minutes up and Rick Ashley gave him his
- June 1the stakeholders are discussing the grant, give this group the chance to do it right

7:30 pm Mr. McIlroy opened the Planning Board meeting and led the pledge and public hearing continued.

Marcia Koch, Leicester

- In my opinion this board has gone above and beyond what was needed
- There won't be extra traffic, it's already here
- May get them to actually slow down
- Provide tax revenue for town and county
- Access to trail and veteran's monument for Town of York

Elaine Bucci, Chandler Rd. Piffard

- Ought to be concerned about traffic for a flea market and farmers market at the 63/Retsof Road corner where there's no sidewalks.
- When was a kid hit by the school? She ran into her mother's friend's car.

Jim Webb, 3151 Chandler Rd. Piffard

- Bought the corner Chandler Rd. & River
- Everything in line
- There are no sidewalks there now and no crosswalks with people crossing.
- Not going to hurt but provide jobs for kids
- Need them in town

Joe Bucci Jr.

- Collaboration is important to Davies and Joe Jr.
- We may have differences but think it could elevate the area
- If we, don't it will be a missed opportunity

Chris - Denise Hahn's tenant 2300 Main St. Piffard

- What happens if there's a spill

Mr. Peter, Code Enforcement & Fire Chief – local fire department and county hazmat will handle

Kirk Richenberg, Federal Rd. Piffard - will public comment be left open?

Heather Nagel, 3588 Main St. Piffard

- Traffic impact – regarding totals listed and what they mean – past by trips and primary trips

Preet Baidman – businessman in York

- I run the present gas station/truck stop
- Not one incident has happened in the 15 years he's run it
- Welcomes ideas of what people would want at truck stop

Denise Hahn – there's diesel at the corner now

Resolution:

At 7:45 pm Mr. Brightman moved to close the public hearing for verbal comments, but to keep the hearing open for written comments only until 5 pm June 10, 2022, so that they can be reviewed before the June 22, 2022, Planning Board meeting, carried.

Aye – 4 Nay – 0

Mr. McIlroy said we will take a 5 min break and reconvene to discuss Mark Cole's variance before continuing our discussion on the Travel Center.

Mr. Cole

- Acquired property at 2907 York Rd. East
- Add 6 bins to what is already there but 5 of the new bins exceed the 50 ft maximum height in zoning
- Need area variance for the height and site plan
- He owns the rail, 26 ft setback to the rail, 48 ft to property line, 200 ft to back of property
- Going to ZBA for the height variance of 80 ft.

Mr. Peter -50 ft. allowed in light industrial zone

Mr. Cole – the pre-existing led (bucket elevator) is 120 ft. high, mill (white building) is 50 ft high. Have to do SEQR before variance

Resolution:

Mr. Kobylanski moved to approve April 27 minutes, Mr. Wall seconded, carried.

Aye – 4 Nay – 0

Travel Center – Continued Discussion

Mr. McIlroy said the updated Travel Center plans inadvertently were not placed on the website, but they will be. Mr. Brabant will email Ms. Falkner electronic copies of the updated plans.

Mr. McIlroy – said basic changes are the trail access, snow storage and parking

Mr. Carroll – asked if there is a dump station

Mr. Boyle – not now but will look at it

Mr. Carroll -not all campers use diesel. He is concerned about the truck entrance.

Mr. Boyle – when we move the vehicle parking, we moved the trail but will add the foot path back in from the trail head to Rt. 36

Mr. Hopkins – would put the screening on north side

Mr. Boyle – property line is 280 sq. ft of green. We're aware of the gas line and it is not an issue.

Mr. Hopkins – the property next door has closed, and she has six months to vacate. Mr. Bucci would give her longer if needed.

Mr. Boyle – driveways were on the first plans. Past by trips out there today

Mr. Kruse (SFR Assoc. traffic engineer) – primary trips are new – people coming from outside, not necessarily going by there

Mr. Hopkins – D.O.T. always ask us to use a conservative number

Mr. Brabant

- SRF does a lot of traffic studies
- No feedback other than what was brought up tonight
- Residents had Lobella take a look at traffic study
- No additional changes to the site as of tonight

Mr. Brightman – how far down are the sidewalks to the property line and truck curb cut?

Mr. Brabant – have coordinated with the school- no feedback from them and nothing from D.O.T. about the sidewalks

Mr. Kruse – the grant funding Mr. Bucci referred to may be towards extending the sidewalks

Mr. McIlroy -could we get speed limits lowered?

Mr. Kruse – the more development you get makes it get friction on side and will reduce the speed over time

Mr. Deming – Town Board can request speed reduction from County Traffic Board

Mr. Campbell – is there anything else that you can add for pedestrian safety

Mr. Kruse – D.O.T. doesn't want mid-block crossings and note enough space to put them in between driveways

Mr. Brabant – asked about cross-walk pedestals

Mr. Kruse – yes, they are there

Mr. Boyle – we'll be back at a later date for the property across the road (gas station)

Mr. Kobylanski – maybe volunteer crossing guards could be used

Mr. Boyle – perhaps signage – there's extraordinary truck traffic now

Mr. Wall – doesn't timing of light change

Mr. Kruse – yes, timing will change

Mr. Boyle – in Erie County schools provide the crossing guards

Mr. Brightman – asked Mr. Deming if sidewalks could be installed on the south sidewalk?

Mr. Deming – curbs, trees, etc. are in the meeting June 1 to apply for grant

Mr. McIlroy – does flashing speed sign work?

Mr. Campbell – Are there any regulations about putting them up?

Mr. Kruse – lots of times they just use mobile units

Mr. Deming – County would be responsible

Mr. Campbell – asked if the Applicant would consider providing 2 flashing speed indicator signs if the Town can get permission to put them up

Mr. Boyle – yes, but a distance from the school

Mr. Kobylanski – asked Mrs. Carroll (a deputy) if the sheriffs could place their speed sign there and she replied yes

Mr. Kruse – D.O.T. endorsed tools – raised sidewalk closer to school

Mr. Boyle – speed mitigation tasks

Mr. Campbell – we're all on the same page. He asked Mr. Boyle if we could get flashing speed signs

Mr. Kobylanski – he's lived here all his life and has seen two bad accidents at the corner

Mrs. Carroll said teenagers wouldn't listen to crossing guards anyways.

Mr. Deming – we can't put a crosswalk across from the school according to D.O.T.

Mr. Sheedy – stormwater won't be going off property. Water goes through the pipe from the pond at a controlled rate.

Mr. Brabant – natural flow of water to creek and gully. D.E.C. regulates us and says all post-development water discharge has to be at a lessor or same rate as the current rate of the undeveloped property today. D.E.C. says the current project meets the minimum rate.

Mr. Richenberg – when D.E.C. does the calculations do they consider elevations, trees, etc.?

Mr. Brabant – yes, they consider all current conditions, trees, forest, elevations, etc.

Mr. Campbell – is there something between the Nagel property and ponds that could be done to diffuse water to ensure no additional water flows onto the Nagel property.

Mr. Sheedy – we can look at plantings on edge of pond

Other Business

Mr. McIlroy – trees are a disaster on the Trathen solar

Mr. Kobylanski – that’s because they were left in a pile where dumped for a month

Mr. Peter – no final yet on the property

Resolution:

Mr. Brightman moved to close the meeting at 9:05 pm, Mr. Kobylanski seconded, carried.

Aye – 4 Nay - 0