

Zoning Board of Appeals
September 19, 2023, Minutes

Board Members Present: Dustin Geiger, Scott Hulburt, Mark Connolly, Charity Donnan, Heather Nagel (Alt)

Others Present: Donna Falkner, Doug McFarland, Joe McIlroy (PB), Chris Carden (York Travel Center) Eric Geiger, Pamela & Harry Trimm, Mark Cole & J.R. Bagshaw (York Milling), Robert Schleyer

Mr. Geiger opened the public hearing for York Milling and Grain at 6:30 pm and led the pledge.

**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 Zoning Board of Appeals 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 Tuesday, September 19, 2023** for the purpose of considering public opinion and comment about or concerning the following:

A continuance of the public hearing for York Milling and Grain LLC for an area variance for an elevator, 125-foot-high elevator, 75 feet higher than the allowable height of 50 feet at 2907 York Rd. East, #41-1-67 and written comments will be accepted until September 12.

A copy of the application materials and other relevant submissions are available for review by the public and are 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: August 15, 2023

By Order of the Zoning Board of Appeals of the Town of York

Donna K. Falkner

Donna Falkner – Zoning Board Clerk

Mr. Geiger asked for public comment.

Mr. McFarland presented pictures of the facility to the board and reiterated the concerns he brought up in August. Mr. Connolly listed those concerns. Mr.

McFarland asked when the elevators that are there were put up. Mr. Bagshaw said the elevator was to unload trucks faster and get them in and out; the elevator will be ten feet taller than the 115 ft. one that is already there now; it redates 1979.

Mr. McFarland also asked for clarification on p. 1 of the SEAF “brief description of proposed action moving the driveway and scale”. Mr. Geiger said that would go to the planning board. Mr. Bagshaw stated there was no zoning regarding scale. Mr. Peter had told them the scales didn’t qualify as a structure. Mr. McFarland kept asking about proposed action. Mrs. Nagel said the permit was approved so they started the process. Mr. Bagshaw said they just need the variance for the height of the elevator. Mr. McFarland questioned ag data statement for the addition of grain bins; are six more going up in the future. Mrs. Nagel again said they were previously approved.

Mr. Geiger said the application in front of us tonight is for the higher elevator only. He held up this hearing to open the second hearing at 6:45 pm for Mr. Eric Geiger and read the legal 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 Zoning Board of Appeals of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at 6:45 p.m. on Tuesday, September 19, 2023 for the purpose of considering public opinion and comment about or concerning the following:

A request by the Eric Geiger for an area variance to extend his garage 14 feet towards Rt. 63 at 2343 Genesee St., tax map #60-1-22.

A copy of the application materials and other relevant submissions are available for review by the public and are 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: August 15, 2023

By Order of the Zoning Board of Appeals of the Town of York

Donna K. Falkner

Zoning Board Clerk

Mr. Geiger returned to the public comment for York Milling & Grain

Mrs. Trimm was also concerned about increased truck traffic and excessive speed with children playing in the road.

Mr. Schleyer was also concerned about traffic, speed and not stopping at stop sign.

Mr. McFarland said higher elevator will allow more movement.

Mr. Bagshaw said they only take in what they can store, and the elevator helps move the grain efficiently and there would be no more truck traffic than already there.

Mr. McFarland said if higher would cause an eyesore, more noise the higher it goes.

Mr. Hulburt asked what their hours were.

Mr. Bagshaw said the official hours are 8-4 but during harvest may work to 6 pm. Mr. Peter had already given them setbacks for the driveway and scales.

The board did receive a letter from Mr. Richenberg, but it was not submitted by the deadline.

Mrs. Trim asked about changing the speed limit.

Mr. Geiger advised her to go to the Town Board. He asked if there were any more questions.

Resolution:

Mr. Hulburt moved to close the public hearing for York Milling & Grain at 7:04 pm, Mr. Connolly seconded, carried.

Ayes – 4 Nays - 0

Mr. Geiger then asked for comments regarding Mr. Eric Geiger's area variance – adding 14 ft. to his garage and moving the front closer to the street.

Mr. Eric Geiger stated that is the only way he can make it into a 2-car garage.

Mr. McIlroy asked what the setback was.

Mr. Eric Geiger replied roughly 7 feet into the setback.

There were no more comments.

Resolution:

Mr. Hulburt moved to close the Public Hearing for Mr. Eric Geiger's area variance; Mr. Connolly seconded. Chairman Dustin Geiger abstained since it was his father. Carried.

Ayes – 3 Nays - 0 Abstaining - 1

Mr. Geiger continued with the monthly meeting and asked for a motion to approve the August minutes if there were no corrections.

Resolution:

Mr. Connolly moved to approve the August 15 minutes, Mr. Hulburt seconded, carried.

Ayes – 4 Nays – 0

Mr. Geiger then asked for a motion regarding the Geiger area variance, with him abstaining.

Resolution:

Mr. Connolly moved to approve the area variance for Eric Geiger, Mr. Hulburt seconded, carried.

Ayes – 3 Nays – 0 Abstaining - 1

Mr. Geiger continued the meeting with discussion of York Milling and Grain.

Mrs. Nagel asked if there would be only one more elevator than now?

Mr. Bagshaw said yes, 10 ft. taller than what's there now. He answered Mr. McFarland's question about the fall distance by saying he didn't think it would

reach the tracks and if it fell it would break into pieces and that it was anchored by cables.

Mr. Connolly said there would be no more bins, just one elevator.

Mr. Bagshaw – we're not increasing the capacity for storage just reducing the bottleneck of moving wheat, corn, and soybeans. The soybeans go by rail. The lag is a plastic line which reduces noise.

Mr. Geiger asked for any other comments and for a motion if not.

Resolution:

Mr. Hulburt moved to approve the height variance for the elevator for York Milling and Grain, Mrs. Donnan seconded, carried.

Ayes – 0

Nays – 0

Mr. Geiger said this is the initial meeting for York Travel Center's free-standing sign and Mr. Carden was there to answer questions.

Mr. Carden said that part of their requirement was to display the Mapleleaf Tim Horton sign on the building.

Mr. Hulburt asked how big a wall sign?

Mr. Carden said 5' by 5'2" and north of the pickup window.

Mrs. Donnan asked if it would need a public hearing?

Mr. Geiger – yes and the lighted sign triggers review by the county.

Mrs. Nagel – Tim Hortons requires two wall signs.

Mr. Geiger said the mobile standard sign is larger than the Valero sign so needs area variance.

Mr. Hulburt asked why it had to be bigger. Mr. Carden said it had to be bigger to accommodate everything advertised. The menu board complies with the free-standing sign.

Mr. Geiger regarding the 120 sq. ft. free standing sign by the road, how high are the individual signs below Mobile.

Mrs. Nagel – will it be lit all night? Mr. Carden – yes

Mr. Connolly – could take off York Travel Center and Synergy – redundant. Could remove everything but Mobile and prices.

Mr. Geiger – not sure if you could get them to remove anything but a smaller sign would be more appealing.

Mrs. Nagel – could take off the three already on the building and get it more to size.

Mr. Geiger – still would need a variance for a second free standing sign. He told Mr. Carden that if they were agreeable to changing the sign to submit the amending drawings by the 29th so they could go to county and by the 13th (correction 6th) for our board.

Resolution:

Mr. Herbert moved to send both sign packages to the county, Mr. Connolly seconded, carried.

Ayes – 4 Nays – 0

Mr. Geiger set a public hearing for both variances on October 17 at 6:30 pm.

Mr. Geiger said he had made several corrections to our application for zoning and will forward a new copy to Ms. Falkner.

Mr. Geiger handed out a copy of the town agreement made with the county in 2016 exempting certain local zoning and subdivision actions from county planning board review.

Resolution:

Mr. Connolly moved to adjourn at 8:15 pm, Mr. Hulburt seconded, carried.

Ayes – 4 Nays - 0