

Zoning Board of Appeals  
October 17, 2023, Minutes

Board Members Present: Dustin Geiger, Scott Hulburt, Mark Connolly, Charity Donnan

Others Present: Donna Falkner, Jim Campbell, Esq., Carl Peter, Tim Boyle

Mr. Geiger opened regular Zoning Board Meeting and the public hearing for the Travel Center at 6:30 pm and led the pledge.

Mr. Campbell read the following:

**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, October 17, 2023 for the purpose of considering public opinion and comment about or concerning the following:

**A request by the York Travel Center for an area variance for two signs, one on the building and one for a second free standing sign, located at 3667 Main Street, Piffard, tax map #61.1-53.22, each of which exceed the regulations set forth in the Zoning Code of the Town of York.**

A copy of the application materials and other relevant submissions are available for review by the public are posted on the Town's official website at [www.yorkny.org](http://www.yorkny.org).

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

Dated: September 22, 2023

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

*Donna K. Falkner*

Zoning Board Clerk

Mr. Geiger asked if there was any public comment.

Board discussion regarding the free standing sign. Mr. Hulburt said it was confusing, the sign didn't match the written narrative. Mr. Boyle confirmed the sign would be 24 ft. tall and 79.58 sq. feet.

The County planning board has not sent their official letter yet. But did by phone state they were not recommending approval of the variance requesting a freestanding sign that would exceed the maximum square footage and exceed the maximum height as set forth in the Town Code. They also indicated that they were not going to recommend approval of a variance for the additional maple leaf sign.

Mr. Campbell said – if the board chooses to move forward with any approvals it will require a super majority approval of 4 of the 5 board members.

Mr. Geiger said that the revised freestanding sign plan now complies with our regulations.

Mrs. Donnan asked if we control each case. Mr. Campbell said we should always be aware about setting a precedent with decisions made by the board. However, each application has its own specific facts and precedent of prior decisions is not always a factor unless the facts of each application are virtually identical.

**Resolution:**

Mr. Geiger moved to close the public hearing at 6:45 pm, Mrs. Donnan seconded, carried.

Ayes -4                      Nays - 0

Mr. Geiger said they had reduced the size of the sign.

**Resolution:**

Mr. Hulburt moved to approve the variance requested for the second freestanding sign with the corrected dimensions, Mr. Connolly seconded, carried.

Ayes – 4                      Nays – 0

Mr. Geiger said the second sign, the Maple Leaf is on the building.

Mr. Boyle said he didn't think our code contemplates more than one business in a building. This one actually holds four businesses.

Mr. Peter said the Maple Leaf tells you Tim Hortons is there. The issue with the code is one per building. Mr. Boyle said for the amount of road frontage, on two roads and 12 acres, should be able to have another sign. Mr. Hulburt was concerned that there would be a lot of white around the Maple Leaf causing reflection. Mr. Boyle said it was just a Maple Leaf with no white border. No light spills over the lot line from the building. Mr. Peter said it was recognizable as Tim Hortons. Mr. Boyle said it allows people to see it from both road frontages, since the parcel is a corner parcel.

Mr. Campbell said that our zoning, 5.17b under sign regulations anticipates the possibility of more than one sign when the building is on a corner parcel with more than one frontage. Mr. Peter said he concluded that a variance was needed because the Code only allows one sign per building.

Mr. Boyle – we have 2 free standing signs including menu board.

Mr. Geiger said Tim's is on the red Maple Leaf on 36 side.

Mr. Peter – Tompkins is only on the ATM.

**Resolution:**

Mr. Connolly moved to approve the second wall sign with the Maple Leaf, Mr. Geiger seconded, carried.

Ayes – 4                      Nays - 0

**Resolution:**

Mr. Connolly moved to approve the September 17 minutes with corrections, Mr. Hulburt seconded, carried.

Ayes – 4                      Nays - 0

Mr. Connolly asked when the grand opening is. Mr. Boyle said mid-December, Tim Hortons maybe a little later. Problems with supply and workers.

Mr. Boyle said he wasn't sure what the old building would become, but the gas tanks and contaminated soil had to be removed.

Discussion had about charging stations and if any future plans for old gas station.

**Resolution:**

Mr. Connolly moved to adjourn at 7:20 pm, Mrs. Donnan seconded, carried.

Ayes – 4

Nays – 0

Submitted by

Donna K. Falkner, Clerk