

TOWN OF YORK
 2668 Main Street, P O Box 187, York, NY 14592-0187
 Tel: (585) 243-3128 Fax: (585) 243-4618
 TTY NY: (800) 662-1220

Zoning Board of Appeals (ZBA) Application

Project Name: York Travel Center Project
Applicant Name: YTC 1, LLC

1. Type of Request. Check the type of request you are applying for and complete the indicated sections of this application. If you are uncertain which request you are applying for, consult with the Town of York Code Enforcement Officer or the Town of York Zoning Clerk.

✓ All requests	Request Type	Complete All Required Sections
	Appeal and/or Interpretation	1, 2, 3, 4, 5, 6
	Area Variance	1, 2, 3, 4, 5, 7
	Use Variance	1, 2, 3, 4, 5, 8

All use variances and area variances (except those involving single-family and two-family dwellings), (Check with Code Enforcement Office to see which form is needed) **SEQR:** [State Environmental Quality Review Act \(SEQR\) Forms - NYS Dept. of Environmental Conservation](#)

All use and area within 500' of agriculture: If the proposed activity will be on property within an agricultural district containing a farm operation or on property with boundaries within 500 ft. of a farm operation located within an agricultural district, then an ag data statement must be completed. Check with Town Assessor for property owners to be listed on the form.
[NEW Copy of Agricultural Data Statement 002 .pdf \(yorkny.org\)](#)

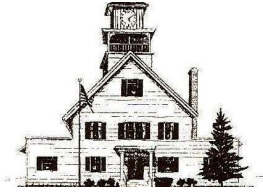
Notice to Applicant: By law, the application or amendment must be referred to the County Planning Board if it applies to real property within 500 feet of: A municipal boundary, The right-of-way of any state or county road, A state or county park or recreation area (existing or proposed), State or county land on which a public building or institution is located, A farm operation within an [agricultural district](#) as defined by Article 25-AA of the New York State Agriculture and Markets Law, Existing or proposed right-of-way of any county stream or drainage channel. [Referral Trigger Map](#)

Requests will also require a public hearing seeking comments from the public on the requested variance.

Please describe your request, in general:

The Applicant is seeking an area variance from the ZBA for a second Freestanding Size

and the sign face area of the Freestanding Sign. Per Appendix 1201 of the Zoning Code, a maximum of one Freestanding Sign per lot is permitted with a maximum sign face area of 80 sq. ft. in the Commercial District (C). The proposed Freestanding Sign has a sign face of 122.13 sq. ft. per side. A copy of Appendix 1201 of the Zoning Code is attached as Exhibit "6".



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2. Identification.

Project Name York Travel Center Project
 Applicant Name YTC 1, LLC
 Address 2101 St. Rita's Lane
 Town Williamsville State NY Zip 14221
 Phone (716) 523 - 7322 Fax() -
 Email tboyle@newcowny.com
 Property Owner (If other than applicant) Same as Above
 Address _____
 Town _____ State _____ Zip _____
 Phone (_____) _____ - _____ Fax(_____) _____ - _____
 Email _____

3. Property Information.

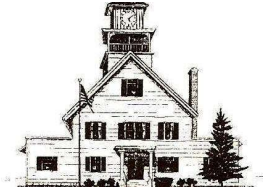
Property Street Address 3667 Main Street [Formerly 0 Main St. & 2551 Genesee St.]
 Permanent Parcel Number 61.1-53.22
 Legal Description of Property Copies of recorded deeds attached as Exhibit "3".

 Zoning District Commercial District
 Area 12.17 Acres Width Approx. 570 ft. Depth Approx. 1,010 ft.
 Current Use(s) York Travel Center Project [Under construction]
 Zoning District of Adjacent Properties to the:
 North Agricultural South Agrcultural East Agricultural West Commercial

4. Prior Requests.

a. Have you ever requested ZBA relief for this property? Yes X No
 If yes, please provide the following information:
 Date of Hearing June 16, 2022 and July 13, 2022
 Relief Requested To allow 2 rows of parking spaces along Genesee St. and Main St.
 Result The Zoning Board of Appeals granted the requested area variance during its meeting held on July 13, 2022.

 b. Are there any existing variances for this property? Yes No
 If yes, please provide the following information:
 Date of Hearing _____
 Relief Requested _____
 Result _____



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5. Application Procedure. The following check list includes all documents required for the Town of York Code Enforcement Officer or Zoning Clerk to begin the ZBA process.

NOTE: Partial sets will not be accepted for submittal.

Application Form and Fees. A completed application form and the application fee are required with the initial submittal.

SEQR Short Environmental Assessment Form. A completed Short EAF is required for all Use Variance applications and for Area Variance applications related to properties other than single-family and two-family dwelling properties.

[Copy of Short Environmental Assessment Form attached as Exhibit "1".

Proof of Ownership. Current proof of ownership of the property to utilized or contractual ability to acquire such land. If applicant is a tenant or agent of owner, then proof of ownership and written permission of owner for applicant to apply for zoning relief. Copy of Tax bill is not proof of ownership.

Copies deeds for the Project Site attached as Exhibit "3".

Response to Criteria. A completed, detailed written response to the review criteria referenced in section 1 and described in section 6, 7, and 8. See narrative attached as Exhibit "2".

Copies. At the time of submittal, a complete electronic file of the site plan, landscape plan, elevation drawing, color renderings, complete checklist and application documents must be emailed to planningzoningclrk@yorkny.org. This will then be forwarded to the zoning board.

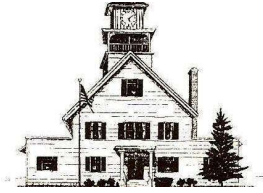
[Color Sign Plan attached as Exhibit "4" and Site Plan attached as Exhibit "5".

NOTE: The applicant and property owner will be notified when the application will be heard at a scheduled hearing.

I, Timothy Boyle (applicant), do hereby swear that the information given herein is true and correct.

I, Timothy Boyle (property owner), do hereby give permission for Town of York officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

<u>Tim Boyle</u>	September 8, 2023	YTC 1, LLC
Signature of Applicant	Date	Printed Name of Applicant
Same as Above		Same as Above
Signature of Property Owner (If different)	Date	Printed Name of Property Owner (If different)



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7. Criteria for AREA Variances. The ZBA may grant an area variance only upon a finding that a practical difficulty exists. Please respond to the following statements.

a. Public Safety and Welfare. Will the granting of a variance create an undesirable change to the character of the neighborhood or be a detriment to nearby properties?
 See Narrative provided at Exhibit "2" providing justification for the requested area variance.

b. Alternate Options. Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?
 See Narrative provided at Exhibit "2" providing justification for the requested area variance.

c. The degree of variance. Is the requested area variance substantial?
 See Narrative provided at Exhibit "2" providing justification for the requested area variance.

d. Level of effect. Will the requested variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
 See Narrative provided at Exhibit "2" providing justification for the requested area variance.

e. Not Self-Created. Is the alleged difficulty self-created?
 See Narrative provided at Exhibit "2" providing justification for the requested area variance.

The ZBA, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

EXHIBIT 1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

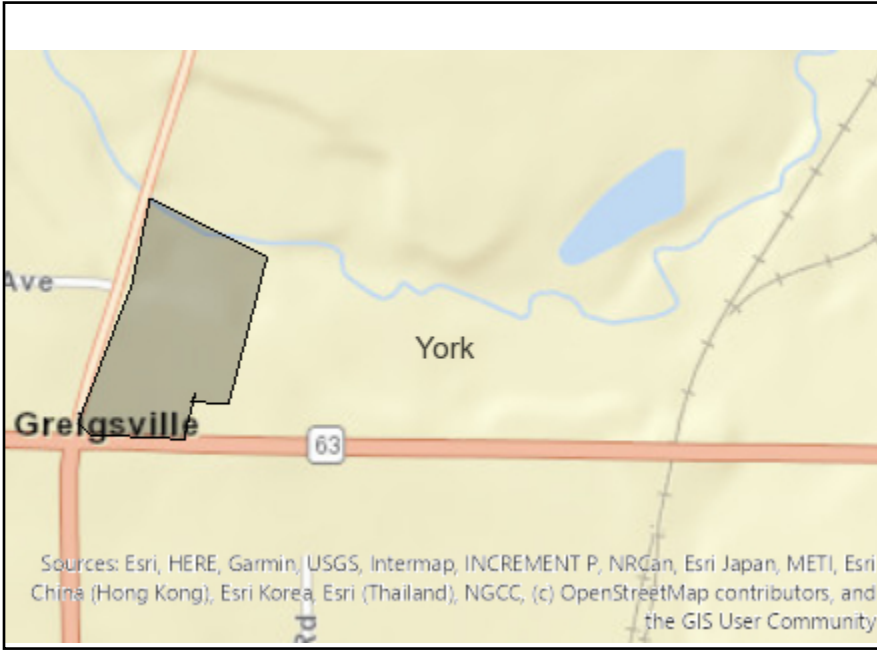
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)				
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	[The Project Site is properly zoned Commercial District (C). The Applicant is seeking area variances for proposed signage for the previously approved project.]	NO	YES	N/A
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? [There are not any jurisdictional wetlands that will be impacted by the proposed action.] b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

EAF Mapper Summary Report



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

EXHIBIT 2

EXHIBIT 2

JUSTIFICATION FOR REQUESTED AREA VARIANCE FOR TWO FREESTANDING SIGNS PURSUANT TO THE STATUTORILY MANDATED BALANCING TEST AND THE FIVE CRITERIA CONTAINED IN NYS TOWN LAW §267-b(3)(b)

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by zoning board of appeals in connection with its review of a request for an area variance. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested relief is granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variance to allow two Freestanding Signs including the proposed project Pylon Sign with a sign face of greater than 80 ft. [122.13 sq. ft. per side proposed] to be located on the Project Site will provide substantial benefits to Applicant without any resulting detriments to the health, safety and welfare of the community. The benefits that would be received by Applicant if the Zoning Board of Appeals grants the requested area variance includes the following:

- 1.) The Applicant will be able install both the proposed project Pylon Sign and a freestanding menu board ordering sign for the Tim Hortons drive-thru facility. Both of the proposed freestanding signs are essential to the success of the York Travel Center Project. A copy of color plan for the proposed project Pylon Sign is attached as Exhibit “4”. A copy of Section 1201 of the Zoning Code is attached as Exhibit “6”.
- 2.) The proposed project Pylon Sign needs to have a sign face area of 122.13 sq. ft. per side in order to contain information for the commercial users of the York Travel Center Project including the fuel pricing information.

The granting of the requested relief for a second Freestanding Sign to be located on the Project Site will not result in detriments to the health, safety and welfare of the community.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a zoning board of appeals to consider the following five criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance?

The granting of the requested area variance by the Zoning Board of Appeals will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Project Site is zoned for commercial purposes and the proposed project Pylon Sign is appropriately sized and located for the overall York Travel Center Project. A copy of the Site Plan for the relevant portion of the Project Site as prepared by Carmina Wood Design is attached as Exhibit “5”.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

It would not be possible for the Applicant to limit the signage for the York Travel Center to only one Freestanding Sign while still receiving the benefits it is seeking if the Zoning Board of Appeals grants the requested area variance for the second Freestanding Sign with a sign face area of 112.13 sq. ft. per side.

3. Whether the requested area variance is substantial?

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff’d, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, the State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because requested area variances may seem noteworthy on paper does not mean that any "harm" would be generated on the surrounding community, and it is "harm" that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. The requested area variance for a second Freestanding Sign with a sign face area of 122.13 sq. per side is not substantial given the fact that the granting of the requested area variance will not result in any "harm".

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

The granting of the requested area variance will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is attached as Exhibit “1. The proposed second Freestanding Sign with a sign face area of 122.13 sq. per side is appropriate given the scope of Travel Center project that includes multiple commercial uses on a large parcel that comprises the Project Site.

5. Whether the alleged difficulty was self-created?

Town Law §267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance. It is the Applicant’s position that the alleged difficulty that has resulted in the need for the requested area variance is not self-created since the Zoning Code does not envision multiple commercial uses requiring signage on a single parcel. Nonetheless, even if the Zoning Board of Appeal determines the alleged difficulty is self-created, the overall balancing test and other four criteria provides strong justification for the granting of the requested relief.

EXHIBIT 3



Andrea K. Bailey, County Clerk
 Livingston County Government Center
 6 Court Street, Room 201
 Geneseo, New York 14454
 (585) 243-7010 ~ Fax (585) 243-7928

Livingston County Clerk Recording Page

Received From:
 SEAN HOPKINS

Return To:
 SEAN HOPKINS

Individual

Document Type: **WARRANTY DEED WITH LIEN COVENANT**

Receipt Number: 00762192

Grantor
YTC 1 LLC

Grantee
YTC 1 LLC

Recorded Information:	
Tax #: 1230	
Transfer Amt	\$0.00
Recording Fee	\$45.00
Pages Fee	\$45.00
TP-584 Form Fee	\$5.00
RP-5217 Form Fee	\$250.00
Deed Notice Fee	\$0.00
Total Fees:	\$345.00

Property Located in Town of **York**

State of New York
 County of Livingston

Recorded on the 31st date of March, 2023 at 12:01:10 PM in Liber **1304** of **Deeds** at beginning page **0246**, ending at page **0255** and examined.

Livingston County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

Record and Return To:
Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221

WARRANTY DEED WITH LIEN COVENANT

This Indenture, made the 29th day of March, 2023, between, **YTC 1 LLC**, a New York limited liability company with a P.O. Box 160, Piffard, New York 14533 (“Party of the First Part”) and **YTC 1 LLC**, a New York limited liability company with a P.O. Box 160, Piffard, New York 14533 (“Party of the Second Part”)

WHEREAS, THE SOLE PURPOSE OF THIS DEED IS TO COMBINE TWO TAX PARCELS INTO ONE TAX PARCEL AS REQUIRED PURSUANT TO A SITE PLAN APPROVED BY THE TOWN OF YORK PLANNING BOARD ON JULY 20, 2022 AND IS NOT MADE TO DEFRAUD CREDITORS AND DOES NOT RENDER THE PARTY OF THE FIRST PART INSOLVENT.

WHEREAS, YTC 1 LLC is the owner of real property located in the Town of York consisting of 0 Main Street (SBL No. 61.-1-53.22) (“Parcel 1”) as described on the attached Schedule “A” and 2551 Genesee Street (SBL No. 70.5-1.21) (“Parcel 2”) as described on the attached Schedule “B” and the sole purpose of this Deed is to combine said Parcel 1 and Parcel 2 into Parcel 3 as described on Schedule “C” attached hereto and make a part thereof,

WITNESSETH, that the Party of the First Part, in consideration of ONE AND NO MORE DOLLARS (\$1.00 and no more) lawful money of the United States, paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, the heirs or successors and assigns of the Party of the Second Part forever

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of York, County of Livingston and State of New York as described in the attached Schedule “A” and Schedule “B”,

TOGETHER with all right, title and interest, if any, of the Party of the First Part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, the heirs or successors and assigns of the Party of the Second Part forever.

AND the Party of the First Part covenants that the Party of the First Part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND THAT THIS CONVEYANCE is not all or substantially all of the property of the Party of the First Part and is made in the regular course of business actually conducted by the Party of the First Part.

AND the Party of the First Part, in compliance with Section 13 of the Lien Law, covenants that the

Party of the First Part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of any improvements and will apply the same first to the payment of the cost of any improvements before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE(S) ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

YTC 1 LLC
By: JJBT YTC LLC, ITS MANAGER

Signature: *[Handwritten Signature]*
By: Joseph G. Bucci Jr.
Title: Member

STATE OF NEW YORK)
 ss:
COUNTY OF LIVINGSTON)

VIRGINIA LEGNO
NOTARY PUBLIC State of New York
01LE6165026
Qualified in Livingston County
My Commission Expires May 7, 2023

On the 29th day of March, in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared Joseph G. Bucci Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by his signature the individual executed the instrument.

Virginia Legno
Notary Public

SCHEDULE "A"

Legal Description of 0 Main Street [SBL No. 61-1-53.22]

All that tract or parcel of land situate in the Town of York, County of Livingston, State of New York, further described as follows.

Commencing at the intersection of the former centerline of New York State Route 63 (a.k.a. Pavilion-Craigsville-Pliffard Road) (State Highway No. 1777, part 2) with the former centerline of New York State Route 36 (a.k.a. Caledonia-Mount Morris Road) (State Highway No. 8694, part 2), thence S 81°-20'-00" E along the former centerline of New York State Route 63, a distance of 125.00 feet to a point, thence N 24°-27'-00" E a distance of 91.63 feet to a point on the assumed northerly bounds of New York State Route 63, mid point marking the true point of beginning of the parcel to be described; thence

- 1) N 81°-20'-00" W along the assumed northerly bounds of New York State Route 63, a distance of 37.95 feet to a point; thence**
- 2) N 30°-54'-00" W along the assumed easterly bounds of New York State Route 36, a distance of 59.69 feet to a point; thence**
- 3) N 21°-33'-00" E along the assumed easterly bounds of New York State Route 36, a distance of 44.96 feet to a point; thence**
- 4) S 81°-20'-00" E a distance of 91.38 feet to a point; thence**
- 5) S 24°-27'-00" W a distance of 93.37 feet to the point of beginning.**

Containing 0.1878 acres.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of York, County of Livingston, and State of New York, and being more particularly bounded and described as follows:

Commencing at the remains of a concrete monument found in the easterly line of N.Y.S. Route 36, being the Caledonia-Mt. Morris State Highway No. 5694, Part 2, said monument being 76.00 feet easterly, measured at right angles from centerline station 530 + 76, also marking the northwest corner of lands now or formerly belonging to Joseph G. Buccì and Gregory O'Connell, as described in Liber 763 of Deeds at Page 57; thence South 58° 13' 00" East along the northerly line of said Buccì and O'Connell, for a distance of 229.50 feet to a point; thence South 66° 45' 30" East continuing along the northerly line of said Buccì and O'Connell, for a distance of 88.80 feet to an iron pipe marking the northeast corner of said Buccì and O'Connell and the point of beginning of the parcel to be described; thence

- 1) South 66° 45' 30" East for a distance of 250.00 feet to an iron pipe; thence
- 2) South 23° 54' 32" West for a distance of 671.49 feet to an iron pipe; thence
- 3) North 83° 40' 46" West along the northerly line of lands now or formerly belonging to Walter Keller, for a distance of 68.41 feet to an iron pipe; thence
- 4) North 82° 12' 46" West along the northerly line of lands now or formerly belonging to Robert G. London and along the northerly line of lands now or formerly belonging to Margaret A. Hitchcock, for a distance of 92.70 feet to a point; thence
- 5) North 24° 19' 02" East along the easterly line of lands now or formerly belonging to Edgar G. Severson, for a distance of 51.57 feet to a point; thence
- 6) North 82° 10' 58" West along the northerly line of said Severson, for a distance of 100.00 feet to an iron pipe; thence
- 7) North 23° 54' 32" East along the easterly line of said Buccì and O'Connell, for a distance of 691.15 feet to the point of beginning.

~~Containing 3,948.3 acres.~~
Containing 3,948.3 acres.

All that tract or parcel of land, situate in the Town of York, County of Livingston and State of New York, being part of the Wells Brown Farm, so called, bounded and described as follows: Beginning at a point in the old center line of the Batavia Road, south $82^{\circ} 16'$ east a distance of 125.0 feet from an iron pipe stake set at the intersection of the said old center line of the Batavia Road with the old center line of the Leicester-Caledonia Road; running thence north $23^{\circ} 31'$ east along the east line of lands of Chester Parnell, 125.0 feet to an iron stake; running thence north $82^{\circ} 16'$ west along the north line of the said lands of Parnell 73.30 feet to a point in the east boundary line of the proposed new Leicester-Caledonia Highway; running thence northerly along the said east boundary line of the proposed new Leicester-Caledonia Highway the following courses and distances: North $24^{\circ} 38' 00''$ east 225.5 feet; north $23^{\circ} 24' 30''$ east 200.00 feet; north $32^{\circ} 27' 00''$ east, 174.20 feet, and north $23^{\circ} 15' 30''$ east, 349.0 feet to a point distant easterly 73.0 feet measured at right angles from center line station 530 plus 76 of the proposed new Leicester-Caledonia Highway; running thence south $58^{\circ} 13'$ east, 229.5 feet; running thence south $66^{\circ} 45' 30''$ east, 88.80 \pm feet; running thence south $23^{\circ} 57'$ west 945.00 feet to a point in the old center line of the Batavia Road; running thence north $82^{\circ} 16'$ west along the said old center line of the Batavia Road 276.70 feet to the place of beginning, containing 7.35 acres of land be the same more or less as surveyed in June, 1947 by W. P. Eshbaugh, C. E.

SCHEDULE B

Legal Description of 2551 Genesee Street [SBL No. 70.5-1-9.21]

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the Hamlet of Greigsville, Town of York, County of Livingston and State of New York, bounded and described as follows:

BEGINNING at a point on the centerline of Genesee Street (Route 63) marking the Southeast corner of lands belonging to Carol A. Rose and described in Liber 414 of Deeds, Page 444, said point being 382 feet, more or less, easterly from the intersection of the centerline of Genesee Street with the centerline of Route 36; thence northerly making an interior angle of $73^{\circ} 30'$ and along the east line of lands of Rose for a distance of 250.00 feet to an iron stake; thence easterly making an interior angle of $106^{\circ} 30'$ for a distance of 100.00 feet to an iron stake; thence southerly making an interior angle of $73^{\circ} 30'$ and partially along the west line of lands of Margaret A. Hitchcock as described in Liber 752 of Deeds, Page 57 for a distance of 250.00 feet to a point on the centerline of Genesee Street; thence westerly making an interior angle of $106^{\circ} 30'$ and along the centerline of Genesee Street for a distance of 100.00 feet to the point of beginning.

SCHEDULE C

Combined Legal Description of 0 Main Street [SBL No. 61.-1-53.22 & 2551 Genesee Street [SBL No. 70.5-1-9.21]

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of York, County of Livingston and State of New York, being more particularly bounded and described as follows:

BEGINNING at the remains of a concrete monument found in the easterly line of Main Street as presently laid out (N.Y.S, Route 36, being the Caledonia-Mount Morris State Highway No. 5694, Part 2), said monument distant 73.00 feet easterly measured at right angles from center line station 530+76, said point of beginning also being the northwest corner of lands now or formerly belonging to Joseph G. Bucci and Gregory O'Connell as described in a deed filed in the Livingston County Clerk's Office in Liber 763 of Deeds at page 57;

RUNNING THENCE S 58°19'55" E along the northerly line of said lands of Bucci and O'Connell, a distance of 229.50 feet to an angle point;

THENCE S 66°52'25" E continuing along the northerly line of said lands of Bucci and O'Connell, a distance of 338.80 feet to a point;

THENCE S 23°47'37" W, a distance of 672.16 feet to a point;

THENCE N 83°20'31" W along the northerly line of lands now or formerly belonging to Walter Keller, a distance of 67.65 feet to a point;

THENCE N 82°21'00" W along the northerly line of lands now or formerly belonging to Robert G. Lowdon and along the northerly line of lands now or formerly belonging to Margaret A. Hitchcock, a distance of 93.41 feet to a point on the easterly line of lands conveyed to Patricia A. Ryan by deed recorded in said Clerk's Office in Liber 1208 of Deeds at page 131;

THENCE S 24°09'00" W along said easterly line of lands conveyed to Patricia A. Ryan, a distance of 198.14 feet to the center line of Genesee Street (New York State Route 63);

THENCE N 82°21'00" W along said center line of Genesee Street, a distance of 407.49 feet to a point;

THENCE N 7°43'06" E, a distance of 27.42 feet to a point;

THENCE N 31°50'28" W, a distance of 42.16 feet to the easterly line of Main Street as presently laid out;

THENCE N 24°31'06" E along said easterly line of Main Street as presently laid out, a distance of 289.00 feet to an angle point;

THENCE N 23°17'36" E along said easterly line of Main Street as presently laid out, a distance of 200.00 feet to an angle point;

THENCE N 32°20'06" E along said easterly line of Main Street as presently laid out, a distance of 170.80 feet to an angle point;

THENCE N 23°08'36" E along said easterly line of Main Street as presently laid out, a distance of 349.00 feet to the point of beginning.

Said parcel containing an area of 11.97 acres, more or less.

EXHIBIT 4

Type A System

Mobil ID (54 3/16" x 98 7/16")

1x York Travel Center (23 1/8" x 85 11/16")

1x Synergy (23 1/8" x 85 11/16")

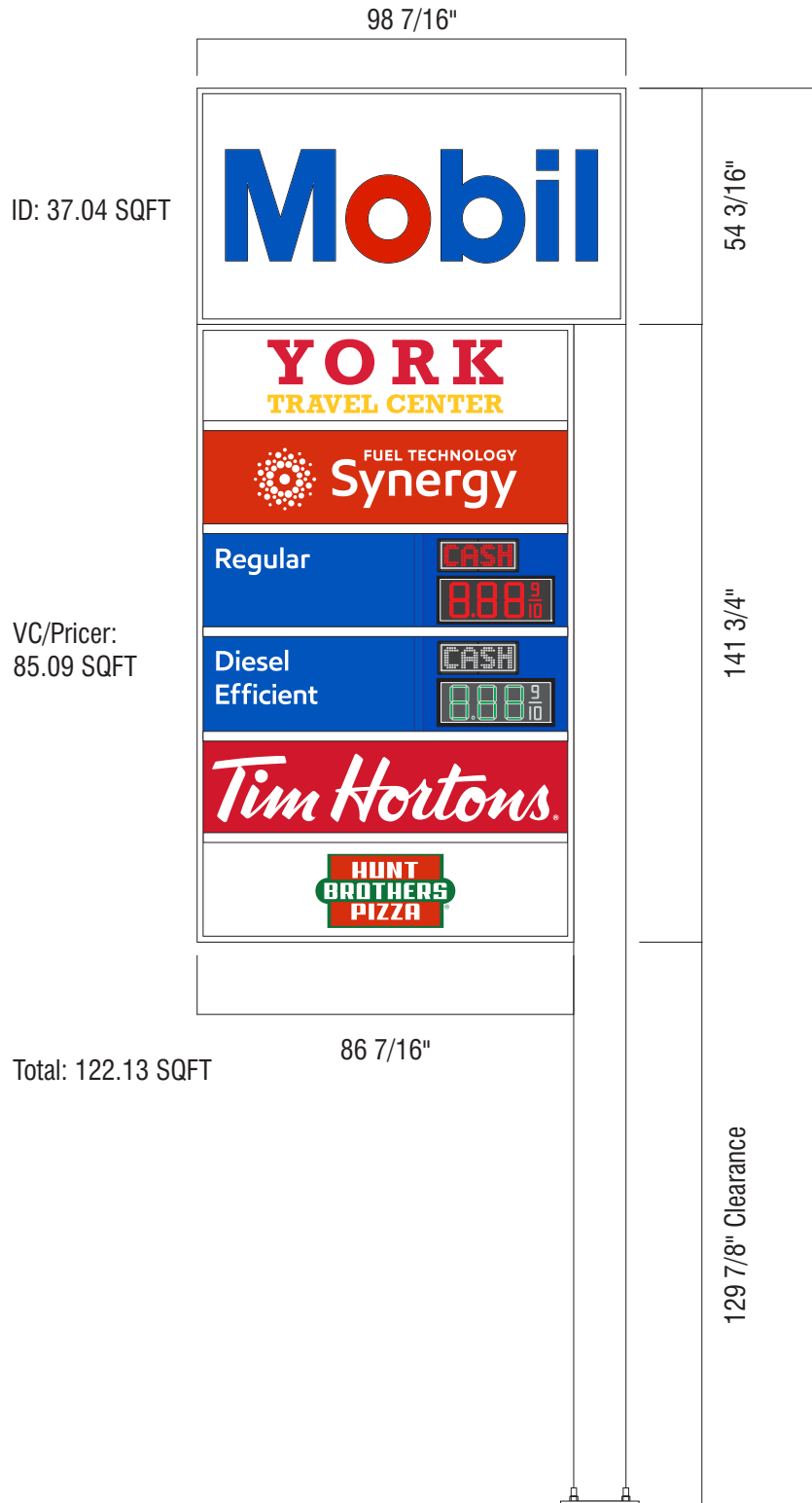
1x Regular w/ 8" Red Dak FL-3000 LEDs & 5" (1H1W) Cash, Credit, Debit Flasher (23 1/8" x 85 11/16")

1x Diesel Efficient w/ 8" Green Dak FL-3000 LEDs & 5" (1H1W) Cash, Credit, Debit Flasher (23 1/8" x 85 11/16")

1x Tim Horton's (23 1/8" x 85 11/16")

1x Hunt Brothers Pizza (23 1/8" x 85 11/16")

Note: EMprint Semibold font style



VISUAL COMMUNICATIONS

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Revisions:

1 Updated Tim Hortons image...BL 06.16.23

2 Added SQFT and clearance...BL 06.29.23

3

4

5

6

7

Account Rep:

Project Manager: **Juanita Beetge**

Drawn By: **Brenda Lammers**

Project / Location:

ExxonMobil

3667 Main St.
Piffard, NY

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Health Sign Company LLC or its authorized agent.

Job Number: **Ex232646.E**

File Name:

Date: **06.06.23**

Sheet Number: **1** Of **1**

Design Number:

Approved Approved w/changes

Signature

Date

EXHIBIT 5

EXHIBIT 6

Appendix 1201 - Town of York Sign Standards

ZONING DISTRICT	A Agricultural	R Residential	HR Hamlet Residential	HDR High-Density Residential	HC Hamlet Commercial	C Commercial	MU Mixed Use	LI Light Industrial	I Industrial
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AWNING & CANOPY SIGNS *Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.*

Permitted in Zone	NP	NP	NP	NP	P	P	P	P	P
Maximum # Permitted	n/a	n/a	n/a	n/a	1 per business	1 per business	1 per business	1 per business	1 per business
Total Size Allocation - maximum % vertical canopy surface area	n/a	n/a	n/a	n/a	15%	25%	25%	20%	20%
Internal Lighting	n/a	n/a	n/a	n/a	NP	P	P	P	P
External Lighting	n/a	n/a	n/a	n/a	P	P	P	P	P

WINDOW & DOOR SIGNS *A non-electric sign applied or attached to the interior of a window or door or within 3 feet of the interior which can be seen from the exterior.*

Permitted in Zone	NP	NP	NP	NP	P	P	P	NP	NP
Maximum # Permitted	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total Size Allocation - maximum % window area	n/a	n/a	n/a	n/a	30%	30%	30%	n/a	n/a
Internal Lighting	n/a	n/a	n/a	n/a	NP	P	P	n/a	n/a
External Lighting	n/a	n/a	n/a	n/a	P	P	P	n/a	n/a

TEMPORARY SIGNS *Any sign that is used only for a short, specifically limited time and that is not permanently mounted.*

◆ Permit requirement guidelines for specific sign types apply as defined above
◆ Maximum # Permitted - 1 per lot
◆ Maximum Area - Refer to above guidelines for specific sign type
◆ Maximum Height - Refer to above guidelines for specific sign type
◆ Setback - Refer to above guidelines for specific sign type
◆ Internal Lighting - Not permitted
◆ External Lighting - Refer to above guidelines for each sign type

LIMITED SIGNS *Any sign that is less than six (6) square feet, not permanently mounted, used only for a short, limited time and removed within a specified timeframe.*

◆ Permit not required for installation
◆ Maximum # Permitted - 2 per lot
◆ Maximum Area - 6 square feet
◆ Maximum Height - 4 feet
◆ Setback - 5 feet
◆ Internal Lighting - Not permitted
◆ External Lighting - Not permitted

Abbreviations:

- "NP" = Not Permitted
- "P" = Permitted
- "n/a" = Not Applicable