

York Planning Board  
February 28, 2024 – 7:15 pm  
Public Hearing & Meeting

Present: Joe McIlroy, Dave Dermody, Steven Carroll, Zach Kobylanski, Al Brightman & Chris Wall

Others: Donna Falkner, Mark & Tracie Cole, Carl Peter, Kirk Richenberg

7:15 pm – Mr. McIlroy opened the public hearing.

Mr. Campbell read the public hearing legal notice:

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 7:15 p.m. on ~~Tuesday~~ Wednesday, February 28, 2024 for the purpose of considering public opinion and comment about or concerning the following:

**A request by Mark Cole and J.R. Bagshaw of York Milling & Grain for a special use permit for a food processing and packing facility at 2907 York Road East, York, #41-1-67.**

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 will be published on York's website.

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

Dated: January 25, 2024

By Order of the Planning Board of the Town of York

Donna K. Falkner

Planning Board Clerk

Mr. McIlroy asked for comments about the special use permit.

Mr. Richenberg asked why the special use permit was needed, he didn't see why it was applicable.

Mr. McIlroy said that the county had recommended a special use permit and after talking with Mr. Peter they decided to go with the county recommendation.

Mr. Campbell stated that the special use permit only applies to something that is permitted as a matter of right under the zoning district regulations. He read pg. 87, criteria for special use permit, D-2, a-f and stated that the Board, in order to grant the special use permit, must review those standards.

Mr. Richenberg asked Mr. McIlroy what was a special use permit required for. Mr. McIlroy referred to pg. 22, 407c. Mr. McIlroy said they could have overridden the county's recommendation, but they decided to proceed with a special use permit and go through the extra review process. He asked for more comments and if none for a motion.

**Resolution:**

Mr. Kobylanski moved to close the public hearing, Mr. Brightman seconded the motion, carried.

Ayes – 5            Nays – 0

Mr. McIlroy opened the planning meeting at 7:30 pm with the pledge and approval of the minutes.

**Resolution:**

Mr. Kobylanski moved to approve the January 24, 2024, minutes, Mr. Brightman seconded, carried.

Ayes – 5            Nays - 0

**Resolution:**

Mr. Kobylanski moved to approve the joint minutes of January 16, 2024, with the Zoning Board, Mr. Brightman seconded, carried.

Ayes – 5            Nays - 0

Mr. McIlroy reminded the board again about training hours and asked for a motion to close the public hearing from January 24 that was held open for comments.

**Resolution:**

Mr. Kobylanski moved to close the public hearing from January 24, Mr. Wall seconded, carried.

Ayes – 5            Nays - 0

Mr. McIlroy said the Board does not have to conduct a separate SEQR review because it was completed by the ZBA at the joint meeting with the Planning Board and it was an adequate environmental review for the Planning Board to acknowledge for purposes of this application. He asked the board to review the standards on pg. 87, 2; a-f. He asked the board if there were any questions.

Mr. Wall asked several questions:

1. Is the special use permit renewable or forever?  
Mr. Campbell said he doesn't recommend making it renewable because it's difficult to take away once the applicant has a vested interest.
2. What happens if they go outside the criteria?  
Mr. Campbell said the town can take enforcement action on the violation.
3. If they cease to do business is there a bond for removal of whatever is built now?  
Mr. Campbell said there is nothing in the present code that provides for that for this type of business operation.

Mr. McIlroy asked each board member if York Milling met the standards and each board member replied yes. He asked if there were any other concerns.

Mr. Wall wondered if there were any other comments regarding renewal.

Mr. Campbell regarding approval today – if they do anything outside the criteria it’s a violation. If renewable and after the present board members are gone a new board who doesn’t like it may run into problems. It’s the code enforcement officer’s job to look after it.

Mr. Peter said he is on the property every three years to do a fire inspection. Mr. Campbell said if there are complaints follow up is done.

Mr. Dermody asked if truck traffic could be encouraged to come both ways to the plant. Mr. Cole said he wasn’t sure what the weight limit was on the roads. Can’t put overweight permits on town roads. Mr. Cole already asked the town if signs could be put up – no engine brakes (jake) Mr. Cole said he’d provide the sign and will pursue it with Mr. Worden.

**Resolution:**

Mr. Brightman moved to approve a special use permit for food processing and packing, Mr. Kobylanski seconded, carried.

Ayes – 5                      Nays - 0

Mr. McIlroy asked for a motion for Site Plan 2- soybean processing plan and addition.

**Resolution:**

Mr. Kobylanski moved to approve Site Plan 2, Mr. Brightman seconded, carried.

Ayes – 5                      Nays – 0

**Resolution:**

Mr. Dermody moved to adjourn at 7:50 pm, Mr. Kobylanski seconded, carried.

Ayes – 5                      Nays – 0

Respectfully submitted,  
Donna Falkner