

Zoning Board of Appeals

August 15, 2023 Minutes

Meeting Called to order at 6:30 pm by Scott Hulburt who led the Pledge.

Board Members Present: Scott Hulburt, Mark Connolly, Amy McMahon, Heather Nagel

Others Present: Donna Falkner, Doug McFarland, Kirk Richenberg, Joe McIlroy, Carl Peter

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

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, August 15, 2023 for the purpose of considering public opinion and comment about or concerning the following:

A request by the York Milling and Grain LLC for an area variance for an elevator, 125 ft., higher than allowed in zoning.

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.

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

Dated: July 18, 2023

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

Donna K. Falkner

Donna Falkner – Zoning Board Clerk

Doug McFarland who lives near the town barns has concerns:

- That the structure itself will be an eyesore issue which you can see across the valley
- The noise from the structure will be louder because there will be nothing high to block the noise.
- If it falls over, where will it land – across the tracks or on the substation.
- If it is built does that assume additional bins will go in there

Mrs. Nagel said she was confused about the number of bins on the property. Mr. Peter said last year he added 6 bins and got a variance for the taller ones of 80 ft.

Mr. Richenberg – to clarify the bins on the variance are already up and approved?

Mr. Hulburt said this variance is just the boom.

Mr. McFarland, so is the reason for the elevator to have more bins?

Mr. Hulburt said the elevator is to move the grain between the bins.

Mr. McFarland asked why the bigger elevation?

Mr. Peter assumes he needs the elevator to connect all the bins.

Mr. Connolly said it was an oversight on Cole's part, didn't realize he'd need a larger elevator to service all the bins.

Mr. McIlroy said he may want one in and one out.

Mr. McFarland said increased material involves increased traffic. The road wasn't built for semis all day long and is not wide enough. Where do walkers go, there are blind corners and hills. Now we see trucks all day long.

Mr. Peter & Mr. McIlroy both said that he would have to go to the planning board for a site plan for more bins.

Mr. Connolly said he can't just add new bins.

Mr. Peter said he had a permit to put up 6 bins – he thought 2 were over the height allowed and why he got a variance for 80 ft last year.

Mr. McFarland went on.

- No sidewalks, no shoulder, kids playing in the road.
- Truck traffic noisy and j-brakes
- Worried about his property value. The bigger it gets and the worse the property will be.
- The SEQR part 1 he filled out listed relocation of driveway and weight scales. He made the driveway larger and moved the scales closer to the road.

Mrs. Nagel was also confused about what was included in the application and what is included in light industrial.

Mr. McFarland - if he goes ahead without answers to these issues what else will he do without a permit. Main concerns are its an eyesore, increased noise, and safety issue if it falls over.

Mr. Richenberg

- In the Code under area variance does the applicant have to prove criteria? Mr. Connolly said doesn't have to meet all for area variance but does for use variance.
- Undesirable change to the neighborhood
- Is there an alternative?
- 125 ft. tall – what is the capacity for this elevator – how many distributors on top of this.
- The public should have input to these questions.

Mr. Connolly – should not close the public hearing but leave it open for comments.

Mr. McFarland asked why the sign was not put up in front of the property. Many people probably didn't know about tonight. Mr. Peter said he didn't get a chance to do it and puts it up a week ahead. Mr.

Connolly said the sign was not a requirement, just something the board thought it a good idea. Several board members said they would put it up in the future if Mr. Peter couldn't.

Resolution:

Mr. Connolly moved to keep the public hearing open until the September 19th meeting, and accepting written comments until September 12, Ms. McMahon seconded, carried.

Ayes – 3 Nays – 0

7:07 pm – Mr. Hulburt called the zoning meeting to order.

Resolution:

Mr. Connolly moved to approve the July 18 minutes, Ms. McMahon seconded, carried.

Ayes – 3 Nays - 0

Resolution:

Mr. Connolly moved to table this hearing until the next meeting and have the applicant present, Ms. McMahon seconded, carried.

Ayes – 3 Nays - 0

Mr. Hulburt said Mr. Geiger wants an area variance to enlarge the garage on his property, but it needs to go to county because it's on a state highway.

Resolution:

Mr. Connolly moved to schedule a public hearing on September 19 for Mr. Geiger, Ms. McMahon seconded, carried.

Ayes – 3 Nays – 0

Mr. Richenberg asked if the county had responded about York Milling and Mr. Hulburt said they had left it to local option.

Resolution:

Mr. Connolly moved to adjourn at 7:12 pm, Ms. McMahon seconded, carried.

Ayes – 3 Nays - 0