

York Planning Board  
September 24, 2025  
Minutes

Present: Joe McIlroy, David Dermody, Zach Kobylanski, Al Brightman, Chris Wall

Others: Donna Falkner, Kirk Richenberg, Jonathan Witmer, Esq. from Knauf Shaw LLP, Eric Baumgartner, John Hotto from LandTech, Sara Puccia and Lance Brabent from MRB

7:15 pm – Mr. McIlroy opened the public hearing for Rustic Paws and read the ad and letter from the county.

**TOWN OF YORK  
PLANNING BOARD**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Zoning Ordinance of the Town of York §§806, 905(D)(4)(b) and 1104(E), and pursuant to New York State Town Law §274-b, 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 Wednesday, September 24, 2025, for the purpose of considering public opinion and comment about or concerning the following:

**A Public Hearing for a preliminary site plan and special use permit for Rustic Paws, a proposed kennel at 3674 Batzing Road, Caledonia, in agricultural zoning, tax map #32-1-35.117.**

A copy of the application materials and other relevant submissions are available for review by the public on York's website. All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: August 28, 2025  
By Order of the Planning Board of the Town of York  
Donna K. Falkner, Planning Board Clerk

Good afternoon,

We have received Zoning Referral #2025-067 in accordance with the provisions of Section 239-I and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board.

If you have any questions, please do not hesitate to contact me at 243-7550.

Make it a great day,  
Amy Lutz, Administrative Secretary  
Livingston County Planning Department  
(585) 243-7550

NOTE-new email: [amylutz@livingstoncountyny.gov](mailto:amylutz@livingstoncountyny.gov)

Mr. McIlroy asked for comments – Mr. Richenberg asked that the conditions for special use permit be read, which Mr. McIlroy did.

The special use permit to operate a kennel in the specified agricultural district shall be granted to Rustic Paws under the following conditions:

1. They only board dogs in their barn during the time of year from April 1<sup>st</sup> to November 15<sup>th</sup>.
2. They only board dogs in their barn during the time of year from November 16<sup>th</sup> to March 31<sup>st</sup> if they obtain the ability to adequately provide heating to their barn structure.
3. That their business provides services within the facility to no more than ten dogs total at any time, whether for boarding or grooming services.
4. That the Code Inspector be able to perform inspection on the facility under the same terms as he provides it to other businesses for fire inspection.

7:30 pm – Mr. McIlroy led the pledge and asked for motion to approve August 27, 2025, minutes.

**Resolution:**

Mr. Dermody made the motion to approve the August 27, 2025, minutes, Mr. Kobylanski seconded the motion, all in favor, carried.

Ayes 5 Nays 0

Mr. McIlroy asked if there were any comments from the board about Rustic Paws preliminary site plan and asked for a motion.

**Resolution:**

Mr. Kobylanski made a motion to approve the preliminary site plan for Rustic Paws, Mr. Dermody seconded, all in favor, carried.

Ayes – 5      Nays – 0

**Resolution:**

Mr. Wall moved to close the public hearing, Mr. Kobylanski seconded the motion, all in favor, carried.

Ayes – 5      Nays -0

Mr. McIlroy said we need a motion for special use permit in an agricultural district.

Mr. Wall said if they put heat in the barn they will have to contact code enforcement officer.

**Resolution:**

Mr. Dermody moved to approve the special use permit, Mr. Kobylanski seconded, all in favor, carried.

Ayes – 5      Nays – 0

There was no discussion on the final site plan.

**Resolution:**

Mr. Kobylanski moved to approve the final site plan, Mr. Dermody seconded, all in favor, carried.

Ayes – 5      Nays – 0

Apple Country preliminary site plan

Mr. McIlroy read the SHPO letter from NYS Parks and Recreation-stating that there was no impact potentially harming historic or cultural resources from the project.



**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**RANDY SIMONS**  
Commissioner Pro Tempore

September 17, 2025

John Hotto  
LandTech Surveying and Planning, PLLC  
1105 Ridgeway Avenue, Rochester, New York 14615  
Rochester, NY 14564

Re: AG/MKTS  
Genesee Street Storage Building  
2727 Genesee St, Piffard, NY 14533  
25PR08428

Dear John Hotto:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Sara Evenson at the following email address:

[Sara.Evenson@parks.ny.gov](mailto:Sara.Evenson@parks.ny.gov)

Sincerely,

A handwritten signature in black ink that reads "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation  
Division for Historic Preservation

Mr. Brabent from MRB's comments

- The site is under an acre threshold, so it doesn't trigger anything
- Proposes bioswale systems with mulch, seeding
- Storm water – what they should address is new part of the project

- Should have a storm water maintenance agreement with the town. He will send one to Mr. Witmer to look over.
- Maintain it for the length of the project, provide for more detail of site construction. Mr. Wall asked what the maintenance should be
- Inspection done every so often to make sure everything is working properly

Mr. McIlroy asked the board if we need an agreement about maintenance. Mr. Kobylanski wondered what it would mean. Mr. Brabent said that over time the medium used would become filled and need replacement. Mr. Dermody asked who would do the inspection. Mr. Brabent said they can do it themselves or the town. Storm water run-off could have deterrents in the future. Mr. Dermody felt we should take Mr. Brabent's advice. Mr. Kobylanski felt it's an additional issue for the owner.

### **Resolution:**

Mr. Wall moved to have a maintenance plan, Mr. Brightman seconded, all in favor, carried.

Ayes - -4      Nays – 1

Mr. McIlroy said they had received their variances but will need a variance for two rows of parking, pg. 43 of zoning.

Mr. Hotto said the original plan had parallel parking, and they removed a lot of asphalt

Mr. McIlroy – §519b says they'll need as area variance for two rows.

Mr. Hotto said they would just eliminate one row of parking and have more green space.

Mr. McIlroy said that §520, pages 44-47 talks about screening, more for parking across the front. Mr. Hotto suggested that they could put lower evergreen shrubs along the front.

Mr. Kobylanski said he wouldn't put any shrubs there, Mr. Dermody agreed. Mr. McIlroy said it can't be on right of way and that they should use common sense and not impede vision.

Mr. Kobylanski said that whatever is planted there won't survive because of salt. Lawn is already there.

Mr. McIlroy – §520 c minimum strip. Mr. Wall said doesn't have to be a living screen, it could be wall or fence. Mr. Kobylanski said that pizza shop had to move their signs because they were on the state right of way. Mr. Brabent said the snow will also probably plow there. Mr. Wall suggested maybe they can come up with something creative. Mr. Hotto said they could plant utilitarian plants or even a berm would work. §520 b-6 says planning board has some discretion.

The new plan will include landscaping and the elimination of the second row of parking spaces. Water will go into bioswale. They have an easement with the neighbor behind allowing them to grade behind but not changing lot lines.

Mr. Mcilroy said we will need another public hearing for the changes and final site plan. Need to go to county by Monday. Mr. Hotto will send new plan directly to county copying in the clerk. Ms. Falkner will send referral to county.

**Resolution:**

Mr. Dermody moved to schedule a public hearing for final site plan on October 22 at 7:15 for Apple Country changes, Mr. Wall seconded, all in favor, carried.

Ayes – 5      Nays – 0

**Resolution:**

Mr. Dermody moved to adjourn at 8:30 pm, Mr. Kobylanski seconded the motion, all if favor, carried.

Ayes – 5      Nay - 0

Respectfully submitted,  
Donna Falkner