

A regular meeting of the Town/Village of Lima Zoning Board of Appeals was held on Monday, February 23, 2026 at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Jim Van Dick (T), Vice Chairwoman Cindy DePuy (V), Members Duane Fuller (V), Andy Matthews (T), and Kenneth Gray (T)

ABSENT: Member John Bailey (T)

OTHERS: Code Enforcement Officer Charlie Floeser and Secretary Sharon M. Knight, MMC/RMC

GUESTS: Applicant for a Special Use Permit Bryce Way

VISITORS: Former Town Board Member Mark Petroski, Mark Amorese, Scott Caccanise, and Austin Ingerick

Chairman Van Dick called the meeting to order at 7:10 P.M. and everyone participated in the Pledge of Allegiance.

RESOLUTION #2026-1 APPROVAL OF MINUTES DATED AUGUST 18, 2025

On motion of Member Fuller second by Member Matthews the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 1 Member Bailey (T)

RESOLVE to approve the minutes of August 18, 2025 as presented by email and posted on the Town of Lima website.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Absent, and Kenneth Gray – Aye

DISCUSSION – OPEN PUBLIC HEARING

Chairman VanDICK opened the Public Hearing, and the Secretary read the legal notice as follows:

**NOTICE OF PUBLIC HEARING
TOWN/VILLAGE OF LIMA JOINT ZONING BOARD OF APPEALS**

Notice is hereby given that Town/Village of Lima Joint Zoning Board of Appeals will hold a public hearing at its meeting on Monday, February 23, 2026 at 7:05 p.m. at the Lima Town Hall, 7329 East Main Street, Lima, New York, to consider a Special Use Permit application from Bryce Way, located at 2419 Plank Road tax map number 47.-1-29.11 in the Town of Lima. The application and all supporting material will be available for review at the Town Hall.

Dated: February 4, 2026
Publish: February 12, 2026

Sharon M. Knight, MMC/RMC
Secretary Town/Village Joint Planning Board

Code Enforcement Officer Floeser stated all neighbors were notified within 500 feet of business and a sign was placed in front of the property.

Chairman VanDick stated a recently adopted Local Law 1-2026 may pertain to the applicant. The Livingston County Planning Board reviewed the application and determined there was no significant countywide impact. Town Planning Board Special Use Permit Report was read as follows:

PLANNING BOARD REPORT

Special Use Permit Application

Applicant: Bryce Way

Business Name: Golden Automotive

Project Location: 2419 Plank Road, Town of Lima, Livingston County, New York

Tax Parcel ID: 47.-1-29.11

Zoning District: Agricultural (AG) with General Business District Overlay (Local Law No. 1 of 2026)

Proposed Use: Motor Vehicle Service Station

I. PROJECT SUMMARY

Bryce Way (the “Applicant”) seeks issuance of a Special Use Permit for operation of a Motor Vehicle Service Station, to be known as Golden Automotive, at 2419 Plank Road in the Town of Lima, New York.

The subject property has been continuously operated as a motor vehicle repair facility for over sixty (60) years. The most recent operator, JP Imports, ceased operations several years ago, and the property has since fallen into a state of disrepair.

Under the prior Town of Lima Zoning Code, Motor Vehicle Repair Stations were not permitted within the Agricultural (AG) District. However, pursuant to Local Law No. 1 of 2026, the Town established a “General Business District” Overlay permitting certain commercial uses, including Motor Vehicle Service Stations, subject to Special Use Permit approval.

The Applicant proposes to reestablish the historic automotive repair use on the property with the following characteristics:

- Hours of Operation: 7:00 a.m. – 7:00 p.m.
- Employees: One (1) employee
- Lighting: No new lighting; all lighting to conform to Town of Lima Zoning Code requirements
- Signage: No new signage proposed
- Paving: No new paving or non-permeable surfaces proposed

- Landscaping: Site landscaping to be improved
- Neighbor Notification: All abutting property owners have been notified and have expressed support.

The proposed action constitutes a reactivation of a long-standing commercial use on an existing developed parcel.

II. ZONING DISTRICT AND REGULATORY FRAMEWORK

A. Existing Zoning

The subject parcel is located within the Agricultural (AG) District of the Town of Lima pursuant to the Town of Lima Zoning Code.

Historically, Motor Vehicle Repair Stations were not permitted in the AG District. However, the Town Board adopted Local Law No. 1 of 2026 establishing a “General Business District” Overlay to:

- Provide limited commercial services in appropriate locations.
- Support economic vitality.
- Encourage reinvestment in underutilized properties.
- Preserve agricultural lands while allowing compatible small-scale business activity.

Under Local Law No. 1 of 2026, Motor Vehicle Service Stations are permitted within the Overlay District upon issuance of a Special Use Permit by the Zoning Board of Appeals.

III. REFERRAL TO LIVINGSTON COUNTY PLANNING BOARD

Pursuant to General Municipal Law §239-m, the application was referred to the Livingston County Planning Board on August 18, 2025.

The Livingston County Planning Board reviewed the proposed action and determined:

- The proposal would have no significant impact on existing county plans, programs, or activities.
- The proposed action is a matter of local decision.

The County did not recommend denial, modification, or conditions beyond local jurisdiction.

IV. COMPLIANCE WITH SPECIAL USE PERMIT STANDARDS

The Town of Lima Zoning Code requires that Special Use Permits be evaluated based on compatibility, impact, public health and safety, and consistency with community planning objectives.

1. Consistency with District Purpose

Local Law No. 1 of 2026 created the General Business District Overlay to allow appropriate commercial uses in designated areas, particularly where such uses historically existed.

The subject property has operated as a Motor Vehicle Service Station for more than six decades. The proposed use:

- Is consistent with the historic use of the property.
- Represents reinvestment rather than expansion.
- Aligns with the intent of the Overlay District to enable small-scale service businesses.

2. Compatibility with Adjacent Uses

The surrounding area consists primarily of agricultural and rural residential uses.

The proposed operation:

- Maintains limited hours (7 a.m. – 7 p.m.).
- Employs only one individual.
- Introduces no new paving or lighting.
- Includes landscaping improvements.
- Proposes no expansion of building footprint.

Given the historic operation of the site as a service station for 60 years, the reestablishment of the same use is not anticipated to alter neighborhood character or create new adverse impacts.

3. Traffic and Access

The use is anticipated to generate minimal traffic, consistent with prior operations. No new access points are proposed. Traffic volumes are expected to be modest and compatible with Plank Road's capacity.

4. Public Health and Safety

Motor Vehicle Service Stations are regulated by state and local fire, environmental, and building codes. The Applicant must comply with:

- New York State Fire Code.
- Applicable NYSDEC requirements.
- Town of Lima Zoning Code standards.

No outdoor storage expansion is proposed. Lighting will conform to existing Town standards to minimize glare and light trespass.

5. Environmental Protection

No new impervious surfaces are proposed. No new construction is proposed at this time. Landscaping improvements will enhance site aesthetics and environmental buffering.

V. CONSISTENCY WITH THE TOWN OF LIMA COMPREHENSIVE PLAN

The Town of Lima Comprehensive Plan emphasizes:

- Preservation of rural character.
- Support for small-scale, locally owned businesses.
- Revitalization of underutilized properties.
- Sustainable economic development.
- Protection of agricultural lands while allowing appropriate economic activity.

The proposed project strongly aligns with these goals:

A. Economic Revitalization

The Comprehensive Plan supports reinvestment in existing commercial properties rather than expansion into undeveloped agricultural lands. This proposal reactivates a long-standing commercial site without expanding its footprint.

B. Support for Local Businesses

Golden Automotive is a locally owned small business operated by Bryce Way. The Comprehensive Plan encourages entrepreneurship and service-oriented businesses that serve local residents.

C. Rural Character Preservation

Because:

- No new buildings are proposed.
- No expansion of impervious surface is planned.
- Landscaping will be improved.
- Lighting will comply with existing standards.

The rural visual character of the corridor will be preserved and improved relative to its current state of disrepair.

D. Efficient Land Use

Reusing an existing commercial site avoids pressure to convert productive farmland elsewhere in the Town. This aligns directly with Comprehensive Plan policies discouraging unnecessary sprawl.

In total, the project is consistent with and advances the stated goals of the Town of Lima Comprehensive Plan.

VI. ENVIRONMENTAL REVIEW (SEQR)

The proposed action constitutes a Type II Action under 6 NYCRR §617.5 as:

- The reestablishment of a previously existing use.
- A minor alteration of an existing facility.
- No expansion of footprint or impervious area.

Alternatively, if considered an Unlisted Action, review of potential impacts indicates:

- No change in land use intensity beyond historic operations.
- No new significant traffic generation.
- No new lighting beyond code-compliant standards.
- No new impervious surfaces.
- No impact to agricultural viability beyond historical conditions.

Based on the foregoing, the action will not result in any significant adverse environmental impacts. A Negative Declaration is appropriate.

VII. SITE PLAN REVIEW – DETAIL AND CHECKLIST

The following elements have been reviewed:

- **Property boundaries identified**
- **Existing structures identified**
- **No new structures proposed**
- **No new paving or impervious surfaces**
- **Existing access maintained**
- **Lighting compliant with Town Code**
- **No new signage proposed**
- **Landscaping improvements proposed**
- **Utilities existing and unchanged**
- **Neighbor notification completed**
- **County referral completed**

The application materials satisfy the Town’s Site Plan submission requirements for a Special Use Permit.

VIII. IMPACT ASSESSMENT

Impact Category	Assessment
Traffic	Minimal; consistent with historic use
Noise	Limited to normal daytime business hours
Lighting	No expansion; compliant with Code
Stormwater	No increase in impervious surface
Agricultural Resources	No expansion onto farmland
Community Character	Restoration of historic commercial use
Property Values	Likely stabilization and improvement through site rehabilitation

The proposal presents negligible adverse impacts and potential positive economic and aesthetic benefits.

IX. CONDITIONS AND MITIGATION

Should the Zoning Board of Appeals approve the Special Use Permit, the following reasonable conditions are recommended:

1. Hours of operation limited to 7:00 a.m. – 7:00 p.m.
2. No expansion of building footprint without further approval.
3. No additional exterior lighting beyond what complies with Town Code.
4. No new signage without separate permit approval.
5. All automotive fluids stored and disposed of in compliance with NYSDEC requirements.
6. Landscaping maintenance to be maintained in good condition.
7. No outdoor storage beyond existing designated areas.

These conditions ensure continued compatibility and compliance.

X. FINDINGS AND RECOMMENDATION

After review of:

- The Town of Lima Zoning Code.
- Local Law No. 1 of 2026.

- The Town of Lima Comprehensive Plan.
- Livingston County Planning Board determination.
- SEQR criteria.
- Site plan materials and impact analysis.

The Planning Board finds that:

1. The proposed Motor Vehicle Service Station is permitted within the General Business District Overlay by Special Use Permit.
2. The use is consistent with the Comprehensive Plan and supports economic revitalization.
3. The proposal will not adversely affect public health, safety, or welfare.
4. Environmental impacts are minimal and non-significant.
5. The project represents reinvestment in a historically commercial property.
6. The ZBA should issue conditions to ensure the usage does not expand to “Junkyard”.

Accordingly, the Planning Board recommends approval of the Special Use Permit for Golden Automotive, subject to the conditions outlined herein.

Respectfully submitted,
Town of Lima Planning Board
February 18, 2026

Appendix

1. State-Level Junkyard Law (General Municipal Law §136)

Under New York’s **junkyard statute**, a *junkyard* is defined as any place where **two or more unregistered, old, or secondhand vehicles that are no longer intended or in condition for legal highway use are stored** — whether connected to another business or not.

- To operate a junkyard (including one associated with another business), a person must obtain a **junkyard license** and **certificate of approved location** from the local municipality.
- This law gives municipalities a framework to regulate accumulations of unregistered/inoperable vehicles — including whether a vehicle repair shop’s inventory crosses the line into being a junkyard.

Implication: If a repair shop repeatedly has multiple unregistered/inoperable vehicles beyond being “in the process of repair,” local authorities could enforce junkyard licensing requirements, zoning rules, or shut it down for operating an unlicensed junkyard.

2. State Environmental Regulations (Vehicle Dismantling / Solid Waste)

New York’s environmental regs (6 NYCRR §361-7.2) have specific rules about **end-of-life vehicles (ELVs)** and vehicle dismantling facilities:

- A **motor vehicle repair shop that stores more than 50 ELVs (end-of-life vehicles)** at any one time typically **must register as a Vehicle Dismantling Facility (VDF)** with the NYS Department of Environmental Conservation (DEC).
- Shops that stay *below those thresholds* may be exempt from the stricter VDF requirements, but the 50-vehicle cap is a key trigger for additional environmental regulation.

Practical effect: If a repair shop keeps many unregistered/inoperable vehicles long-term (not just waiting repair), once it hits ~50 such vehicles, it triggers further state regulation.

3. Local Zoning and Municipal Codes

Most enforcement in practice happens at the **town, village, or city level**. Local governments often adopt junkyard or property maintenance laws that:

- **Limit the number of unregistered/inoperable vehicles** that can be stored on a property (even a repair shop), unless appropriately screened or enclosed.
- Require vehicles waiting repair to be **inside, screened from public view, or otherwise limited** in number.
- Treat storage of multiple inoperable/unlicensed vehicles as a **code/zoning violation**, even if state junkyard licensing doesn’t apply.

4. Lima Town Code Definition- [JUNKYARD](#)

- A lot, land or structure or part thereof over 200 square feet in area, used primarily for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, except as accessory to a principal agricultural or industrial use of the lot. Two or more unregistered motor vehicles shall be deemed to constitute a junkyard unless each vehicle is enclosed in a building.

5. JUNKYARD is NOT an approved use in the General Business Overlay District in the Lima Town Code:

§ 250-26. Permitted uses. In General Business Use Districts B, buildings or land may be used and buildings and other structures may be built, altered or erected for any of the following purposes upon approval of site and construction plans by the Planning Board. Nothing shall prohibit the combination of any permitted use upon one property as long as such combination is housed within one structure or connected structures so as to prevent the effective development of apparently separate and distinguishable uses upon one parcel.

A. Animal hospital, veterinary clinic or kennel, provided that any structures or area used for such purposes, including pens or exercise runnings, shall be at least 200 feet distance from any property line.

B. Car wash.

C. Automobile sales: new.

- D. Billiard rooms.
- E. Bowling alley or similar recreational establishment entirely enclosed within a building.
- F. Building material sales, including lumberyards.
- G. Clubs.
- H. Commercial greenhouses and plant nurseries, including offices and sales yards, provided that no building for any such use shall have a heating plant, ventilating flue or other opening except stationary windows within 50 feet of any residence district.
- I. Sales and/or rentals of cargo and/or camping trailers.
- J. Communications centers.
- K. Funeral home or mortuary.
- L. Hotels.
- M. Ice storage and vending (three tons' or less capacity).
- N. Lodges.
- O. Motel or motor court conforming to the provisions of § 250-68.
- P. Motor vehicle service station conforming to the provisions of § 250-71.**
- Q. Offices.
- R. Places of amusement or assembly.
- S. Public motor vehicle repair and public parking and storage garages conforming to the provisions of § 250-71.
- T. Restaurants.
- U. Retail businesses or retail service.
- V. Sales room or shop of a builder, contractor or artisan, provided that no equipment is stored out of doors unless enclosed and screened from view by fences.
- W. Skating rinks.
- X. Theaters other than drive-in.
- Y. Accessory use and buildings customarily incidental to the above permitted uses.
- Z. Other uses as provided by § 250-72 (Signs) and § 250-74 (Temporary uses and structures).
- AA. Light assembly or manufacturing, limited to manufacturing, processing or assembly activities, including wholesale and warehousing activities and related supportive activities which will not constitute a fire hazard or result in glare, odor, dust or other airborne fumes or irritants or noise, and which use shall not result in any unreasonably adverse impacts on surrounding land uses.

BB. Nursery schools, preschools, and educational institutions.

CC. The following uses permitted by special use permit, subject to the procedures and criteria in § 250-65:

(1) Drive-in businesses, including drive-in outdoor theaters: subject to the requirements of § 250-82.

(2) The storage of alcohol, gasoline, crude oil, liquefied petroleum, gas or other highly flammable substances, subject to the requirements of § 250-83; provided, however, that neither this Subsection CC(2) of § 250-26, nor anything in § 250-83 of this chapter, shall be construed to authorize or allow within the Town natural gas and/or petroleum extraction activities, natural gas and/or petroleum exploration, extraction or production wastes disposal/storage facilities, a natural gas and/or petroleum exploration, extraction or production wastes dump, a natural gas compression facility, a natural gas processing facility, or any other explicitly prohibited uses. [Amended 4-3-2014 by L.L. No. 2-2014]

6. Lima Town Code Currently PROHIBITS Inoperative Vehicles to be kept at MV Service Stations

§ 250-71

Motor vehicle repair garages; parking and storage garages; motor vehicle service stations.

A. No public garage or motor vehicle service station or private garage for more than five cars shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street, if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

B. All motor vehicle service stations shall be so arranged as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet or closer to any street line than 10 feet.

C. No inoperative motor vehicles shall be kept on the premises of a motor vehicle service station for longer than two weeks.

D. All waste material shall be stored within a structure or enclosed with fencing so as not to be visible from off the property.

E. On any streets which provide access to gasoline pumps, all repair facilities shall be at least 15 feet farther from the street line than the side of the gasoline pumps farthest from the street line.

DISCUSSION – OPENING COMMENTS

Applicant Bryce Way addressed the Board and those in attendance stating he is re-opening an auto shop business and is seeking a Special Use Permit required by the recently adopted Local Law. He would like approval to move six feet of stone that is currently unlevel and growing weeds. A magnet sweep would also be completed of the area.

Visitor Austin Ingerick addressed the Board with many concerns of the property being placed in an overlay map. Ambroese also share many concerns over protection of neighbors from future owners' ability to use the property for an auto shop. There was a lengthy discussion by Board

Members, the applicant and visitors regarding conditions that could be applied to this Special Use Permit.

RESOLUTION #2026-2 LEAD AGENCY SEQR

On motion of Vice Chair DePuy second by Chairman VanDick the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 1 Member Bailey (T)

RESOLVE to approve accept the completed SEQR Part 1, 2 and 3 and determining based on the information and analysis and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Absent, and Kenneth Gray – Aye

DISCUSSION - CONDITIONS AND MITIGATONS

The following conditions were discussed as possible conditions and mitigations.

1. Hours of operation limited to 7:00 a.m. – 7:00 p.m. will review days per week M-F or weekends.
2. No expansion of building footprint without further approval.
3. No additional exterior lighting beyond what complies with Town Code.
4. No new signage without separate permit approval.
5. All automotive fluids stored and disposed of in compliance with NYSDEC requirements.
6. Landscaping maintenance to be maintained in good condition.
7. No outdoor storage beyond existing designated areas. – Town of Lima Ch Article XIII. Special Use Permit Procedures and Criteria; Other Special Provisions 250-93. Outside storage and display.
8. Adhere to the code for motor Vehicle Repair Garages Chapter 250-71. Zoning Article XIII. Special Use Permit Procedures and Criteria; Other Special Provisions.
9. No unlicensed or unregistered vehicles that are inoperable shall be stored on the premises for longer than 2 weeks.
10. Existing owner is required to provide written notice of this special use permit to the new owner.
11. Any future owner that wishes to operate under this permit shall be required to acknowledge in writing the terms and/or conditions of this special use permit

12. Adhere to NYS Automotive regulations
13. Condition upon applicants' compliance with zoning code regulations related to signage (250-94), lighting (250-73-B), outside storage and display (250-93)
14. Commercial car sales or gas pumping is not allowed by this Special Use Permit.
15. A maximum of twenty cars may be on the property.
16. This Special Use Permits are revokable for non-compliance under NYS code 200-135.
17. Non permeable services cannot be expanded without further review.
18. Minor re-grading can be done but drainage cannot be redirected.

There was discussion on how to move forward such as approving with the condition of Town Attorney review and many other considerations. Further discussion was to keep the hearing open and schedule another meeting to allow the Town Attorney to attend.

Outstanding items include the following:

- Confirmation of the Special Use Permit goes with the property owner.
- Review of new landowner notification.
- Need protection of the neighboring properties acknowledge of Special Use Permit.
- Sent a timeframe to require a review of the Zoning Board of Appeals (Annually/Five Years.
- Can this be a lifetime of the current owner not new owner?
- Under what conditions can this permit be revoked?
- What is the definition of "Special Use Permit"?
- Would need to happen to remove the Special Use Permit?
- Can a restriction be if the property is in violation of the permit can be revoked?

Chairman VanDick asked for any additional comments and there were none.

Chairman VanDick stated the hearing would remain open until the next meeting to be scheduled to allow Attorney Campbell to attend.

The meeting adjourned by the motion of Member Matthews and seconded by Member Depuy at 10:30 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC, Secretary