

A regular meeting of the Town/Village of Lima Planning Board was held on Wednesday, February 18, 2026, at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Wayne Childs, Vice Chairmen Andrew Britton, Members: Chris Harvey, Elaine Walker, and Larry Kramer

ABSENT: Members Jacob Button, Mathew Grant, and Alternate Member Christine Steerman

OTHERS: Town Board Member Christopher Doe, Code Enforcement Officer Charlie Floeser, and Secretary Sharon M. Knight, MMC/RMC

GUESTS: Applicant for a Special Use Permit Bryce Way

VISITORS: Mark Amorese, Michelyn Pellicano, The Chosen Pot, Joseph Furmansky, The Chosen Pot, Former Town Board Member Mark Petroski, Bryce Way, Massie Strong, Zoning Board Member and neighbor of applicant Bryce Way Andy Matthews, Zoning Board Chairman Jim Van Dick, and others

Chairman Childs expressed his thanks for volunteering to newly appointed by the Village of Lima Member Elaine Walker.

Member Elaine Walker addressed the Board stating that she has lived in Lima for the last seven years on West Main Street. In Corning, she had a doggy day care business. Just prior to moving to Lima was active in Honeoye Falls that included planning issues. She offers to serve to put to use information. She believes it is important to be creative and do not always have to do the same thing.

RESOLUTION # 1-2026 APPROVAL OF MINUTES DATED SEPTEMBER 23, 2025

On motion of Member Kramer, second by Member Harvey the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 3 Members Steerman, Grant and Button

RESOLVE to approve the minutes of September 23, 2025 as presented and posted on the Town of Lima Website.

Vote of the Board: Chris Harvey – Aye, Alternate Christine Steerman – Absent, Larry Kramer - Aye, Mathew Grant – Absent, Elaine Walker – Aye, Jake Button – Absent, Vice Chairman Andrew Britton – Aye, Chairman Wayne Childs – Aye

DISCUSSION – OPEN PUBLIC HEARING SPECIAL USE PERMIT APPLICATION BRYCE WAY - 2419 PLANK ROAD

Chairman Wayne Childs reported the Town Board approved a local law creating a overlay of the Town's Zoning Map that would allow the applicant to apply for a Special Use Permit to be issued to property owner Bryce Way, for property located at 2419 Plank Road tax map number 47.-1-29.11 in the Town of Lima.

A County referral was completed, and a response was received that stated this is a local issue.

Applicant Bryce Way addressed the Board with the following comments:

He has 12 years in industry.
Purchased the house 3.5 years ago.
The Property was used as the same use he is seeking but has been closed.
Landscaping was not kept up prior to his purchase, and many improvements have been made.
The dwelling on the second floor was removed after applying for a permit.
Reestablish hours of operation 7 AM – 7 PM
No new lighting will be added; however, many lights are out and will be replaced.
No new signage is proposed but will be updated.
Notification to neighbors has resulted in expressed support.

Chairman Childs prepared a draft report required by the recently adopted local law and it was reviewed and amended by the Planning Board Members in attendance 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.

Chairman Childs lead the Planning Board in their review of the Short Environmental Assessment Form Part 1 stating the Zoning Board of Appeals will act as lead agency.

Chairman Childs shared information taken from the New York State Department of Environmental Conservation – Environmental Resource Mapper.

Visitor Mark Amorese – addressed the Board and shared his thoughts on Mr. Way’s application for a Special Use Permit Mr. Way. Mr. Amorese may address the Town Board to ask for his property to be considered to be added to the Town’s Zoning Overlay Map recently adopted by a local law.

Code Enforcement Officer Floeser reported that notifications were sent out according to Town of Lima legal requirements. Chairman Childs stated the required legal notice was completed.

Chairman Childs shared his future interest in expanding major corridors to give property owners flexibility while preserving residential used properties.

Visitor, Neighbor, and Zoning Board Member Matthews addressed the Planning Board stating prior to the Town Board adoption of Overlay Map the applicant came before the Zoning Board of Appeals. Mr. Matthews has no objection to the requested use of a Special Use Permit; however, he questioned if the Permit was issued to the applicant or the property? The prior owner was out of control with many cars on the property.

There was a lengthy discussion of vehicles being parked on the lot for extended periods of time.

Applicant, Mr. Way, stated he would park multiple cars only on the back of the property to be used for parts. There was discussion of only allowing a specific number of cars and that they be registered and licensed.

Former Town Board Member Mark Petroski stated the prior owner was taken to court and ordered to clean up the property; however, this was never completed by that owner. As a result, a Town of Lima local law was adopted with specific procedures that allow the Town to enforce the law with costs of enforcement to be levied on the property tax bill.

Chairman Childs asked for any other comments and there were none. He closed the public hearing.

DISCUSSION – PREAPPLICATION THE CHOSEN POT DISPENSARY

Chairman Childs welcomed Joseph Furmanky for an informal discussion with the Board regarding his interest in having music and food trucks this Spring at his business the Chosen Pot Dispensary on Avon Lima Road. The property is located in the business district.

Joseph Furmanky addressed the Board stating the following:

In July of 2025, a NYS license cannabis dispensary was opened.

It is a quant building and all are welcome to come in and say hello.
Live in Canandaigua.
Would like live music similar to breweries and are learning as we go along.
Have one acre.
Currently have 10 – 12 parking spaces.
Neighbors County Wide Glass and resident are supportive and welcoming.
It was questioned if they could use parking at County Wide Glass as they have an additional 15 – 20 parking spaces.
Also, own an adjacent lot that becomes wet. Considering filling the area in for additional parking.
The plan is to draw people from the Lima community and surrounding community.

Chairman Childs talked about possible ways to move forward.

1. Is it an allowed use?
2. Approved use places of amusement and assembly.
3. Need to consider traffic, parking, public safety considerations, etc.
4. Site plan review application has a check list.
5. Amount of time needed for legal steps.

The following is a list of the public and Boards considerations.

Traffic volumes on Route 5/20, parking demands, another business get agreements on paper not shake of hands, noise levels, hours of operations, seasonally, crowd management, security, lighting, liability, safe to neighbors, emergency access ambulance/fire trucks, legal requirements include a site plan drawn by licensed engineers, NYS DOT traffic impact, expanding parking ratios, buffering and setbacks, hours of operations, storm water design by licensed engineering (cannot have water going on other properties), East side residential buffering, but there is not a usage problem.

The plan would be to keep normal business hours 10AM – 7PM. With possible three hours blocked for artists.

RESOLUTION # 2-2026 APPROVAL OF PLANNING BOARD REPORT FOR BRYCE WAY, 2419 PLANK ROAD, TAX PARCEL 47.-1-29.11

On motion of Vice Chairman Britton, second by Member Kramer the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 3 Members Steerman, Grant and Button

RESOLVE to adopt the Planning Board Report prepared for Bryce Way, 2419 Plank Road, Tax Parcel 47.-1-29.11.

Vote of the Board: Chris Harvey – Aye, Alternate Christine Steerman – Absent, Larry Kramer - Aye, Mathew Grant – Absent, Elaine Walker – Aye, Jake Button – Absent, Vice Chairman Andrew Britton – Aye, Chairman Wayne Childs – Aye

DISCUSSION – REQUIRED ANNUAL FOUR HOURS OF TRAINING

There was a discussion of the training required for Planning Board Members and the current requirement to provide certificates of completion to the Town Clerk. As an addition, the Chairman requested to please provide the same to him as the Chairman. Secretary Knight often emails opportunities and Zoning Board of Appeals Chairman VanDick will be contacting Livingston County Planning Department Heather Ferrero to schedule training to be held in Lima.

Member Walker requested a paper copy of Comprehensive Plan.

The meeting adjourned by motion of Member Harvey and seconded by Member Kramer at 9:15 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Secretary