

TOWN OF YORK  
ZONING BOARD MINUTES  
(Continuation of Sept. 2)  
SEPTEMBER 16, 2014

Present: Jerry Ayers, Jerry Sturm, Mark Connolly

Others: Becky Lewis, Roger Bruce, Attorney Jim Campbell

5:30 pm – Acting Chairman Ayers called the public hearing to order and turned it over to Jim Campbell – a continuation of the September 2 meeting.

Mr. Campbell summarized

- The parcel of 2.1 acres doesn't meet minimum acreage or frontage (250)
- No access to the lot
- Existing parcel is in agricultural district so can't combine the two lots and can't make changes during the 8 years of the ag district
- Potential combination of the two would clear up the above two items
- There's a potential risk of board changes or sale of property by then
- Town code would not classify it as a subdivision
- For variance request you can propose conditions but can't police it for 7 more years but can make the conditions part of the variance.
- Any approval only for limited purposes of putting solar ray up

Ms. Lewis said that she went to the county planning department regarding the ag district status and they are willing to pay the difference in the taxes to pll the parcel out of the ag district. The parcel was bought just to put the panels on and square off their property.

Mr. Campbell said that the alternative is to put the solar panels on a pedestal and then it's not considered a building. They may encounter rollback taxes on the whole property with a building.

Mr. Ayers asked if there is a penalty to take it out of the ag district.

Mr. Campbell said he didn't think so but wasn't sure.

Ms. Lewis said that their purchase had restrictions on it when they bought it

- If they sell, the previous owners had right of first refusal any building on it without permission
- Deed restricted –proposed easement in deed

Mr. Campbell – these are hurdles but could be overcome

Mr. Ayers closed the public hearing at 6:05 pm

Mr. Campbell assisted the board with the SEQR questions.

Mark Connolly moved to accept the SEQR findings, Jerry Sturm seconded, all in favor, carried.

Jerry Sturm moved to approve the variance application to: construct a building on the Lewis/Bruce property with the following stipulations:

1. Combining the two properties at the end of the ag district term
2. Applies only to this shed/garage and no other structure can be built on the property
3. Applicants acknowledge that there may be a monetary liability because of the ag district designation affecting the parcel and that as a condition of approval the applicant acknowledges that the town will not be liable for any such monetary expense.
4. Easement for ingress and egress from larger parcel to the smaller.

Mark Connolly seconded, all in favor, carried.

Motion for adjournment by Mark Connolly, seconded by Jerry Sturm, all in favor, carried.

Respectfully submitted,  
Donna Falkner, Clerk