

**Zoning Board Hearing Continuation & Meeting  
8-18-2022**

Members Present: Chairman Dustin Geiger, Charity Donnan, Scott Hulburt, Mark Connolly, Heather Nagel, Amy McMahon

Others: Donna Falkner, Carl Peter, Frank Rose Jr., Kirk Richenberg

**Resolution:**

6:30 pm – Chairman Geiger moved to open the public hearing for Roses Bar & Grill, Mr. Connolly seconded, all in favor, carried:

Ayes – 5      Nays – 0

Mr. Geiger read the following ad for the hearing:

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

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 Thursday, August 18 for the purpose of considering public opinion and comment about or concerning the following:

**A request by the Frank Rose Jr. for an area variance for setback of 5’6” from the road to build on porch on.**

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](http://www.yorkny.org).

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

Dated: August 2, 2022

By Order of the Zoning Board of the Town of York  
Donna Falkner – Zoning Board Clerk

Mr. Geiger asked for public comments.

Mr. Richenberg asked how we were to know the property in question, there was no tax number in the legal ad and the sign was not posted in front of the property. Has he submitted anything that says he meets the criteria. How did he answer #5 of the questions about burden of proof?

Mrs. Donnan asked about position of the front door.

Mr. Geiger - Town code – minimum all based on site plan review by the planning board. Setbacks are different for hamlet commercial.

Mrs. Nagel – depends on what anyone wants to know.

Mr. Richenberg – how much is right of way?

Mr. Geiger - 50 ft. setback – has to go to planning board for site plan, but he needs the variance first for 5.6 foot right of way.

Mr. Richenberg – how is it safe? – where is the stop sign for Virginia Avenue?

Mr. Geiger – wherever the state says it is

Mr. Richenberg – pg. 84, b, II – if can't be feasibly done is there any other way for applicant to do this? How about truck stop entrance almost directly across from Roses?

Mr. Geiger – 7 ft. from building end to end

Mrs. Donnan – How big was the old awning?

Mr. Rose – 5 foot out from the building. New porch would be 3 feet further out to stand or sit under. Front entrance only entrance and doesn't want cars parking there. Porch will be elevated with a railing around it to protect customers.

Mrs. McMahon – what is the back area for?

Mr. Rose – he will be adding kitchen, bathroom and entertainment area out back. He will remove the old mobile home in back. Trees will divide parking area from the neighbor.

Mrs. McMahon – what will the porch be used for?

Mr. Rose – It'll be a place for customers to wait to get in

Mr. Hulburt – You had mentioned an entrance from Virginia Ave.

Mr. Rose – There is a drop there and water runs down through. Don't want people going out that way and down neighbors' driveway to Pascuzzo Lane to get out. South abutment mostly on my property but north one is state right-of-way.

Mr. Geiger – one drawing asking for 66 ft right of way from white line. Actually 14.5 feet from white line

Mr. Richenberg – you're trying to square off the porch to the road? Mr. Rose answered yes.

Mrs. Nagel asked about sidewalks.

Mr. Rose stated he would provide ramped up sidewalks to the porch for handicapped. Porch would be 8'6" with 6 in. hangover included. Would also do landscaping and have ADA parking spaces.

Mr. Geiger asked if there were any other comments.

Mrs. Donnan asked about #5 on county comments.

Mr. Rose reiterated he didn't want people going out Virginia Ave and sneaking through the neighbors private driveways.

Mr. Richenberg said again that he would like to see the address in public notices. Mr. Geiger and Mrs. Falkner both apologized for the error and because of that we will schedule a meeting for a decision on September 8, 2022 at 7 pm.

Mr. Geiger asked the board if they wanted to leave the hearing open or close it.

**Resolution:**

Mr. Connolly move to close the public hearing at 7:21 pm for Rose's Bar & Grill, Mr. Hulburt seconded, all in favor, carried:

Ayes – 5      Nays - 0

Respectfully submitted,  
Donna K. Falkner