

Zoning Board Public Hearing
5-19-2021

Members Present: Mark Connolly, chair, Charity Donnan, Scott Hulburt, Dustin Geiger

Others: Donna Falkner, Carl Peter, Kirk Richenberg, Amy McMahon, Davies Nagel, Bob Abbey

7 pm – Chairman Connolly opened the public hearings for the Rossborough continuance and for Amy McMahon.

Zoning Board of Appeals
May 19, 2021, 7 p.m.
Continuation meeting & Public Hearing

The York Zoning Board of Appeals will meet Wednesday, May 19 at 7 p.m. to continue the public hearing from April 21 for Ronald Rossborough's area and use variance request for a flea market in Retsof at 2727 Genesee Street.

There will also be a public hearing for Amy McMahon to build a 26x30' pole barn/garage at 3713 Batzing Road for an area variance for location and distance from road.

Mr. Connolly said that Mr. Rossborough was not coming tonight. He needs to get all his paperwork together and send it to Mr. Connolly so everything can be sent to the county by June 1.

Mr. Richenberg said that the burden of proof lies on the property owner and asked if the public would be able to hear Mr. Rossborough's answers regarding use variance requirements.

Mr. Geiger suggested leaving the Public Hearing open.

Mr. Connolly said we would leave his public hearing open until our next meeting.

Mr. Nagel stated that the town needs small businesses like the flea market to bring people in. Town of York is in the Trail Initiative group of 10 or 11 towns that use the Greenway. Each town is promoting different things along the Greenway, a proven model of economic benefit. Explore the Genesee Valley website which includes York, although still in the working process. <https://exploregeneseevalley.com>

Mrs. Donnan asked including the Little Italy Trail?

Mr. Nagel – Groveland Secondary Trail is along the old railway bed. Looking at connecting the trails with the Little Italy trail. Proven benefit for small little towns.

Resolution

Mr. Geiger moved to keep the Rossborough public hearing open until next meeting, Mrs. Donnan seconded, all in favor, carried.

Aye – 4 Nay - 0

7:11 pm Mr. Connolly opened the public hearing for Amy McMahon's area variance.

Mrs. McMahon said that they wanted to build a pole barn garage because they have a post and beam house with no storage or room for husband's tools. They lack 10 ft. from center of the road to the corner of the building.

Mr. Connolly said it would be 40 ft off the road instead of required 10 ft.

Mrs. Donnan asked if any of the neighbors would be upset with the plan.

Mrs. McMahon replied that across the road was Kennedy's farm land and there is a line of trees separating them and the Orogios. Landers can't see it. They have a section of mature trees that hide it from the road and it will be brown earthy tones.

Mr. Connolly said that per the state there are 5 different things we look at but unlike a use variance we don't have to follow all 5.

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by granting the variance.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
3. Whether the requested area variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Mr. Geiger googled her place and asked if everything was still accurate. Mrs. McMahon said yes.

Mr. Connolly asked if there were any more questions.

Resolution:

Mr. Connolly moved to close the Public Hearing for Mrs. McMahon at 7:25 pm, Mr. Geiger seconded, all in favor, carried.

Aye – 4 Nay - 0

7:25 pm – Mr. Connolly opened the ZBA meeting and asked for approval of the last minutes.

Resolution:

Mr. Hulburt moved to approve the minutes of April 21 with correction, Mr. Geiger seconded, all in favor, carried.

Aye – 0 Nay – 0

Mr. Connolly said that Mr. Wolcott put in his letter of resignation last week. If there is anyone who would like to fill the vacancy please notify the Town Hall. Mrs. McMahon is very interested.

Mr. Connolly said that Jen Scaccia has officially withdrawn her request for the bank.

Resolution:

Mr. Geiger moved to approve Mrs. McMahon's area variance, Mrs. Donnan seconded, all in favor, carried.

Aye – 0 Nay – 0

Mr. Connolly asked about the status of VersaScape sign. Mrs. Falkner said he has not yet submitted anything. Mr. Peter will contact him.

Mr. Connolly asked if the state recommendations could be given out to applicants regarding area and use variances.

Mr. Connolly said we would schedule the Rossborough continuance for 7 pm June 16 and VersaScape for 7:15 pm.

Resolution:

Mr. Connolly moved to adjourn at 7:37 pm, Mr. Geiger seconded, all in favor, carried.

Aye – 0 Nay – 0

Respectfully submitted,
Donna K. Falkner