

Zoning Board of Appeals

Public Hearing Minutes 4-18-23

Board Members Present: Scott Hulburt, Mark Connolly, Charity Donnan, Heather Nagel, Dustin Geiger

Others Present: Carl Peter (Code Enforcement), Larry Harris, Chrissy Harris, Joe McIlroy (Planning Board Chair), Donna Falkner, Kirk Richenberg

Meeting Called to order at 6:30 pm by Chairman Dustin Geiger and he led the Pledge of Allegiance

Mr. Geiger read the notice from the paper for the Harris public hearing:

**Town of York Zoning Board of Appeals**

**Meeting March 21, 6:30 pm**

On **Tuesday, March 21, 2023**, at 6:30 p.m. at the York Town Hall, the Zoning Board of Appeals will convene a regular meeting at which they will approve their remaining meeting dates for 2023. All are welcome to attend.

Donna Falkner  
Zoning Board of Appeals Clerk  
2/8/23

Mr. Geiger read the letter received from the county planning board:

3/30/23, 5:10 PM Mail

Good morning, Dustin,

We have received Zoning Referral #2023-019 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law. The Livingston County Planning Department has reviewed this application and has determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board. If you have any questions, please do not hesitate to contact me on 243-7550. I have attached the Final Action Notification form for you to fill out and return once the Town has made their final decision on this referral.

Thank you, Stephanie Johnson Administrative Secretary Livingston County Planning Department

Mr. Geiger read the letter submitted by the Harris's neighbor Mark Allen:

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Dated: April 3, 2023

From: Mark Allen  
4082 Main Street  
Wadsworth, NY 14533

Re: Harris application for a new garage

Dear Zoning Board of Appeals,

I was recently approached by my neighbors, Chrissy and Larry Harris informing me of their proposed plans to construct a 30' x 30' garage at their property and asked for my feedback regarding it and if I had any concerns or issues with the project. Chrissy informed me that they will be required to attend a Public Hearing seeking permission for an Area Variance based on where they want to put the garage, which is abutting their current turn around portion of their driveway. I explained to them that I do not have any issues with their plans and if they needed me to attend the hearing I would. I have been their neighbor for several years and know how they maintain their property and hope the Zoning Board grants them permission to build their garage where they want to.

Sincerely,



Mark Allen

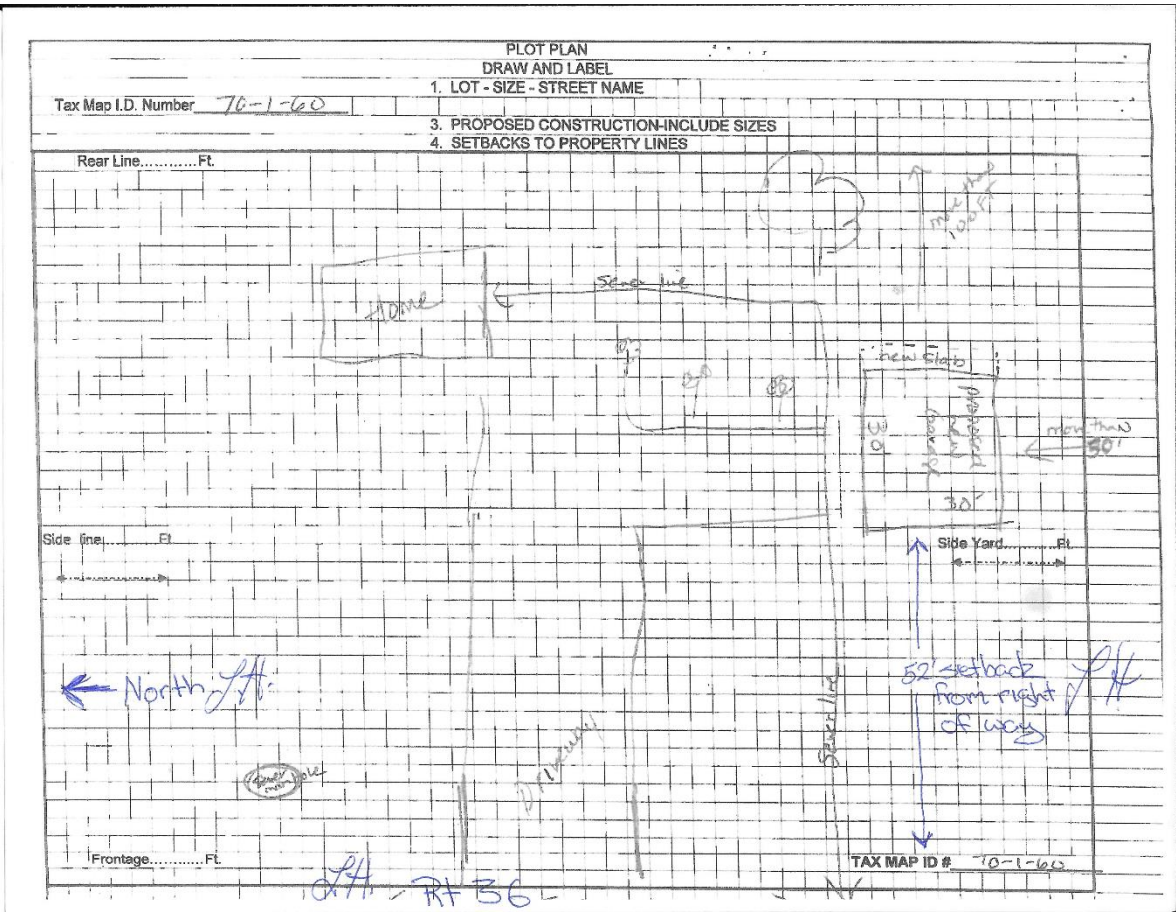
Mr. Geiger said that the Harris's want to build a 30x30 2-car garage. A variance is required for 2 reasons: 1) the garage will be in front of the primary residence and 2) they do not meet the setback requirement from Rt. 36 of 60 feet. They are 52 feet from the right of way.

Mr. Geiger asked for public comments.

Mr. Richenberg asked why the diagram had no directions on it.

Mr. McIlroy also added there was no north arrow or set back on the diagram.

Mr. Harris edited the diagram and initialed it.



Mr. Richenberg said the house looks bigger than garage.

Mr. Geiger said that Mr. Peter had said it didn't have to be to scale if not over a certain amount.

Mr. Connolly said that we should update the application to include a drawing to scale.

Mr. Geiger said if there are no other comments, he asked for a motion to close the public hearing at 6:52 p.m.

**Resolution:**

Mr. Connolly moved to close the public hearing for Chrissy and Larry Harris, Mr. Hulburt seconded, all in favor, carried.

Ayes – 4                      Nays – 0

Mr. Geiger opened the meeting and asked for a motion to approve the March minutes.

**Resolution:**

Mrs. Donnan moved to approve the March 21<sup>st</sup> minutes, Mr. Connolly seconded, all in favor, carried.

Ayes – 4                      Nays – 0

Discussion regarding the Harris request and the 7 criteria for area variance on page 5 of the application and board responses.

- a. Public Safety & Welfare – Board response – No, ayes – 4 and nays – 0
- b. Alternate options – Board response – No, ayes – 4 and nays – 0
- c. Degree of variance – Board response – No, ayes – 4 and nays – 0
- d. Level of effect – Board response – No, ayes – 4 and nays - 0
- e. Not self-created – Board response – It is self-created Yes, ayes – 4 and nays -0

Mr. Geiger read the last paragraph on page 5 regarding granting of the minimum variance meanwhile protecting and preserving the character of the neighborhood and the health, safety, and welfare of the community.

**Resolution:**

Mr. Hulburt moved to grant the variance for the building in front and for the setback, Mr. Connolly seconded, all in favor, carried.

Ayes – 4                      Nays – 0

**Resolution:**

Mr. Connolly moved to amend the application to include site plan drawing(s) to scale, Mr. Hulburt seconded, all if favor, carried.

Ayes -4                      Nays - 0

Mr. Geiger will amend the application and send it to the webmaster.

Next meeting – May 16<sup>th</sup>

**Resolution:**

At 7 p.m. Mr. Hulburt moved to adjourn, Mr. Connolly seconded, all in favor, carried.

Ayes – 4                      Nays - 0

Submitted by  
Donna K. Falkner, Clerk