

**Zoning Board Public Hearing
08-18-2021**

Members Present: Chairman Mark Connolly, Scott Hulburt, Amy McMahon, Dustin Geiger

Others: Donna Falkner, Carl Peter, Jake Robbins, Dan Nicoles, Chris Ward, Larry Lacey

7 pm – Chairman Connolly opened the public hearing for an area variance.

**Town of York Zoning Board of Appeals
Public Hearing**

On **Thursday, November 11, 2021**, at 7:00 p.m. at the York Town Hall, the Zoning Board of Appeals will hold a public hearing for an area variance for Larry Lacy and Chris Ward for a proposed garden shed on the west side of their property (tax map 32-1-40.3). All are welcome to attend.

Donna Falkner
Zoning Board of Appeals Clerk
10-27-21

Mr. Connolly left the hearing open for comments for 15 minutes. There were none. He closed the hearing at 7:15 and opened the Zoning Board meeting and asked for approval of the August 18 minutes.

Resolution:

Mr. Geiger moved to approve the August 18 minutes with corrections, seconded by Ms. McMahon, carried.

Aye – 4 Nay – 0

Mr. Connolly will update our referral forms and would like them plus ag data statement on the website as a packet. He will make adjustments and email to the board for approval.

Mr. Connolly asked for clarification of the present area variance requested. Mr. Ward said it was in 508c of zoning code – the proposed shed off to side in front yard.

Mr. Connolly asked the board if they had any questions or comments. There were none. Mr. Connolly mentioned their application was very complete.

Criteria for area variance and answers from board

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Nay - 4

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.

Nay – 4

3. Whether the requested area variance is substantial.
Nay - 4
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
Nay – 4
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.
Nay – 4

Chairman Connolly said we consider all of these but they don't have to all be met. But they do for a use variance.

Resolution:

Mr. Hulburt moved to approve the area variance., Mr. Geiger seconded, carried.

Aye – 4 Nay – 0

Ms. Falkner will send them notification.

Mr. Geiger would like to talk about the plaza and revoking the area variance given to the property Mr. Rossborough was leasing. Mr. Hulburt said he had taken a webinar regarding this and all board members needed to be present to do this. Mr. Connolly will check with the town attorney regarding the process.

Mr. Peter – question how to properly rescind an approved variance

Resolution:

Mr. Hulburt moved to have public hearing on December 9 at 7 pm to rescind the Rossborough area variance, Ms. McMahon seconded, carried.

Aye – 4 Nay – 0

Resolution:

Mr. Connolly moved to hold the Strong area variance at 7:15 pm December 9, Mr. Hulburt seconded, carried.

Aye – 4 Nay – 0

Mr. Peter asked the Strongs to resubmit the SEQR because the top of the form had been cut off and he will resend to us.

Resolution:

Mr. Geiger moved to adjourn at 7:40 pm, Mr. Hulburt seconded, all in favor, carried.

Aye – 5 Nay - 0

Respectfully submitted,
Donna K. Falkner