

**Zoning Board Public Hearing  
1-19-2022**

Members Present: Chairman Dustin Geiger, Mark Connolly, Scott Hulburt, Amy McMahon, Heather Nagel (alt 2022)

Others: Donna Falkner, David Clark, Kurt Richenberg, Jeff Farruggia on speaker phone

7 pm – Chairman Geiger opened the public hearing to continue the public hearing to rescind the Rossborough use and area variances and for four area variances for Jeff Farruggia.

Supervisor  
GERALD L. DEMING

Town Board  
LYNN M PARNELL  
NORMAN R. GATES  
AMOS N. SMITH  
FRANK ROSE JR.

Highway Superintendent  
GEORGE WORDEN JR.

Zoning/Code Enforcement  
CARL PETER

December 20, 2021

Gentlemen,

A request to rescind the variances granted for property located at 2727 Genesee Street, Retsof, NY has been made to the York Zoning Board of Appeals.

A public hearing was scheduled for 12/15/2021. While there were no comments from the public at that time, that hearing remains open for any written comments that people may want to submit. Those comments should go to the York Town Clerk and will be reviewed by the ZBA at a meeting to be held on January 19, 2022 at 7pm.

The justification for rescinding the variances is the withdrawal and abandonment of the proposed project by the original applicant. As a result of that withdrawal, certain of the 4 New York State mandated requirements for a variance will not be met.

Please consider this letter as official notification regarding this matter. No response on your part is required unless you wish to pursue the variances.

Please contact me at [mconnolly@yorkny.org](mailto:mconnolly@yorkny.org) with any questions you might have.



**TOWN OF YORK**

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Town Clerk/Tax Collector  
CHRISTINE M. HARRIS

Town Justices  
THOMAS A. PORTER  
DANIEL R. KOCH

Court Clerk  
KIMBERLY A. REITZ

Assessor  
GREGG TORREY

Thank you.

Mark T. Connolly  
Chairman York ZBA

## **Town of York Zoning Board of Appeals**

### **Public Hearing**

On **Wednesday, January 19, 2022**, 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 Jeff Farruggia to construct a modular home on a non-conforming lot at 3442 Retsof Rd. (#061.00.10.1). At this time, we will also close the public hearing held open for Rossborough to rescind his variance. All are welcome to attend.

Donna Falkner  
Zoning Board of Appeals Clerk  
12-28-21

Mr. Connolly has stepped down as chairman and Mr. Geiger was appointed by the Town Board.

Mr. Geiger said that Mr. Farruggia needs four area variances for less than 3 acres and 3 setbacks less than 250 ft., less than 50 ft. on front and on back.

Mr. Peter said it would form two non-conforming lots.

Mr. Richenberg asked what the current lot size was.

Mr. Hulburt said 1.8 acres. Mr. Geiger said we're looking at 2/10 of acre.

Mr. Richenberg asked what it would do to other lots setback.

Mr. Geiger asked Mr. Peter what the other lot would be reduced to on frontage.

Mr. Peter thought it was done before and one lot would contact the road in two spots and would historically use both contact points.

Mrs. Nagel said it would set a precedent.

Mr. Clark – as a neighbor is ok with him building a house across the road from him. He would like to see Mr. Farruggia succeed. He asked if he had to split the property or if he could just add another house. Mr. Peter replied that only one residence allowed per lot.

Mr. Richenberg said it was a unique spot having agriculture so close to light industrial.

Mr. Clark said at one time there was a single wide there.

Mr. Peter said it was light industrial but hamlet residential would better suit the homes there and the other side of the tracks is agricultural.

Mr. Clark said that he tried to buy 2.8 acres behind his place but couldn't because it was agricultural.

**Resolution:**

Mr. Hulburt moved to close the public hearing for Mr. Farruggia's variances, Mr. Connolly seconded, all in favor, carried.

Aye – 4            Nay - 0

Mr. Geiger asked if there were any questions regarding rescinding the area and use variances for Mr. Rossborough?

Mr. Richenberg asked if both variances were included. Mr. Geiger said yes.

**Resolution:**

Mr. Hulburt moved to close the public hearing for Mr. Rossborough, Mr. Connolly seconded, all in favor, carried.

Aye – 4            Nay - 0

7:20 pm – Mr. Geiger called the Zoning Board of Appeals to order. Mr. Geiger said he was appointed as chairman, and he has appointed Mr. Hulburt as his deputy chair. Mr. Geiger asked if there were any corrections to the December 15 minutes.

**Resolution:**

Mr. Connolly moved to approve the December 15, 2021, minutes, Ms. McMahon seconded, all in favor, carried.

Aye – 4            Nay – 0

Mr. Geiger asked for comments on the Farruggia request.

- Mr. Hulburt said he doesn't think we can grant it – two non-conforming parcels with setbacks way out of whack.
- Mr. Connolly agrees
- Mr. Geiger said there are issues with front and rear setbacks
- Mr. Farruggia asked what he could change to take care of their concerns.
- Mr. Connolly – no matter what he did, there would have to be a variance. Even if zoning was changed, he would still need a variance. If zoning was changed, he could change the size.
- Mr. Peter-pre-existing, non-conforming goes away after a year.
- Mr. Geiger said the town was getting ready to work on the comprehensive plan and the zoning code after that.
- Mr. Farruggia asked if all four had to be satisfied.
- Mr. Geiger said the board seems to agree on that.
- Ms. McMahon- can't really do anything to rectify the current state and make it work.

**Resolution:**

Mr. Hulburt moved to deny Mr. Farruggia's request, Ms. McMahon seconded, all in favor, carried.

Aye – 4            Nay- 0

Mr. Geiger said that Ms. Falkner will send a letter to Mr. Farruggia.

Mr. Geiger said that letters were sent regarding Mr. Rossborough and there was no response. Need to rescind both the use and area variances because they go with the property.

**Resolution:**

Mr. Hulburt moved to rescind both area and use variances for Mr. Rossborough, Ms. McMahon seconded, all in favor, carried.

Aye – 4            Nay - 0

Mr. Geiger stated that we need to update our variance request form. He will try to come up with something specific to our zoning so that everything is there and includes the criteria required.

Mrs. Nagel said there was a new state law that everything has to be online regarding applications.

Mr. Richenberg said that the meeting needs to be put on the sign in front of the town hall.

**Resolution:**

Mr. Hulburt moved to adjourn at 7:45 pm, Mr. Geiger seconded, all in favor, carried.

Aye – 4            Nay - 0

Respectfully submitted,  
Donna K. Falkner