



TOWN OF YORK
 2668 Main Street, P O Box 187, York, NY 14592-0187
 Tel: (585) 243-3128 Fax: (585) 243-4618
 TTY NY: (800) 662-1220

Zoning Board of Appeals (ZBA) Application

Project Name: Schlageter Deck
Applicant Name: Mark Schlageter

1. Type of Request. Check the type of request you are applying for and complete the indicated sections of this application. If you are uncertain which request you are applying for, consult with the Town of York Code Enforcement Officer or the Town of York Zoning Clerk.

✓ All requests	Request Type	Complete All Required Sections
	Appeal and/or Interpretation	1, 2, 3, 4, 5, 6
✓	Area Variance	1, 2, 3, 4, 5, 7
	Use Variance	1, 2, 3, 4, 5, 8

All use variances and area variances (except those involving single-family and two-family dwellings), (Check with Code Enforcement Office to see which form is needed) **SEQR:** [State Environmental Quality Review Act \(SEQR\) Forms - NYS Dept. of Environmental Conservation](#)

All use and area within 500' of agriculture: If the proposed activity will be on property within an agricultural district containing a farm operation or on property with boundaries within 500 ft. of a farm operation located within an agricultural district, then an ag data statement must be completed. Check with Town Assessor for property owners to be listed on the form.

[NEW Copy of Agricultural Data Statement 002 .pdf \(yorkny.org\)](#)

Notice to Applicant: By law, the application or amendment must be referred to the County Planning Board if it applies to real property within 500 feet of: A municipal boundary, The right-of-way of any state or county road, A state or county park or recreation area (existing or proposed), State or county land on which a public building or institution is located, A farm operation within an agricultural district as defined by Article 25-AA of the New York State Agriculture and Markets Law, Existing or proposed right-of-way of any county stream or drainage channel. [Referral Trigger Map](#)

Requests will also require a public hearing seeking comments from the public on the requested variance.

Please describe your request, in general:

Requesting 16 x 10 Deck w/ Roof on Front of
the house



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2. Identification.

Project Name Schlageter Deck
Applicant Name Mark Schlageter
Address 2607 Telephone Rd
Town Leroy **State** NY **Zip** 14482
Phone (585) 880 - 1536 **Fax** () - -
Email blybka@gmail.com
Property Owner (If other than applicant) Brenda Schlageter
Address 2607 Telephone Rd
Town Leroy **State** NY **Zip** 14482
Phone (585) 749 - 2585 **Fax** () - -
Email blybka@gmail.com

3. Property Information.

Property Street Address 2607 Telephone Rd Leroy NY 14482
Permanent Parcel Number 245200 31-1-1.11
Legal Description of Property Single Family Ranch

Zoning District York 245201
Area _____ **Width** 291.30 **Depth** 115.47
Current Use(s) Family Residence
Zoning District of Adjacent Properties to the:
North 245201 **South** 245201 **East** 245201 **West** 245201

4. Prior Requests.

- a. Have you ever requested ZBA relief for this property? Yes ___ No X
 If yes, please provide the following information:
Date of Hearing _____
Relief Requested _____
Result _____
- b. Are there any existing variances for this property? Yes ___ No X
 If yes, please provide the following information:
Date of Hearing _____
Relief Requested _____
Result _____



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5. Application Procedure. The following check list includes all documents required for the Town of York Code Enforcement Officer or Zoning Clerk to begin the ZBA process.

NOTE: Partial sets will not be accepted for submittal.

- Application Form and Fees.** A completed application form and the application fee are required with the initial submittal.
- SEQR Short Environmental Assessment Form.** A completed Short EAF is required for all Use Variance applications and for Area Variance applications related to properties other than single-family and two-family dwelling properties.
- Proof of Ownership.** Current proof of ownership of the property to utilized or contractual ability to acquire such land. If applicant is a tenant or agent of owner, then proof of ownership and written permission of owner for applicant to apply for zoning relief. Copy of Tax bill is not proof of ownership.
- Response to Criteria.** A completed, detailed written response to the review criteria referenced in section 1 and described in section 6, 7, and 8.
- Copies.** At the time of submittal, a complete electronic file of the site plan, landscape plan, elevation drawing, color renderings, complete checklist and application documents must be emailed to planningzoningclrk@yorkny.org. This will then be forwarded to the zoning board.

NOTE: The applicant and property owner will be notified when the application will be heard at a scheduled hearing.

I, Mark Schlageter (applicant), do hereby swear that the information given herein is true and correct.

I, Brenda Schlageter (property owner), do hereby give permission for Town of York officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

Mark Schlageter 4/1/24
 Signature of Applicant Date

Brenda Schlageter
 Signature of Property Owner (If different) Date

Mark Schlageter
 Printed Name of Applicant

Brenda Schlageter
 Printed Name of Property Owner (If different)



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6. Criteria for APPEALS / INTERPRETATION.

Appeals: The Zoning Board of Appeals, upon application, shall hear and decide appeals from, and review orders, requirements, decisions, or determinations, including any order requiring an alleged violator to stop, cease and desist, made by the Code Enforcement Officer in the enforcement of the Zoning Ordinance of the Town of York. An appeal must be initiated within sixty (60) days after the filing of such order, requirement, decision, interpretation or determination by the Code Enforcement Officer. The Board must find that the original decision was one or more of the following:

- a. Arbitrary and capricious.
- b. Based on an erroneous finding or a material fact.
- c. Constituted an abuse of discretion.
- d. Was based upon erroneous interpretation of the zoning code or zoning law.

Interpretations: Upon appeal from a decision by an administrative official, or upon request from the Code Enforcement Officer or any other duly constituted Board of the Town, to decide any question involving the interpretation of any provision of the Zoning Ordinance of the Town of York, including determining of the exact location of any district boundary if there is uncertainty with respect hereto.

For an appeal, please describe what determination you are appealing from and your position with regard to such determination, describing how your appeal meets one or more of the above criteria. For an interpretation, please describe that part of the Zoning Ordinance or local law you are seeking an interpretation of. :



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7. Criteria for AREA Variances. The ZBA may grant an area variance only upon a finding that a practical difficulty exists. Please respond to the following statements.

a. **Public Safety and Welfare.** Will the granting of a variance create an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

NO, simple deck with roof attached to front
of house

b. **Alternate Options.** Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

NO, reasonable distance to Road for Deck

c. **The degree of variance.** Is the requested area variance substantial?

NO, simple 16 x 10 deck w/ roof, far enough
away from Road

d. **Level of effect.** Will the requested variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO, site lines and views will remain the
same

e. **Not Self-Created.** Is the alleged difficulty self-created?

Need front deck for safe entry into home

The ZBA, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



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8. Criteria for USE Variances. A Use variance is issued to permit a use that is otherwise not permitted in the existing zoning district. The ZBA may only grant a use variance upon a showing by the applicant that applicable zoning regulations and restrictions have caused an unnecessary hardship. Please respond with regard to the following criteria. In addition, a use variance request shall include a plot plan drawn to scale detailing the specific use and improvements proposed by the applicant. The applicant must demonstrate all the following criteria to obtain a use variance.

a. Unreasonable Current Zoning Designation. Describe how the applicant, without a use variance, cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. Can the property be reasonably used for any purpose permitted in the zoning district without the use variance?

b. Unique Circumstances. Describe how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. What are the circumstances or conditions peculiar to the subject property that are not generally applicable in the area or to other properties in the same zoning district?

c. Character of the Area. Describe how granting of the requested use variance will not alter the essential character of the neighborhood. Take into consideration the established type and pattern of land uses in the area as well as the natural characteristics of the site and surrounding area when evaluating this criteria.

d. Not Self-Created. Describe how the alleged hardship has not been self-created. Are there special conditions or circumstances related to subject property that make the variance request necessary and which have not been created by or resulted from the actions of the applicant or the applicant's predecessors?

The ZBA, in granting a use variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



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 York, NY 14592
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 Fax: (585) 243-4618
 E-mail: donnafalkner@frontier.com

Applicant #	_____
Preliminary	_____
Final	_____

AGRICULTURAL DATA STATEMENT

Applicant:	Owner:(if different)
Name: <u>Mark Schlageter</u>	Name: <u>Brenda Schlageter</u>
Address: <u>2607 Telephone Rd</u>	Address <u>2607 Telephone Rd</u>
<u>Leroy NY 14482</u>	<u>Leroy NY 14482</u>

List the farmland owners of the lands that are in an agricultural district that are located within 500' of the boundary of the property of the proposed project.

Name: <u>Stein Farms</u>	Name: _____
Address: <u>112 Wheatland Center Rd</u>	Address: _____
Name: _____	Name: _____
Address: _____	Address: _____

PLEASE INCLUDE A MAP SHOWING THE SITE OF THE PROJECT RELATIVE TO THE FARM OPERATIONS IN THE AGRICULTURAL DATA STATEMENT

Description of the proposed project and its location:

Location of site: Front of House, not near surrounding farm

Tax Map #: 245200 31.-1-1.11

Ownership intentions/proposed use of site: Front Deck w/ Roof

Anticipated construction time: June 2024 - Sept 2024

Brief description of farm operation(s) that might be affected: None

[Signature]
 Signature of applicant/owner

4/1/24
 Date

TAX MAP PARCEL NUMBER
 CURRENT OWNERS NAME
 CURRENT OWNERS ADDRESS

PROPERTY LOCATION & CLASS
 SCHOOL DISTRICT
 PARCEL SIZE/GRID COORD

ASSESSMENT
 LAND
 TOTAL

EXEMPTION CODE-----
 TAX DESCRIPTION
 SPECIAL DISTRICTS

COUNTY-----TOWN-----SCHOOL
 TAXABLE VALUE

ACCOUNT NO.

30.-1-52.2
 Martello Kimberley A
 2258 Anderson Rd
 Limwood, NY 14486

2258 Anderson Rd
 210 1 Family Res
 York
 ACRES 7.30
 EAST-1326711 NRTH-1058593
 DEED BOOK 993 PG-58
 FULL MARKET VALUE 156,200

STAR B 41854
 COUNTY TAXABLE VALUE 156,200
 TOWN TAXABLE VALUE 156,200
 SCHOOL TAXABLE VALUE 126,200
 FD521 York Fire 1 156,200 TO

30.-1-52.2 *****

30.-1-53
 Scott John C
 1644 Federal Rd
 Leroy, NY 14482

1644 Federal Rd
 270 Mig housing
 York
 ACRES 1.70
 EAST-1325757 NRTH-1061434
 DEED BOOK 1258 PG-1456
 FULL MARKET VALUE 64,900

STAR B 41854
 COUNTY TAXABLE VALUE 64,900
 TOWN TAXABLE VALUE 64,900
 SCHOOL TAXABLE VALUE 34,900
 FD521 York Fire 1 64,900 TO

30.-1-53 *****

31.-1-1.11
 Johnson-Schlageter Brenda L
 2607 Telephone Rd
 Leroy, NY 14482

2607 Telephone Rd
 210 1 Family Res
 York
 31.-1-1.14+1.2=1.11
 FRNT 291.30 DPTH 115.47
 BANKFIRSTAM
 EAST-1333293 NRTH-1062384
 DEED BOOK 1172 PG-95
 FULL MARKET VALUE 88,700

STAR B 41854
 COUNTY TAXABLE VALUE 88,700
 TOWN TAXABLE VALUE 88,700
 SCHOOL TAXABLE VALUE 58,700
 FD521 York Fire 1 88,700 TO

31.-1-1.11 *****

31.-1-2
 Guck Timmy
 Guck Barbara J
 2617 Telephone Rd
 Leroy, NY 14482

2617 Telephone Rd
 210 1 Family Res
 York
 FRNT 297.00 DPTH 115.50
 EAST-1333578 NRTH-1062403
 DEED BOOK 1040 PG-91
 FULL MARKET VALUE 75,800

STAR B 41854
 COUNTY TAXABLE VALUE 75,800
 TOWN TAXABLE VALUE 75,800
 SCHOOL TAXABLE VALUE 45,800
 FD521 York Fire 1 75,800 TO

31.-1-2 *****

31.-1-3
 Weber Todd D
 Weber Cheryl Y
 2616 Ellicott Rd
 Caledonia, NY 14423

2616 Ellicott Rd
 210 1 Family Res
 York
 ACRES 7.60
 EAST-1333860 NRTH-1063816
 DEED BOOK 1097 PG-145
 FULL MARKET VALUE 237,200

STAR B 41854
 COUNTY TAXABLE VALUE 237,200
 TOWN TAXABLE VALUE 237,200
 SCHOOL TAXABLE VALUE 207,200
 FD521 York Fire 1 237,200 TO

31.-1-3 *****

31.-1-1
 Guck Barbara J
 2617 Telephone Rd
 Leroy, NY 14482

2617 Telephone Rd
 210 1 Family Res
 York
 FRNT 297.00 DPTH 115.50
 EAST-1333578 NRTH-1062403
 DEED BOOK 1040 PG-91
 FULL MARKET VALUE 75,800

STAR B 41854
 COUNTY TAXABLE VALUE 75,800
 TOWN TAXABLE VALUE 75,800
 SCHOOL TAXABLE VALUE 45,800
 FD521 York Fire 1 75,800 TO

31.-1-1 *****

31.-1-2
 Guck Timmy
 Guck Barbara J
 2617 Telephone Rd
 Leroy, NY 14482

2617 Telephone Rd
 210 1 Family Res
 York
 FRNT 297.00 DPTH 115.50
 EAST-1333578 NRTH-1062403
 DEED BOOK 1040 PG-91
 FULL MARKET VALUE 75,800

STAR B 41854
 COUNTY TAXABLE VALUE 75,800
 TOWN TAXABLE VALUE 75,800
 SCHOOL TAXABLE VALUE 45,800
 FD521 York Fire 1 75,800 TO

31.-1-2 *****

31.-1-3
 Weber Todd D
 Weber Cheryl Y
 2616 Ellicott Rd
 Caledonia, NY 14423

2616 Ellicott Rd
 210 1 Family Res
 York
 ACRES 7.60
 EAST-1333860 NRTH-1063816
 DEED BOOK 1097 PG-145
 FULL MARKET VALUE 237,200

STAR B 41854
 COUNTY TAXABLE VALUE 237,200
 TOWN TAXABLE VALUE 237,200
 SCHOOL TAXABLE VALUE 207,200
 FD521 York Fire 1 237,200 TO

31.-1-3 *****

31.-1-1
 Guck Barbara J
 2617 Telephone Rd
 Leroy, NY 14482

2617 Telephone Rd
 210 1 Family Res
 York
 FRNT 297.00 DPTH 115.50
 EAST-1333578 NRTH-1062403
 DEED BOOK 1040 PG-91
 FULL MARKET VALUE 75,800

STAR B 41854
 COUNTY TAXABLE VALUE 75,800
 TOWN TAXABLE VALUE 75,800
 SCHOOL TAXABLE VALUE 45,800
 FD521 York Fire 1 75,800 TO

31.-1-1 *****

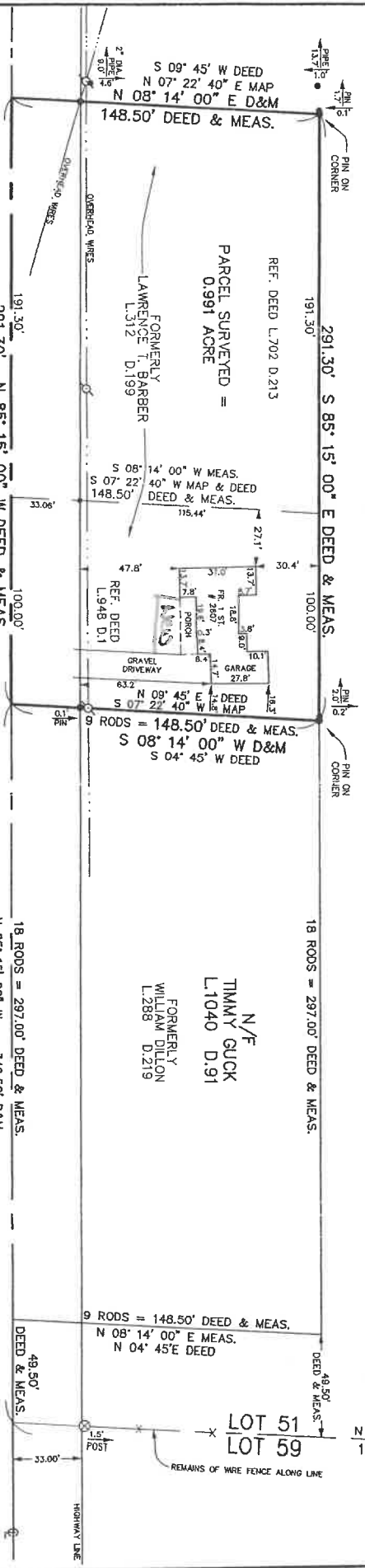


- ~ REFERENCES ~
- 1) GENESEE VALLEY TITLE SERVICES, INC.
ABSTRACT No. 15457 CV
DATED: JULY 13, 2005
 - 2) DEED TO: RODGER CORPORATION L.1015 D.84
JOB No. L00-2086
DATED: MARCH 3, 2000
 - 3) MAP BY: KEVIN M. O'DONOGHUE
DATED: JUNE 9, 1986
 - 4) MAP BY: JOHN S. MACLEOD
DATED: JUNE 9, 1986

NOTE: SEE BLANKET RIGHT OF WAY TO NEW YORK NATURAL GAS CORP. L.37 MAR. 382. THERE WAS NO FIELD EVIDENCE OF A PIPE LINE CROSSING THE PARCEL SURVEYED.

- = IRON PIN/PIPE FOUND
- ⊗ = UTILITY POLE
- ⊠ = WOOD POST FOUND
- = RAILROAD SPIKE FOUND
- D&M = DEED & MEASURED

N/F
PAUL E. STEIN & SONS LLC
L.1167 D.171



TELEPHONE (66.0' WIDE)

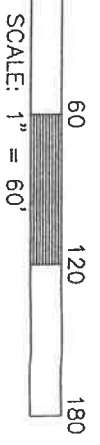
ROAD NEW YORK STATE ROUTE 20 (66.0' WIDE)

- I HEREBY CERTIFY TO:
- 1) COASTAL CAPITAL CORP., d/b/a THE MORTGAGE SHOP, ITS SUCCESSORS AND/OR ASSIGNS
 - 2) TICOR TITLE INSURANCE COMPANY
 - 3) BRENDA L. JOHNSON
 - 4) THOMAS NAFRICH, ESQUIRE
 - 5) JONES AND SKIVINGTON, ATTORNEYS
- THAT THIS MAP WAS MADE JULY 27, 2005 FROM NOTES OF A SURVEY COMPLETED JULY 25, 2005.

KEVIN M. O'DONOGHUE, L.S. No. 49514



MAP OF A SURVEY
OF LAND BELONGING TO
RODGER CORPORATION
BEING PART OF LOT 51 OF THE 40, 000 ACRE TRACT
SITUATE IN THE
TOWN OF YORK
LIVINGSTON COUNTY, NEW YORK
JULY 27, 2005



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

WELCH & O'DONOGHUE
LAND SURVEYORS, P.C.
8713 ROUTE 237
STAFFORD, NEW YORK 14143
PH: (585) 343-5334
FAX 343-5810

JOB No. L00-2086S

