

MEMORANDUM TO THE TOWN OF YORK PLANNING BOARD

RE: Response to Livingston County Planning Board Advisory Comment Regarding Lead and Petroleum Testing

Proposed Apartment Conversion at 2517 Genesee St, Piffard NY 14533

Applicant: Chauncey Homes, LLC

Dear Chairman and Members of the Planning Board:

The Applicant respectfully requests that the Planning Board approve the proposed project without requiring lead or petroleum testing as a condition of approval.

The Livingston County Planning Board commented that, due to the building's historic use as a vehicle repair facility, "site testing for lead and petroleum products should take place to ensure the health and welfare of future residents." The Applicant appreciates the County's concern for public health and safety. However, the record before the Board does not contain evidence that would justify mandatory environmental testing.

The property has a long history of residential occupancy. Apartments have existed within the building for decades. More recently, an additional apartment was constructed pursuant to a building permit issued by the Town and subsequently received a Temporary Certificate of Occupancy. During this period, there have been no reported health complaints, environmental complaints, vapor intrusion complaints, petroleum odor complaints, enforcement actions, spill reports, or other evidence suggesting the presence of contamination affecting occupants.

The Applicant is unaware of any documented environmental condition on the property and respectfully submits that requiring environmental testing in the absence of evidence would impose substantial cost and delay without a demonstrated public benefit.

This request is also consistent with the broader public policy direction being adopted at the federal level. On June 22, 2026, the United States Senate approved the bipartisan 21st Century ROAD to Housing Act by an overwhelming vote of 85-5. The legislation is intended to address the national housing shortage by increasing housing supply, reducing unnecessary regulatory barriers, streamlining permitting processes, and removing obstacles that increase the cost of housing development. Lawmakers from both parties have described the legislation as one of the most significant housing reform measures considered in decades and emphasized reducing regulatory burdens that unnecessarily delay housing construction.

The Applicant recognizes that federal legislation does not control local land use decisions. However, the legislation reflects a broad bipartisan consensus that housing projects should be reviewed based on demonstrated risks rather than speculative concerns, and that regulatory requirements should be proportional to the facts presented by each project. The Applicant respectfully submits that principle is directly applicable here.

The legislation specifically seeks to reduce unnecessary regulatory barriers for small-scale housing, adaptive reuse, rehabilitation, and affordable housing projects by ensuring review requirements are proportional to actual risks. This project reflects those objectives. It consists primarily of the rehabilitation and reuse of an existing building that has supported residential occupancy for many years, with no significant site disturbance, expansion into undeveloped land, or intensification of use.

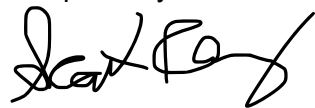
The Applicant's preferred outcome is approval without environmental testing, as there is no evidence in the record indicating that such testing is necessary. The County Staff Report acknowledges that the NYS Department of Environmental Conservation has identified no spills requiring cleanup and no remediation has been deemed necessary. The County nevertheless recommended approval of the project and identified no known contamination, offering only a precautionary recommendation that testing "should take place if not done already." The Applicant respectfully submits that precautionary concerns alone should not justify imposing substantial costs and timely delays on an affordable housing project where no evidence of an environmental condition exists.

The Applicant further notes that this project is now intended to be an affordable housing project. The Applicant is receiving a VRP grant that will commit the project to serving affordable, need-based housing. This makes the cost and timing sensitivity of the project even more significant. Additional requirements that are not supported by evidence may jeopardize the financial feasibility of a project that will provide needed affordable housing in the Town.

At this time, the Applicant is not willing to voluntarily undertake lead or petroleum testing in the absence of evidence of contamination, a documented environmental condition, a regulatory violation, a spill record, or a specific health or safety complaint. The Applicant is concerned that imposing such testing as a condition of approval may make the project infeasible and could effectively terminate an affordable housing project that is otherwise ready to move forward.

Accordingly, the Applicant respectfully requests that the Planning Board decline to impose lead or petroleum testing as a condition of approval and approve the application as submitted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Chauncey", with a stylized flourish at the end.

Scott Chauncey
Chauncey Homes LLC