

April 14, 2026

Public Hearing

6:00 p.m.

Present: Councilmen: Frank Rose Jr., Amos Smith, Jay Swede and John Morgan.

Absent: Supervisor Deming

Others: Dwight Kanyuck (Town Attorney), Penny Martin (Deputy Town Clerk), Carl Peter (Zoning & Code Officer), David Deuel, Sue Ackley, Kirk Richenburg

Councilman Rose opened the Local Law Public Hearing at 6pm and stated the hearing was called to propose Local Law #2 of 2026 to amend Article IV of the Zoning Ordinance of the Town of York, Livingston County, New York to modify Requirements for residential dwellings.

Town Attorney, Mr. Kanyuck discussed that County Planning had reviewed the proposed local law and approved of the adoption but did have two recommendations. The first was to make more explicit that single- and double-wide manufactured homes were not subject to the revised dwelling unit sizes. This change would be incorporated into the proposed local law. The second recommendation suggested incorporating an alternative minimum lot size in the event that public water and sewer were not available. The board declined to adopt this recommendation since Health Department requirements would provide for the appropriate lot size for private water and septic.

The proposed local law, as revised, is as follows:

SECTION 2. PURPOSE.

- (a) Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of York in a fashion that is not inconsistent with the Comprehensive Plan of the Town of York. This Local Law regulates the use of buildings and structures and the development and use of land within the Town of York.

(b) To these ends, this local law and the Articles that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. CHANGES TO SECTION 513—MINIMUM DWELLING SIZE

The current Section 513 of the Zoning Ordinance of the Town of York is hereby modified and amended to eliminate the requirement that all residential dwellings be a minimum of 860 square feet in size and create subsections A, B, D, and D that shall read as follows:

- A. All single-family residential dwellings shall be a minimum of 1,000 square feet in size. This minimum area shall not include the cellar, basement, garage, attic, or any other unfinished areas. The minimum living area for single-wide and double-wide manufactured/mobile homes are not subject to the requirements of this Section 513.A and shall instead be as required in Section 522.
- B. All accessory dwelling units, as such term is defined in Section 613, shall be a minimum of 550 square feet in size. This minimum area shall not include the cellar, basement, garage, attic, or any other unfinished areas.
- C. The minimum size of a dwelling unit in a two-family dwelling shall be 550 square feet. This minimum area shall not include the cellar, basement, garage, attic, or any other unfinished areas.
- D. The minimum unit size of dwelling units within a multi-family dwelling are as follows, which areas shall not include cellar, basement, garage, attic, or any other unfinished areas:
 - (1) One bedroom dwelling units shall be a minimum of 550 square feet.
 - (2) Two bedroom dwelling units shall be a minimum of 650 square feet.
 - (3) Three bedroom dwelling units shall be a minimum of 800 square feet.

SECTION 4. CHANGES TO SECTION 401 -RESIDENTIAL DISTRICT (R)

The current Section 401.D of the Zoning Ordinance of the Town of York is hereby modified and amended to reduce the minimum lot size from 40,000 square feet to 30,000 square feet and shall read as follows:

D. Lot Size. Minimum 30,000 square feet

SECTION 5. CHANGES TO SECTION 400-AGRICULTURAL DISTRICT (A)

(a) The current Section 400.D of the Zoning Ordinance of the Town of York is hereby modified and amended to reduce the minimum lot size from three (3) acres to 30,000 square feet and shall read as follows:

D. Lot Size. Minimum 30,000 square feet

(b) The current Section 400.E of the Zoning Ordinance of the Town of York is hereby modified and amended to change the minimum lot frontage from 250 feet to a minimum lot frontage of 150 feet and shall read as follows:

E. Lot Frontage: Minimum 150 feet

SECTION 6. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

Mr. Deuel spoke mostly in agreement with the proposed changes. His biggest concern was the possibility of strip development. Mr. Deuel thinks maybe some other additional piece of zoning to be added to deter the possibility of strip development as he is not opposed to the new law.

There was much discussion about the minimum sizes for lots, and dwellings along with discussion of subdivision laws.

Councilman Rose asked if there were any additional questions or comments from the public, and Mr. Richenberg handed him the attached documents, stating he would like to submit his concerns as he had to leave the meeting.

April 14, 2026

To: The Town of York Town Board,

Below are my comments and concerns about the proposed Local Law No. 2 of the Year 2026 of the Town of York.

When did York Town Board have any discussion on these topics and form a committee prior to March 10, 2026 under new business?

The committee members that were chosen for this are all either elected councilmen or appointed board members by the elected councilmen. Not a single at large member from the community, nor a person or persons that is living in any dwelling size close to the proposed minimum or the town code current dwelling size minimum size. Do any of the committee have any expertise in this area of dwelling size and living space minimum requirements or lot sizes?

I asked for all of the information that was obtained by the committee to determine their recommendation to the board for this proposed law. There was no supporting information from professionals or experts in these two topics. Only minimum square footages from other municipalities and NYS Uniform Building Code square foot minimums. There is no information on minimum lot sizes from nearby towns or ag zones.

In the Town of Leicester the minimum lot size in ag zone is 5 acres. (see attachment 1)

At one point a current board member had a plot of land that was zoned planned development and petitioned the board to return this plot of land back to agriculture zoning. The presented reason this change was the land owner was not able to sell building lots in the planned development.

In regards to the proposed minimum dwelling size this committee recommends a square footage of almost one half the square footage for a two family dwelling compared to a single family dwelling. Where is the supporting information for this recommendation? How many people are

in family? Is there language in our current code pertaining to number of person in a family? In the information I received on page 4 there is reference to, Our proposed units: 700-740 sq ft. (see attachment 2) Is this in reference to the 11/18/25 ZBA area variance applicant 692-722-735-735 sq ft proposed unit sizes?(ref 11/18/25 ZBA minutes or variance application) Is there a potential lawsuit threat from this applicant?

There was discussion at the 3/10/26 board meeting by one of the committee members that one reason for the reduction in the minimum square foot lot size in ag district was the current 3 acre minimum was too much because the inability to maintain 3 acres. There are plenty of properties smaller than 3 acres that may not be considered maintained. Do we have property maintenance language in our current code? Reducing minimum lot requirements does not mean better property maintenance.

There is no mention in York Town Board minutes about these topics or about forming a committee to discuss these topics until the 3/10/26 meeting under New Business, when the proposed new law was presented and a public hearing was set. The chairman of the York ZBA mentioned at the 2/17/26 York ZBA meeting that the town has a committee looking at these topics. Which raises several questions about the process of changes to current town laws. How were committee members chosen? Is this proposed law being proposed because an area variance applicant did not like the York ZBA decision on their area variance? Where is the information to support 1 acre lot sizes in Ag district discourages farm land from being sold? Has the 11/18/25 York ZBA area variance applicant had any meetings with any Town of York board members? Is this how open and transparent government works?

Also how much of York's ag zoned land with road frontage is in Ag land protection plans or in a solar lease? The Town of York 2006 and 2025 Comprehensive Plan says that preserving farm land is very important by allowing minimum 3 acre lot sizes in the Ag zones. Now we have 4 people, 3 of which own large parcels of Ag zoned land with road frontage make this

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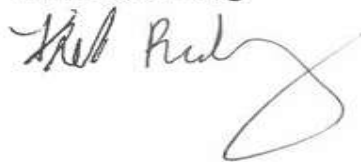
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recommendation as a way to preserve farm land. Where is the data and information to support this?

I have lots of concerns about proposed law as well as the process to get to this point. I am not in favor of the York Town Board moving forward on this proposed law.

Thanks

Kirk Richenberg



This is Attachment 1
from the Leicester Town Code

D. ACCESSORY USES.

1. Signs in accordance with Article VII.
2. Parking in accordance with Article VII.
3. Lighting in accordance with Article VII.
4. Accessory Structures.
5. Alternative Energy Systems in accordance with Article VII, excepting any Type 2 Solar Energy Systems.
6. Fences in accordance with Article VII.
7. Keeping of Animals in accordance with Article VII.

E. PROHIBITED USES.

1. Industrial Uses.
2. Adult Entertainment Uses.
3. Any Use not specifically listed as a Permitted Use, Use Permitted with a Special Use Permit or permitted Accessory Use shall be deemed to be a non-permitted or prohibited Use.

F. SITE REQUIREMENTS. Subject to any limitations imposed by New York State Agriculture and Markets Law Article 25-AA §305-a, the following minimum requirements shall apply to all Uses within the Agricultural (A) zoning district, excepting for Type 2 Solar Energy Systems, which shall be governed by Section 714:

1. Minimum Area – 5 acres.
2. Minimum Lot Width – 400 feet.
3. Minimum Lot Depth – 100 feet.
4. Minimum Set Backs for Principal Buildings:
 - a. Front Set Back– 60 feet from center line of roadway.
 - b. Side Set Back– 40 feet from Lot Line.
 - c. Rear Set Back– 75 feet from Lot Line.
5. Minimum Site Requirements for Accessory Buildings:

With no other questions or comments from the public, Councilman Rose asked for a motion to close the meeting.

RESOLUTION offered by Mr. Smith and seconded by Mr. Morgan to adjourn the Public Hearing. Voted on and approved, Yes-4, No-0

Public Hearing closed at 6:30 p.m.

Respectfully submitted,

Tara L. Johnson

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York Town Clerk