

Zoning Board of Appeals
January 20, 2026 Minutes

Present: Dustin Geiger, Heather Nagel, Scott Hulburt, Amy McMahon, Charity Donnan

Others Present: Donna Falkner, Jonathan Witmer, Esq., Carl Peter, Jim Oswald, Richard Roberts and Steven Chauncey

6:30 pm Chairman Geiger opened the meeting with the pledge, suspending the meeting until after the public hearing and read the public hearing ad.

**TOWN OF YORK
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, including Zoning Ordinance §806, and pursuant to New York State Town Law, including §267-a, that a public hearing shall be held by the Zoning Board of Appeals of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at **6:30 p.m. on Tuesday, January 20, 2026** for the purpose of considering public opinion and comment about or concerning the following:

A public hearing regarding two area variances for James Oswald to build a shed close to the property line and in front of his residence at 3496 Fowlerville Road, Caledonia, tax map #42.-1-3.125 in the Town of York.

A copy of the application materials and other relevant submissions are available for review on the Town's official website at www.yorkny.org. All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: December 17, 2025

By Order of the Zoning Board of Appeals of the Town of York

Donna K. Falkner

Zoning Board Clerk

Mrs. Donnan asked how far the existing shop is to the new building. Mr. Oswald said about 15 feet.

Mr. Geiger said the new shed is 5-6 feet off side of property and 90 feet from the edge of the road.

Ms. McMahon asked if it was farm property next to him and Mr. Oswald answered yes.

Mr. Geiger said we will continue to leave public hearing open for public comments and unsuspend the regular meeting.

Resolution:

Mrs. Nagel moved to approve the December minutes with the addition of two names to the attendance and Mr. Hulburt seconded, all in favor, carried.

Ayes – 5 Nays – 0

Mr. Geiger said the Town Board reappointed him as chair for the year.

Resolution:

Mrs. Nagel moved that Mr. Hulburt be appointed deputy chair and Mr. Geiger seconded, all in favor, carried.

Ayes – 5 Nays – 0

Mrs. Nagel asked if the present buildings were grandfathered in. Mr. Geiger said they were pre-zoning.

Mr. Geiger said he was not totally in favor of it being so close to the property line but understands.

Mr. Oswald said he would place the new building as close to his shop doors as he could and still be able to get in and out.

Criteria for Area variance - answers

- a. Public safety and welfare - Mr. Oswald said no change to character of neighborhood or detriment to nearby properties and the Board agreed.
- b. Alternate options - Mr. Oswald unable to move it 15 feet from line because it would block the entrance to the shop. Board agreed it would block the shop entrance.
- c. Degree of variance - Mr. Oswald hoping to be 5-6 feet from the property line. Ms. McMahon said it's movable. Board said it's not a significant variance.
- d. Level of effect - Mr. Oswald said no adverse effect or impact on neighborhood. Board agreed.
- e. Not self-created - Mr. Oswald said it was self-created. Board agreed.

Resolution:

Mr. Hulburt moved to close the public hearing for the Oswald variance, seconded by Mrs. Nagel, all in favor, carried.

Ayes – 5 Nays – 0

Mr. Peter, looking at p.27 and 28 in Zoning, §§#501 and 508, is ok with side variance as long as the accessory building is smaller than 30% square footage of the principal house. Residential setback is 40 feet. Side setback for accessory buildings only needs to be 4 feet and this is 5-6 feet.

Mr. Geiger said he's outside of the setback but forward of the house.

Resolution:

Mr. Geiger moved to approve the variance forward of the house (side setback not needed) meeting the setback requirements as illustrated in the drawing, Mrs. Donnan seconded, all in favor, carried.

Ayes – 5 Nays – 0

Mr. Steven Chauncey wanted to know if he presented new information, if the board would rehear the new application. He said Scott could be available by video. He went on to say that there is now a parking plan in the new plan and green space. They eliminated the Route 63 entrance except for fire personnel. The two doors on that side has a blind spot. There are now 7 guest spots and 2 spots each for the tenant. Four unit plan would not need a variance.

Mrs. Nagel liked the new plans and the four unit plan.

Scott Chauncey participated in meeting online

- goal is to meet what is needed in the community
- make 63 entrance safe – only for fire equipment
- parking spots and green space
- modern floor plan and hours with architect
- goal to provide more housing
- they presently have 30-33 units in York Central School District and 5 three—bedroom apartments

Mrs. Nagel thinks three-bedroom apartments are needed per the 2020 report done by county planning. Mr. Scott Chauncey said Ms. Angela Ellis is working on a new study which suggests smaller apartments are needed.

Mrs. Nagel asked if there was a reason you didn't choose one bedroom apartments?

Mr. Scott Chauncey said there is a need for two bedroom apartments for family growth.

Mr. Steven Chauncey said there is more turnover with one bedroom apartments.

There are 11 one bedrooms in the district.

Mrs. Donnan – what do we focus on – are parking and green space substantially different?

Mr. Scott Chauncey – safety concerns and green space

Mr. Geiger stated that we have 3 options, the third being we can table and get more information for next month.

Mr. Hulburt would like to see current trends from Ms. Ellis

Mrs. Nagel doesn't know if emergency vehicle driveway would be that safe.

Mr. Scott Chauncey said they could look into a gate on that entrance.

Mr. Geiger said he doesn't see a substantial difference in the unit size which we addressed, Mrs. Nagel agreed.

Mr. Hulburt said in the new comprehensive plan he tried to get across starter homes, there's no real home to encourage people to stay in York. Mr. Steven Chauncey said the 2020 plan might not be accurate.

Mrs. Donnan – think we should wait, Ms. McMahon – table until more information.

Mr. Geiger – Town Board has talked about addressing this in the future.

Resolution:

Mr. Hulburt moved to table until we do fact finding and revisit for next month's meeting, Ms. McMahon seconded, all in favor, carried.

Ayes – 5 Nays – 0

Mrs. Nagel's concern is for pedestrian safety because there would be 10-14 units, roughly 40 people driving in and out. Mr. Chauncey - maybe sidewalks identifying where pedestrians should walk.

Mr. Peter said he doubted town would put sidewalks on Route 36 side.

Resolution:

Mr. Geiger moved to adjourn at 8:06 pm, Mrs. Donnan seconded, all in favor, carried.

Ayes – 5 Nays – 0

Submitted by

Donna K. Falkner, Clerk