

Zoning Board of Appeals
January 22, 2025, Minutes

Present: Heather Nagel, Dustin Geiger, Amy McMahan, Charity Donnan

Others Present: Donna Falkner, Carl Peter, Kirk Richenberg, Seth Halbert, Becky & Celia Lewis, Walter Pond, Michael & Jerry Yacono

6:30 pm Chairman Geiger opened the meeting with the pledge.

Mr. Geiger opened both public hearings by reading the posted ads.

**TOWN OF YORK
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, 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 21, 2025** for the purpose of considering public opinion and comment about or concerning the following:

A public hearing for Holy Ground Ministries for a replacement sign for the present one. They need an area variance.

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 18, 2024

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

Donna K. Falkner

Zoning Board Clerk

**TOWN OF YORK
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, 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 21, 2025** for the purpose of considering public opinion and comment about or concerning the following:

A public hearing for Linwood Gardens to split off less than 1 acre of parcel 49-1-8.1 to swap or sell to neighbor giving them lawn space by their dwelling. They need an area variance.

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 18, 2024

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Holy Ground Ministries

Pastor Seth Halbert explained that for the time being they want to replace the 4x4 post sign with a 4x8 signboard and move 10 ft. back from the road. It's approximately 7ft. tall and they will put a light shining on it.

Ms. Celia Lewis asked if it is lit presently.

Pastor Halbert said no, hence the area variance needed.

Mr. Geiger said we'd hold each public hearing open until later.

Linwood Gardens

Ms. Celia Lewis wanted to provide the neighbor (Yacono family) with more yard space with a swap of property.

Mr. Jerry Yacono said this would change the right of way they now have and provide Gratwicks with some land on her side.

Ms. Lewis said it won't affect the road.

Mr. Geiger said it would change the layouts of the lots, which would give Gratwicks a half acre less than what is permitted in zoning.

Mr. Richenberg asked if the parcel being added to was conforming.

Mr. Geiger – one was

Mr. Peter – Linwood Gardens is non conforming but both in agricultural zoning.

Mr. Richenberg said that it always seems there is an issue with the definition of self-created hardship. What does self-created mean to the board.

Mr. Geiger said he thought it depended on the application and what the problem is.

Mr. Richenberg said if it was non-conforming in 2007, then doesn't the applicant self create the problem.

Ms. Meyer said that self-created without the direction from the board leads to some ambiguity of interpretation.

Mrs. Donnan said each case needs to be looked at separately.

Mr. Jerry Yacono stated that it will mutually benefit both parties and both are in agreement.

Mr. Geiger asked if there were any other questions for either party.

Resolution:

Mrs. Nagel moved to close the public hearing for Holy Ground Ministries, Ms. Meyer seconded, all in favor, carried.

Ayes - 4 Nays - 0

Resolution:

Mr. Geiger moved to close the public hearing for Linwood Gardens, Mrs. Donnan seconded, all in favor, carried.

Ayes – 4 Nays – 0

Resolution:

Mrs. Donnan moved to approve December 17, 2024 minutes, Mrs. Nagel seconded, all in favor, carried.

Ayes – 4 Nays - 0

Mr. Geiger said for both public hearings the county planning board had no significant Impact and therefore a matter of local option.

Holy Ground Ministries

Mr. Geiger thought moving sign back was a good thing and light ok as long as it didn't blind neighbors or traffic. Mr. Halbert said they might do a LED tech. sign in the future but he would have to come back to the board to do that.

Mr. Geiger read the 5 criteria for area variances for the board to answer (applicant answered no to all). Board answers:

1. No
2. No
3. No (similar to what they already have)
4. No
5. No – Mrs. Nagel said always a difficult thing and Mr. Geiger said moving sign positive.

Resolution:

Mr. Geiger moved to approve the area variance for Holy Ground Ministries moving the sign and adding the light, Mrs. Nagel seconded the motion, all in favor, carried.

Ayes – 4 Nays - 0

Linwood Gardens

Mr. Geiger asked if there were any more questions?

Mrs. Donnan said seems everyone is in agreement.

Mr. Geiger read the 5 criteria for area variances for the board to answer (applicant answered no to all). Board answers:

1. No
2. No
3. No
4. No - Mrs. Donnan asked if it will be yard. Mr. Yocono said he would clean up the rubble from an old house and make it into yard.
5. No – property line established before but moving line is self created.

Resolution:

Mrs. Nagel moved to approve the area variance for Linwood Gardens, Mrs. Donnan seconded the motion, all in favor, carried.

Ayes – 4 Nays- 0

Resolution:

Mrs. Nagel moved to adjourn at 7:25 pm, Mr. Geiger seconded, carried.

Ayes – 4 Nays – 0

Submitted by

Donna K. Falkner, Clerk