

Zoning Board of Appeals  
August 19, 2025, Minutes

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

Others Present: Donna Falkner, Jonathan Witmer, Esq., Jim Dunn, Tom Clark, Joe McIlroy, Sara Puccia, Bill Sager, Rochelle Moore, John Hotto

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

Mr. Geiger opened public hearing by reading the posted ad.

**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, August 19, 2025** for the purpose of considering public opinion and comment about or concerning the following:

**A public hearing for public comment on the proposed project for Land Tech Surveying and Planning located at 2727 Genesee Street 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](http://www.yorkny.org).

All interested people are invited to appear and be heard at the aforesaid time and place.

Dated: July 20, 2025

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

*Donna K. Falkner*

Zoning Board Clerk

John Hotto from Land Tech representing Sara Puccia from Apple Country presented the proposed changes. Building is the same size, same goals, they moved it back a little with green space around it, tear up pavement, reorganized the entry and included parking spaces. Now 76% lot coverage with side and rear setbacks changed a little. Removing the pavement allows for snow storage and drainage. More details on site plan and new pavement around the building. Ms. Puccia said she had contacted the neighbor yesterday, who didn't oppose the project or grading.

Mr. Geiger read the following letter from the county.

**Good afternoon,**

We have received Zoning Referral #2025-049 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board.

The review was for Area Variances only; the Site Plan will need to be submitted for review once it is finalized.

- §514 (Protection of Environmentally Sensitive Areas.) of the Town Code requires that an applicant prove that the proposed use or activity is in conformance; including that the storm water run-off does not impact environmentally sensitive areas on adjacent properties. In the event of a site plan review, the applicant should be sure to include a plan that meets the requirements of the Town of York Code.

- §520 of the Town Code requires a landscaping, screening and buffering plan to *"ensure visual screening of the parking area"* and *"moderate micro-climate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks"*. In the event of a site plan review, the applicant should be sure to include a landscaping plan that meets the requirements of the Town of York Code.

**Area Variance Criteria.** The review of an area variance must weigh the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood using the following five factor "balancing test" as set forth in the State statute:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

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3. Is the requested area variance substantial?

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

5. Is the alleged difficulty for the applicant self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

**Advisory Comment:** The Town should carefully consider the benefits of the requested variance to the applicant against any potential negative impact on the neighborhood.

If you have any questions, please do not hesitate to contact me at 243-7550.

Make it a great day,

Amy Lutz, Administrative Secretary

Livingston County Planning Department

(585) 243-7550

Mrs. Donnan said her concern was with the neighbor and runoff.

Mr. Geiger said to have the neighbor do an acceptance letter and we'll leave the public hearing open for a few more minutes.

Ms. Puccia said that the plan looked better.

Mr. Geiger reopened the meeting and asked for approval of 7/15/25 minutes.

Ms. McMahon had several corrections.

**Resolution:**

Mrs. Donnan moved to accept the July minutes with corrections and Ms. McMahon seconded the motion, all in favor, carried.

Ayes – 4      Nays – 0

Mr. Geiger asked for a motion to close the public hearing for Land Tech.

**Resolution:**

Mr. Hulburt moved to close the public hearing for Land Tech, Mrs. Donnan seconded, all in favor, carried.

Ayes – 4      Nays – 0

Mr. Geiger said he liked the idea of no storage in the back. Mr. Hotto said there would be no pole lighting, lights on the building and Ms. Puccia said lights on timers. Mrs. Donnan asked what the height of the building was, and Mr. Hotto said lower than the existing building.

Mr. Geiger said the area variance is on lot coverage, side setback and rear setback. We need three motions for 2727 Genesee Street.

**Resolution:**

Mr. Hulburt moved to approve the side setback on the west for 36.6 ft., Mrs. Donnan seconded, all in favor, carried.

Ayes -4      Nays – 0

**Resolution:**

Mrs. Donnan moved to approve rear setback on the north for 26.6 ft., Ms. McMahon seconded, all in favor, carried.

Ayes – 4      Nays – 0

**Resolution:**

Mrs. Donnan moved to approve of the lot coverage at 76%, Mr. Hulburt seconded, all in favor, carried.

Ayes – 4      Nays – 0

Mr. Geiger said that Rochelle Moore is requesting a variance for her property and read her letter below.

Dear Mr. Geiger and Members of the Zoning Board of Appeals,

I am writing to formally apply for both an Area Variance and a Use Variance for the separate building located at 2671 Main Street, York, NY 14592, which I currently own. I am requesting approval to convert this building from its current permitted use as a bicycle shop to a two-bedroom residential apartment.

The building is a standalone structure that has historically operated under a special use variance, including past uses such as a gym and, more recently, a bicycle shop. Both businesses were operated by individuals residing on the property. When the gym operator relocated, the gym use ceased entirely. Similarly, the bicycle shop has not resumed operations at a new location, suggesting that the business may no longer be active or viable. These prior uses were closely tied to the individuals occupying the property, rather than to the property itself, and their departure has left the building without a sustainable use.

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The commercial use is no longer sustainable, and the property is now vacant. The current zoning designation restricts alternative uses, making productive reuse under existing regulations challenging.

Importantly, the structure shares a driveway with an adjacent multifamily residential property that I also own and manage, creating a cohesive residential setting. The proposed conversion to a two-bedroom apartment represents a natural extension of this use and would involve no changes to the building's exterior, no modifications to load-bearing walls, and only interior cosmetic improvements. All work will be completed in full compliance with building codes and safety standards, with minimal disruption to neighbors or the character of the neighborhood.

This project also addresses a critical housing need in our community. York, like many rural towns in New York, is experiencing a shortage of rental and ownership housing. According to the U.S. Census Bureau, Livingston County reported a rental vacancy rate of only 4.8% in 2020, and the New York State Association of Realtors noted a 34% drop in housing inventory in rural counties over the past five years.

The proposed apartment would contribute to alleviating this shortage and provide a modest, desirable residential unit within existing infrastructure.

Given the building's location, historic use, low-impact design, and the current housing shortage, I believe this conversion is a natural and positive evolution of the space. It honors the property's history while enhancing its long-term viability in a way that supports neighborhood cohesion and town priorities.

Sincerely,



Rochelle A. Moore

Ms.  
Moore  
listed and  
answered  
the  
variance  
criteria.

Mr.  
Geiger  
and Mrs.  
Donnan  
both

thought residential would be a better fit. Mr. Hulburt asked if the present driveway would serve it. Ms. Moore said there is a lot of parking behind the structure.

Mr. Geiger said we could not make a decision tonight and need to send it to county because it's on a state highway and within 500 ft. of agricultural. Would also have to look at SEQR.

Mr. Hulburt asked what the footage was. Ms. Moore said 1400 sq. ft. and all utilities are there.

**Resolution:**

Mr. Hulburt moved to send Ms. Moore's request for a use variance to the county, Mrs. Donnan seconded, all in favor, carried

Ayes – 4      Nays - 0

**Resolution:**

Mr. Geiger moved to schedule a public hearing for September 16, Mr. Hulburt seconded, all in favor, carried.

Ayes – 4      Nays - 0

Mr. Geiger said Mr. Clark was looking for input on subdividing his property with a house to allow a second house. This would be two non-conforming lots (area variance).

Mr. Clark and his brother-in-law Mr. Dunn wanted to put a modular home with a 30 ft. right of way buffer between theirs and the neighbor. One would have 100 road frontage and the other 90 ft. road frontage. Could take part of the driveway for extra 10 feet. The house has a raised septic west of it. Mr. Clark felt the house had too many angles for an addition and they prefer two structures.

Mr. Geiger and Mrs. Donnan both suggested exploring a way to add an addition connected by a breezeway or porch instead of splitting the lot.

**Resolution:**

Mr. Geiger moved to adjourn at 7:46 pm, Mr. Hulburt seconded, all in favor, carried.

Ayes – 4      Nays – 0

Submitted by  
Donna K. Falkner, Clerk