

Zoning Board of Appeals  
April 21, 2026 Minutes

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

Others Present: Donna Falkner, Jonathan Witmer, Esq., Hanna Laplant, Ben Lyness

6:30 pm Chairman Geiger opened the public hearing with the pledge and read the ad for the hearing.

**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, April 21, 2026** for the purpose of considering public opinion and comment about or concerning the following:

**A public hearing for Benjamin Lyness regarding two area variances for separating a non-conforming lot into two parcels with an easement for the shared driveway and for lacking 250 ft. of road frontage at 2461 Dow Road, Piffard, tax map #50.-1-23.1 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 persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 22, 2026

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

*Donna K. Falkner*

Zoning Board Clerk

Mr. Lyness said they wanted to split off a 5.6 acre lot from the grandmother's lot, sharing the driveway eventually.

Mr. Geiger read the county's response:

Hello,

We have received Zoning Referral #2026-019 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 and 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.

Comments:

**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?
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/Village should carefully consider the benefits of the requested variance to the applicant against any potential negative impact on the neighborhood.

**Shared driveways and private roadways.** Shared driveways are historically problematic, and they can often lead to disagreements among the driveway and private roadway users. In some cases, the disagreements as to who is allowed to use the road and who is responsible for maintaining the road become so serious that the Town is asked to take over the responsibility for the driveway. As private driveways and roads are not typically built to Town road specifications, this takeover of responsibility often leads to the Town spending taxpayer dollars to upgrade the driveway and maintain it. In the past, the County Planning Board has recommended against shared driveways unless a legally binding maintenance agreements is created.

**Advisory Comment:** If not done already, the Town should require that a legally binding maintenance agreement and a cross access easement be created.

**Advisory Comment:** If not done already, the Town should require that any private drive built on the "Access Parcel" lot be built to Town Road specifications.

**Advisory Comment:** If not done already, the Applicant should submit an Environmental Assessment Form for the Town to review before final action is taken.

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.

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

Mr. Geiger said the public hearing would remain open for 15 minutes for comments.

**Resolution:**

Mrs. Nagel moved to approve the March minutes and Mrs. Donnan seconded, all in favor, carried.

Ayes –4      Nays – 0

Mr. Geiger – The Town Board adopted local law 2 for 2026 changing road frontage from 250 ft. to 150 ft. and adjusted unit sizes with minimum lot size of 30,000 sq. ft. This affects the Chauncey corner in Greigsville but they have to file a site plan with the Planning Board and then come back to Zoning with an area variance for distance between the buildings.

**Resolution:**

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

Ayes – 4      Nays -0

Mr. Geiger asked the board if they had any questions.

Mr. Geiger said he had the same concerns as the county and made the suggestion to table the variance until they could provide a document regarding the driveway with who was sharing it and who was taking care of the maintenance of it. He also suggested they talk to George Worden regarding size and that this document should include everything to prevent disagreements in the future. Mrs. Nagel thought the county had good suggestions.

Mr. McIlroy said that this would also come up on site plan for the Planning Board.

**Resolution:**

Mr. Geiger moved to table the decision for the additional document, Mr. Hulburt seconded, all in favor, carried.

Ayes – 4      Nays – 0

**Resolution:**

Mr. Hulburt moved to adjourn at 7:00 pm, Mrs. Nagel seconded, all in favor, carried.

Ayes – 4      Nays – 0

Submitted by

Donna K. Falkner, Clerk