

York Planning Board
May 27, 2026
Minutes

Present: Joe McIlroy, Zach Kobylanski, David Dermody, Chris Wall

Others: Jonathan Witmer Esq., Donna Falkner, Carl Peter, Dustin Geiger, Steven Chauncey, Yasmiry Hiciano (Dean Architects), Scott Chauncey (remote)

7:30 pm – Chairman McIlroy opened the meeting and led the pledge.

Resolution:

Mr. Kobylanski moved to approve the April 22 minutes, Mr. Dermody seconded, all in favor, carried.

Ayes – 4 Nays – 0

Old Business – catch up training hours

Mr. McIlroy – we have the preliminary site plan review for Chauncey homes and Mr. Dermody recused himself from the meeting because he was related.

Mr. Scott Chauncey remote asked if the board had a chance to review the site plan.

Mr. McIlroy replied yes and had a couple of comments: first question on first page of SEQR was not answered and on page 6, section 7 he asked if it shouldn't say maximum instead of minimum.

Mr. Scott Chauncey replied minimum. It depends on slope of the sewer and per code has to be a minimum of 160.

Mr. McIlroy said our biggest concern is town code of 75 feet, can go to 45 feet because of the 60% rule in Zoning §702(A)(6).

Mr. Scott Chauncey – determine appropriate setback by site plan review. Went from non-permitted use to permitted use. Building code of NY State says 5 feet between buildings.

Mr. McIlroy says if we send it to county, it very well might come back for a variance.

Mr. Scott Chauncey asked where the area variance was required in our code.

Mr. McIlroy said non-conforming use on pg. 61,612-A-6 and pg. 74, 702-#6.

Mr. Wall wondered if we are talking about two different things

Mr. Witmer said that the traditional setback is from the front of the lot. Other areas of our code use setback differently and it's confusing, like p. 612, B

Mr. McIlroy suggested we could deem the preliminary site plan complete and send it to county or send it to Zoning Board for variance separation between the buildings.

Mr. Scott Chauncey stated that per 612, B distance determined through site plan review.

Mr. Witmer stated there was more than one interpretation of setback.

Mr. Scott Chauncey asked if they had reviewed the agreement between Chauncey homes and the Town, sent by Dwight Kanyuck the town attorney.

ADMINISTRATIVE SETTLEMENT AGREEMENT

In the Matter of Chauncey Homes LLC

This Administrative Settlement Agreement (this "Agreement") is entered into on the 16th day of May 2026 (the "Effective Date") between the Town of York (the "Town"), a municipal corporation with offices at 2668 Main Street, York, New York 14592, and Chauncey Homes LLC (the "Developer," together with the Town, the "Parties"), a New York limited liability company with office at 418 Broadway, Ste. 4791, Albany, New York 12207.

WHEREAS, the Town, by way of its Code and Zoning Enforcement Officer, Planning Board, and Zoning Board of Appeals ("ZBA"), is responsible for the administration and enforcement of the Town of York Zoning Ordinance ("Zoning Ordinance") and, pursuant to Local Law No. 1 of 2026 (the "Code Enforcement Law"), the New York State Uniform Fire Prevention and Building Code ("Uniform Code"); and

WHEREAS, Developer is a residential housing developer which has proposed to convert an existing automobile repair building (the "Building"), located at 2517 Genesee Street in the Town (Tax Map #60.20-1-24.12, the "Property"), into five (5) residential apartments (the "Proposed Apartments" and each a "Proposed Apartment"); and

WHEREAS, the Building with the Proposed Apartments constitutes a "multi-family dwelling" as such term is defined in Section 201 of the Zoning Ordinance and, among other things, is subject to Use Specific Regulations of Section 612 of the Zoning Ordinance; and

WHEREAS, the Property is the location of 10 existing residential apartments located in three other existing buildings on the Property (the "Existing Apartments"); and

WHEREAS, in October 2025, Developer applied for an area variance (the "Variance") from the ZBA for four of the Proposed Apartments (the "Variance Apartments") because the proposed square footage of each dwelling unit did not comply with the minimum square footage required by the Zoning Ordinance; and

WHEREAS, the fifth Proposed Apartment (the "Larger Apartment") complied with the minimum square footage required by the Zoning Ordinance; and

WHEREAS, the Variance was denied by the ZBA in November 2025; and

WHEREAS, the Zoning Ordinance was amended in April 2026 such that the four Variance Apartments would meet the minimum dwelling unit square footage required in the Zoning Ordinance; and

WHEREAS, in November 2025, Developer applied for and was granted a Building Permit (#25-0059) to renovate the Building to construct the Larger Apartment (the "Building Permit"); and

WHEREAS, Section 1101 of the Zoning Ordinance requires that site plan approval be obtained from the Planning Board prior to the issuance of a building permit for construction, alteration or change of use in any district; and

WHEREAS, the renovation of the Building for the Proposed Apartments constitutes an alteration and change of use requiring site plan approval from the Planning Board prior to the issuance of a building permit for the renovations; and

WHEREAS, in reasonable reliance on the issued Building Permit, Developer renovated the Larger Apartment and, aside from obtaining site plan approval, has otherwise met the requirements of the Building Permit and Uniform Code and the Larger Apartment may be occupied safely, any required fire and life safety components are installed and operational, and all required means of egress from the Larger Apartment have been provided.

NOW THEREFORE, having considered this matter and being duly advised, it is agreed that:

1. Pursuant to Section 7(d) of the Code Enforcement Law and Section 802.F of the Zoning Ordinance, as of the Effective Date, a Temporary Certificate of Occupancy is issued for the Larger Apartment ("Temporary C of O") for a period of six months from the date of this Agreement (such date being the "Expiration Date").
2. The Temporary C of O will convert to a Certificate of Occupancy if, by the Expiration Date:
 - a. Site Plan Approval from the Planning is obtained for the Building and Proposed Apartments.
 - b. Any required variances, if any, are obtained from the ZBA for the Building and Proposed Apartments.
 - c. All other approvals from authorities having jurisdiction are obtained for the Building and Proposed Apartments.
3. If a Certificate of Occupancy is not obtained as provided in Section 2 herein by the Expiration Date, the Temporary C of O shall expire.
4. No renovation work on the Building related to the Variance Apartments may be undertaken until all required approvals, including a building permit, are obtained.

5. No enforcement action will be taken by the Town with regard to the renovation of the Larger Apartment without site plan approval so long as there is compliance with the terms and conditions of this agreement.
6. Pursuant to Section 612.B of the Zoning Ordinance, because the Property is located in a Hamlet District, the Planning Board has discretion, but not the obligation, to modify the required minimum distance between buildings in a multi-family development. For clarity, the Planning Board does not have discretion to modify any state requirements for the minimum distance between buildings.
7. Nothing in this Agreement shall be construed as a waiver by either Party of any rights, claims, defenses, remedies, or arguments available under applicable law, except as expressly set forth herein.

ACKNOWLEDGED AND AGREED:



Carl Peter
Code Enforcement Officer, Town of York

CHAUNCEY HOMES LLC



By: Scott Chauncey

Its: President of Chauncey Homes LLC

APPROVED AS TO FORM:



Dwight E. Kanyuck, Esq.
Attorney for the Town of York

Mr. Peter said the state code says 40 feet between buildings but doesn't apply in a city. Not building a structure but modifying an existing structure.

Ms. Hiciano said anything in R2 has to be 10 feet away but down to 5 feet in ours with no fire rating.

Mr. Peter – in our current code two houses could be 30 feet away but you would still have damage to the second one.

Mr. Scott Chauncey – presently there is 16 feet between.

Mr. Peter asked what the outside material of the front building was.

Mr. Scott Chauncey – siding will all be metal with appropriate fire walls between. There are no plans to change the asphalt roof at present but will replace with metal if there is damage later.

Mr. Wall feels there should be a variance. Mr. Kobylanski agrees but thinks it should also go to county.

Mr. Scott Chauncey said send it to the county and if they request a variance they will go that route and request a formal opinion from the attorney.

Mr. McIlroy said we'd send it to county, get feedback and then to town engineer (Lance.Brabent@mrbgroupp.com) for feedback.

Mr. Scott Chauncey asked if we need the town engineer if we go for a variance?

Mr. McIlroy – yes for another set of eyes.

Mr. Kobylanski – why wouldn't we ask our town engineer – feel you have a good argument for this non-conforming building.

Mr. Wall asked if it's one or two buildings?

Ms. Hiciano said two and party wall in between

Mr. McIlroy – or we can forego the engineer until next month after county review.

Resolution:

Mr. Kobylanski moved that the site plan was complete after they answer the first question on SEQR by end of tomorrow and then send it to the county, Mr. Wall seconded, all in favor, carried.

Ayes – 3 Nays – 0

Resolution:

Mr. Kobylanski moved to make the Planning Board the lead agency for SEQR, Mr. Wall seconded, all if favor, carried.

Ayes – 3 Nays -0

Resolution:

Motion to adjourn the meeting by Mr. Kobylanski at 8:45 pm, seconded by Mr. Wall, carried.

Ayes – 3 Nays – 0

Respectfully Submitted

Donna Falkner