

York Planning Board
June 24, 2026
Minutes

Present: Joe McIlroy, David Dermody, Chris Wall, Al Brightman

Others: Jonathan Witmer Esq., Donna Falkner, Dustin Geiger, Steven Chauncey, Scott Chauncey (remote)

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

Resolution:

Mr. Wall moved to approve the May 27 minutes with correction, Mr. McIlrooy seconded, all in favor, carried.

Ayes – 3 Nays – 0

Mr. Dermody recused himself and left.

Mr. McIlroy received the following email from Mr. Griswold, head of County Planning.

Re: T. York - Chauncey Homes Questions

From Joe McIlroy <jmcilroy@yorkny.org>

Date Wed 6/17/2026 5:06 PM

To TheodoreGriswold@livingstoncountyny.gov <TheodoreGriswold@livingstoncountyny.gov>

Cc NateCole@livingstoncountyny.gov <NateCole@livingstoncountyny.gov>; Donna Falkner <donna.falkner@gmail.com>; HeatherFerrero@livingstoncountyny.gov <HeatherFerrero@livingstoncountyny.gov>

Theodore,
Thank you for clearing up this issue for us.
Joe McIlroy

From: TheodoreGriswold@livingstoncountyny.gov <TheodoreGriswold@livingstoncountyny.gov>

Sent: Wednesday, June 17, 2026 3:44 PM

To: Joe McIlroy <jmcilroy@yorkny.org>

Cc: NateCole@livingstoncountyny.gov <NateCole@livingstoncountyny.gov>; Donna Falkner <donna.falkner@gmail.com>; HeatherFerrero@livingstoncountyny.gov <HeatherFerrero@livingstoncountyny.gov>

Subject: T. York - Chauncey Homes Questions

Good afternoon,

Per our conversation on Wednesday afternoon,

Regarding the question of the need for an Area Variance for multi-family setbacks

The proposed is located in the Hamlet Commercial Zoning District, in which multi-family dwellings are a permitted use.

Section 612 B of the Code states that multi-family buildings must have a minimum distance of 75 feet between them; "The only exception is within the Hamlet District, where setbacks are determined through a site plan review." Setbacks and building distance requirements appear to be treated as the same in Section 612 D.

The Uniform Code requires at least five feet of separation between separate dwelling units; the existing building separation is 16 feet. This requirement is different than a municipal zoning code's setback requirement.

An area variance should not be required for setbacks or minimum separation distance, because the proposed is a pre-existing, nonconforming building located in a Hamlet District where setbacks are determined through site plan review.

Regarding Lead & Petroleum Testing:

The Planning Department is exploring a brownfield-related grant to pay for testing in the building.

Nate Cole is taking point on that research (I have included him in this email).

We should hear back on progress sometime next week.

Please keep us updated on progress, and let us know if you have any other questions!

Mr. McIlroy stated that our Zoning Code doesn't really define the setback consistently.

Mr. Wall thinks the setback is defined although it is somewhat muddy.

Mr. Witmer said that either result (seeking a variance or not seeking a variance) is acceptable. Both results are reasonable.

Mr. Wall said there is risk involved in our decision and it is reasonable for another look, another set of eyes.

Mr. Witmer – so do you send it to our engineering.

Mr. Wall said there would be a difference between zoning variance and engineering.

Mr. McIlroy said going to our engineering firm would give us a full set of eyes professionally. Mr. Wall and Mr. Brightman agreed. Mr. McIlroy not comfortable with determining the response.

Mr. Scott Chauncey reviewed comments from the county and more streamlined path than ZBA

Mr. McIlroy – estimate for town engineer is approximately \$3500. Would have to update the site landscaping plan per section 520c, 1d.

Mr. Scott Chauncey did get approval for a grant through Livingston County Land Bank that provides funding for construction of affordable housing where rents would be controlled and that would cover the lead testing that Livingston County recommended.

County responses and board comments:

June 16, 2026

Donna Faulkner
2668 Main Street
PO Box 187
York, NY 14592-0187

Re: Zoning Referral #2026-036, Town of York, Site Plan Review for five residential apartments at 2517 Genesee Street (Applicant: Chauncey Homes, LLC)

Dear Ms. Faulkner:

The Livingston County Planning Board, at its regular meeting on June 11, 2026, reviewed the zoning referral from the Town of York of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the following advisory comments:

1. If not done already, the Town may wish to consider requiring site improvements to include sidewalks along the east and south sides of the parcel, as well as renovating the parcel entrance on Main St (SR 36) to conform with the Hamlet of Greigsville Transportation Plan's recommendations.
2. If not done already, the Town should complete the SEQR process before final action is taken.
3. If not done already, the Applicant should submit any recreation area plans to the Town and ensure they meet the requirements of Section 612 of the Town Code. Details of the recreation area, including facilities or equipment provided, should be noted on the final site plan.
4. If not done already, the Applicant should ensure all landscaping plans meet the requirements of Section 520 of the Town Code and the approval of the Town Board.
5. The Livingston County Planning Board noted that the northern parcel line may interfere with the Apartment #7 parking space as depicted on the parking plan. If not done already, a site survey should confirm the parcel line, and adjust the parking plan accordingly, if necessary.
6. The Livingston County Planning Board noted that the building under review has a long history of use as a vehicle repair facility, and if not done already, site testing for lead and petroleum products should take place to ensure the health and welfare of future residents.

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7. The Livingston County Planning Board stated that the proposed emergency access on Genesee Street may be insufficient for large fire trucks and other emergency vehicles, due to placement of the buildings in relation to the Right of Way, width of the access road and the available turn radius.
 8. The site plan depicts an undefined section at the Main St entrance, which may indicate that the curb cut onto to the right of way will be restricted to facilitate traffic flow. The site plan does not indicate whether this will be an actual barrier to protect parked vehicles from the right of way, or a measurement demonstrating sufficient room for traffic flow. If not done already, the Applicant should clarify the final size, nature and construction of the curb cut on Main St (SR 36), and how it will impact traffic flow on to Main Street. The Livingston County Planning Board also recommended that the curb cut on Main Street be built up with landscaping and buffering in order to protect the parking lot and provide screening, rather than being left open.

There was a quorum present at this meeting. There was a majority vote on this matter. For your information, a copy of the Staff Report has been included.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call me or Deputy Planning Director Heather Ferrero at 243-7550.

Sincerely,



Ted Griswold
Planner

cc: Clara Mulligan, Chairman, Livingston County Planning Board

Mr. McIlroy went through the county responses:

1. Sidewalks may come under transportation study, applicant doesn't want sidewalks required, will extend the cut of driveway.
2. SEQR – need to finish 2 and 3
3. Recreation area – applicant will comply with Section 612, picnic tables, grill, and 100 sq ft per unit.
4. Landscaping – screening around recreation area
5. Parking needs to be clarified on site plan
6. Scott Chauncey said there will be a lead based risk assessment under the grant. Mr. McIlroy asked when they would do it. Scott Chauncey said before the construction starts and they shouldn't require petroleum testing, no site remediation of ground needed because not disturbing ground. Mr. Wall said are you saying legislation bypasses testing in affordable housin? Mr. McIlroy said we need to satisfy our engineer and board agreed.
7. Mr. McIlroy said the board never intended that Rt. 63 entrance be access point for vehicles.
8. Mr. McIlroy said screening not necessary at curb site but grass or low shrubs. Mr. Brightman said can't block view.

Mr. Geiger asked for clarification – are you going to have engineer define the code or ZBA?

Mr. McIlroy said we would just review the updated site plan and use Hamlet Commercial, 612 with 75' as setback.

Mr. Wall – these distances are reasonable with building fire walls. Setbacks defined in code, minimum setback is distance between the buildings even though county say variance not needed, would like to have variance from ZBA

Resolution:

Mr. Wall moved to send the site plan to ZBA for a variance, Mr. Brightman seconded, all in favor, carried.

Ayes – 3 Nays – 0

Mr. McIlroy thinks our engineer could answer the question regarding petroleum testing.

Scott Chauncey said he doesn't see any evidence requiring it and doesn't plan on taking it on. The lead testing is under the grant.

Mr. Brightman said he thinks we need to consult with an engineer.

Scott Chauncey said we need an environmental engineer not architectural

Mr. Brightman said we don't necessarily have to test, just want to understand it.

Steven Chauncey – what needs to be on new site plan. Answer was curb cut and screening.

Resolution:

Motion to adjourn the meeting by Mr. Wall at 9 pm, seconded by Mr. Brightman, all in favor, carried.

Ayes – 3 Nays – 0

Respectfully Submitted
Donna Falkner