

Zoning Board of Appeals  
Regular Meeting and Public Hearing  
January 17, 2017

Chairman Gary Daum called the Regular Meeting to order at 7:05 pm, at the Yates Town Hall, 8 South Main Street, Lyndonville, New York 14098.

Those Present: Gary Daum, ZBA Chairman  
Pat O'Brien, ZBA Member  
Don Melfi, ZBA Member  
Mike Boring, ZBA Member  
Jim Taylor, ZBA Member  
Dawn Metty, Deputy Clerk

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the December 6, 2016 meeting.

RESOLUTION NO. 1-1/17

RESOLUTION TO ACCEPT THE MINUTES FROM THE DECEMBER 6, 2016 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the December 6, 2016 meeting as presented to each Board Member.

Offered: Mike Boring  
Seconded: Pat O'Brien

Votes: 5 Ayes (O'Brien, Boring, Daum, Melfi, Taylor); 0 Nays

Chairman Gary Daum introduced and welcomed new zoning board member Jim Taylor.

Chairman Gary Daum reviewed Daniel Holler's area variance application. He is asking for a 7' area variance west side and a 4' area variance east side. The new unit will be 10 ft. back and will be in line with the other cottages. Chairman Gary Daum also read the 2 letters from neighbors on each side of Daniels property. Both are in favor.

The positives are that the neighbors are in favor; it will be a new structure and will be moved back in line with the other cottages away from the water.

The area variance findings and decision sheet was filled out.

Chairman Gary Daum made a motion to close the regular meeting.

Offered: Pat O'Brien  
Seconded: Mike Boring

Votes: 5 Ayes (Melfi, O'Brien, Boring, Daum, Taylor); 0 Nays

Chairman Gary Daum called the Public Hearing to order at 7:30 pm, at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098

Those Present: Gary Daum, ZBA Chairman  
Pat O'Brien, ZBA Member  
Don Melfi, ZBA Member  
Mike Boring, ZBA Member  
Jim Taylor, ZBA Member  
Dan & Beth Holler Applicants

The following notice was placed in the Batavia Daily News on January 9, 2017.

PLEASE TAKE NOTICE; there will be a Public Hearing held on January 17, 2017 at 7:30 pm at the Yates Town Hall, 8 South Main Street, Lyndonville, New York 14098. The purpose of the public hearing is for an Area Variance, Application # 01-17, submitted by Daniel Holler at 10905 Petrie Lane FL 33, Lyndonville, New York 14098 for a 7' area variance west side and a 4' area variance east side. This application may be reviewed at the Office of the Town Clerk, 8 South Main Street, Lyndonville, NY 14098 during regular business hours.

All persons wishing to be heard shall be heard at this time. Correspondence may be made in person at the Public Hearing or by letter to the Town of Yates Zoning Board of Appeals.

Chairman Gary Daum – This public hearing is for property 10905 Petrie Lane FL 33. Daniel Holler is asking for a 7' area variance west side and a 4' area variance east side. Denial of building permit was made due to conflict with Section 570 and Section 640 10' side setback required and 30 front setbacks from mean high water mark. Two letters have been received in favor of the new structure.

Chairman Gary Daum asked if the old structure was gone.

Dan Holler – Structure is gone except for some metal.

No further questions/concerns

Motion to close Public Hearing.

Offered by: Pat O'Brien  
Seconded by: Don Melfi

Votes: 5 Ayes (Daum, Boring, O'Brien, Melfi, Taylor); 0 Nays

Reconvene to the regular meeting

Chairman Gary Daum entertained a motion to accept Daniel Holler's area variance for a 7' area variance west side and a 4' area variance east side.

RESOLUTION NO. 2-1/17

RESOLUTION TO ACCEPT DANIEL HOLLER'S AREA VARIANCE FOR A 7' AREA VARIANCE WEST SIDE AND A 4' AREA VARIANCE EAST SIDE.

RESOLVED, to accept Daniel Holler's area variance for a 7' area variance west side and a 4' area variance east side.

Offered by: Pat O'Brien

Seconded by: Don Melfi

Votes: 5 Ayes (Daum, O'Brien, Boring, Melfi, Taylor); 0 Nays

Following a discussion a resolution by Pat O'Brien seconded by Don Melfi to amend a variance on property at 10190 Roosevelt Hwy in Hamlet (H) district due to updated logistics on acreage size. A 1.5 acre variance was previously granted. Due to corrected information an additional .88 acres is requested bringing the total variance to 2.38 acres. The action as always is subject to Board and Town Attorney approval. Motion carried.

Votes: 5 Ayes (O'Brien, Melfi, Boring, Daum, Taylor); 0 Nays

NO FURTHER BUSINESS WAS DISCUSSED

Motion to adjourn meeting.

Offered by: Don Melfi

Seconded by: Mike Boring

Votes: 5 Ayes (Daum, Boring, O'Brien, Melfi, Taylor); 0 Nays