

Zoning Board of Appeals
Regular Meeting and Public Hearing
June 4, 2018

Chairman Gary Daum called the Regular Meeting to order at 7:00 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
Jim Taylor, ZBA Member
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Dan Wolfe, Code Enforcement Officer

MINUTES:

Chairman Gary Daum entertained a motion to accept the zoning board portion of the minutes from the planning & zoning joint meeting on May 3, 2018.

RESOLUTION NO. 1-6/18

RESOLUTION TO ACCEPT THE ZONING BOARD PORTION OF THE MINUTES FROM THE PLANNING & ZONING JOINT MEETING ON MAY 3, 2018 AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the zoning board portion of the minutes from the planning & zoning joint meeting on May 3, 2018 as presented to each Board Member.

Offered: Pat O'Brien
Seconded: Jim Taylor

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

The Zoning Board reviewed all three area variance applications from Charlene Keihl, Tina Ricard & Neil Groff.

Chairman Gary Daum went over the definition of what a "structure" is and mentioned that a decision may not need to be made right away due to some concerns.

Closed regular meeting

Chairman Gary Daum called the Public Hearing to order at 7:15 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
Jim Taylor, ZBA Member
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Dan Wolfe, Code Enforcement Officer
Charlene Keihl, Applicant
Tina Ricard, Applicant
Neil & Cosetta Groff, Applicants
Michael Wright, Property Owner
Larry Wolfe, Resident

The following notice was placed in the Batavia Daily News on May 28, 2018.

PLEASE TAKE NOTICE; there will be 3 Public Hearings held on June 4, 2018 at 7:15 pm at the Yates Town Hall, 8 South Main Street, Lyndonville, New York 14098. The purpose of the public hearings is for Area Variances, The First is Application # 01-18, submitted by Charlene Keihl at 1814 E. Townline Rd., Lyndonville, New York 14098 for an 8.5 side setback variance. The Second is Application # 02-18, submitted by Tina Ricard at 10917 Petrie Lane FL 33, Lyndonville, New York 14098 for a 2.5 side setback and 4.5 setback from private lane. The Third is Application # 03-18, submitted by Neil Groff at 10669 Yaxley Lane FL 43A, Lyndonville, New York 14098 for a 35' front setback from mean high water mark and 2' setback from private lane. These applications 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 mentioned having three area variance referrals. The first from Charlene Keihl, second from Tina Ricard and the third from Neil Groff.

Chairman Gary Daum – The first request is from Charlene Keihl at 1814 Yates-Carlton Townline Rd. She is asking for an 8.5 side setback variance for a shed.

Charlene Keihl mentioned moving the shed over any more; it would then be on the leach lines.

Dan Wolfe asked what the shed is going to be used for.

Charlene Keihl – It would be used for her son to work on his machines.

Dan Wolfe explained that it is not to be used as a living space.

Chairman Gary Daum – Land behind you is unused?

Charlene Keihl – It's all woods.

Chairman Gary Daum stressed again that the shed is not a living space and let Charlene know that Dan will let her know the board's decision within a week.

Chairman Gary Daum – The second variance is from Tina Ricard at 10917 Petrie Lane FL 33, she is asking for a 2.5 side setback variance and a 4.5 setback from private lane for a shed.

Dan Wolfe - Went down to see applicant and took some pictures. It's just a 10 x 14 shed and very tasteful. Did have a call from a neighbor who is concerned with the view.

Mike Wright, who owns property to the west, does not have a problem with it. Think it's a tasteful improvement to the property.

Dan Wolfe mentioned one concern from the McDonalds (another neighbor) was that there's a camper, vehicle plus the shed. The lot is small.

Tina Ricard – It was one side or the other for the shed. Did not know a permit was needed at the time. Just trying to make it nice.

Mike White – On behalf, there are some trees in the way.

Tina Ricard showed a picture of the shed.

Chairman Gary Daum let Tina know that Dan Wolfe will let her know of the decision.

Chairman Gary Daum – The third application is from Neil Groff at 10669 Yaxley Lane FL 43A, he is asking for a 35' front setback from mean high water mark and 2' from private lane to build a home.

Dan Wolfe explained that about a month ago Mr. Groff asked about building a dwelling. Did go down and look at the property. The Arlington's who live adjacent to Mr. Groff sent a letter in favor of them building a home.

Dan Wolfe also asked how long have they owned the property and if they had any erosion.

Cosetta Groff – Since October of 2016. There was no erosion at all.

Neil Groff explained that all sheds are gone and showed the board what he wants to do. He also said that they do have good neighbors

There were no other questions.

Chairman Gary Daum thanked the Groffs for coming at said that Dan Wolfe will let them know of the decision.

Motion to close Public Hearing.

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

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

Reconvene to the regular meeting.

The board discussed Tina Ricard's property. The property is small. The shed is nice and she has been fixing it up. Charlene Keihl was told the shed was to be used as storage/work space only. Not to be used as a living space.

Chairman Gary Daum asked if there was anything else.

Mike Boring asked Dan Wolfe about signage for businesses that are closed now.

NO FURTHER BUSINESS WAS DISCUSSED

Motion to adjourn meeting.

Offered by: Pat O'Brien
Seconded by: Mike Boring

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

The board reconvened on Monday June 11, 2018 to vote on all three applications.

Chairman Gary Daum entertained a motion to approve Charlene Keihl's area variance application with the understanding that the definition of a dwelling be made clear. Sleeping is qualified as "living".

RESOLUTION NO. 2-6/18

RESOLUTION TO APPROVE CHARLENE KEIHL'S AREA VARIANCE APPLICATION WITH THE UNDERSTANDING THAT THE DEFINITION OF A DWELLING BE MADE CLEAR. SLEEPING IS QUALIFIED AS "LIVING".

RESOLVED, to approve Charlene Keihl's area variance application with the understanding that the definition of a dwelling be made clear. Sleeping is qualified as "living".

Offered by: Pat O'Brien
Seconded by: Mike Boring

Votes: 4 Ayes (O'Brien, Boring, Melfi, Daum); 0 Nays (1 absent Jim Taylor)

In regards to Tina Ricard's application Chris McDonald came into the office on June 11, 2018 to say he is good with the variance.

Chairman Gary Daum entertained a motion to approve Tina Ricard's area variance application.

RESOLUTION NO. 3-6/18

RESOLUTION TO APPROVE TINA RICARD'S AREA VARIANCE APPLICATION.

RESOLVED, to approve Tina Ricard's area variance application.

Offered by: Pat O'Brien

Seconded by: Don Melfi

Votes: 4 Ayes (O'Brien, Melfi, Boring, Daum); 0 Nays (1 absent Jim Taylor)

Chairman Gary Daum entertained a motion to approve Neil Groff's area variance application.

RESOLUTION NO. 4-6/18

RESOLUTION TO APPROVE NEIL GROFF'S AREA VARIANCE APPLICATION.

RESOLVED, to approve Neil Groff's area variance application.

Offered by: Mike Boring

Seconded by: Don Melfi

Votes: 4 Ayes (Boring, Melfi, O'Brien, Daum); 0 Nays (1 absent Jim Taylor)

NO FURTHER BUSINESS

Motion to adjourn the meeting

Offered by: Don Melfi

Seconded by: Mike Boring

Votes: 4 Ayes (Melfi, Boring, O'Brien, Daum); 0 Nays (1 absent Jim Taylor)