

Zoning Board of Appeals
Regular Meeting and Public Hearing
October 26, 2021

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
Don Melfi, ZBA Member
Mike Boring, ZBA Member
Jim Taylor, ZBA Member
Pat O'Brien, ZBA Member
Dan Wolfe, Code Enforcement Officer
Dawn Metty, Deputy Clerk
Richard Frank, Applicant
Lynn Gongwer

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the September 28, 2021 meeting.

RESOLUTION NO. 07-10/21

RESOLUTION TO ACCEPT THE MINUTES FROM THE SEPTEMBER 28, 2021 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the September 28, 2021 meeting as presented to each Board Member.

Offered by: Pat O'Brien

Seconded by: Jim Taylor

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

Dan Wolfe presented the zoning board with a new area variance application that had come in from Richard Frank at 10433 Lakeshore Rd. asking for a variance to allow 2nd story addition in a CEHA area and asked if Richard has rip rap.

Richard Frank – yes, just would like to add a 2nd story to existing structure.

A date for the public hearing for Richard Frank's application will be set for Tuesday November 30, 2021.

Chairman Gary Daum entertained a motion to adjourn regular meeting for the public hearing.

Offered by: Mike Boring

Seconded by: Don Melfi

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

Chairman Gary Daum called the Public Hearing to order at 7:15pm, at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098

Those Present: Gary Daum, ZBA Chairman
Don Melfi, ZBA Member
Jim Taylor, ZBA Member
Mike Boring, ZBA Member
Pat O'Brien, ZBA Member
Dan Wolfe, Code Enforcement Officer
Dawn Metty, Deputy Clerk
Richard Frank, Applicant
Lynn Gongwer

The following notice was placed in the Batavia Daily News on October 16, 2021.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be a Public Hearing held on October 26, 2021 at 7:15 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 # 04-21, submitted by Frank Herstek at 11411 Sunnycrest Lane, Lyndonville, New York 14098 for a 7' side setback variance on west 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.

Dan Wolfe let the Zoning Board know that Frank Herstek was unable to be at the meeting and did a recap explaining that the family still wants the cottage but is in bad shape. Needs to come down and replaced with new.

Don Melfi asked if they are going to build where existing cottage is.

Dan Wolfe - yes

Chairman Gary Daum reviewed the application from Frank Herstek asking for a 7' side setback variance on west side. Also mentioned that Frank was at the last meeting and answered questions then. There were no concerns from neighbors and with no one in attendance; Chairman Gary Daum asked if the board had any more questions.

There were no questions.

Chairman Gary Daum entertained a motion to close public hearing.

Offered by: Mike Boring

Seconded by: Pat O'Brien

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

Reconvened to the regular meeting.

The Area Variance Findings & Decision sheet was filled out.

Chairman Gary Daum entertained a motion to approve Frank Herstek's area variance for a 7' side setback variance on west side.

RESOLUTION NO. 08-10/21

RESOLUTION TO APPROVE FRANK HERSTEK'S AREA VARIANCE FOR A 7' SIDE SETBACK VARIANCE ON WEST SIDE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Frank Herstek's area variance for a 7' side setback variance on west side as presented to each board member.

Offered by: Pat O'Brien

Seconded by: Don Melfi

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

Chairman Gary Daum spoke about training and the lack of due to Covid.

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn meeting.

Offered by: Don Melfi

Seconded by: Jim Taylor

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