

Zoning Board of Appeals
Regular Meeting and Public Hearing
September 28, 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
John Ryan, Applicant
Mark Lang, Applicant
Paul & Paulette Daigler
Jeff Carrick
Frank Herstek
Steve Freeman
Larry Wolfe

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the May 18, 2021 meeting.

RESOLUTION NO. 03-9/21

RESOLUTION TO ACCEPT THE MINUTES FROM THE MAY 18, 2021 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the May 18, 2021 meeting as presented to each Board Member.

Offered by: Don Melfi
Seconded by: Mike Boring

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

Dan Wolfe – Have an area variance application from John Ryan at 11923 Lakeshore Rd. requesting a 5' side setback variance to build a pole barn.

John Ryan – Have a stone driveway already the storage barn will be used to put toys in.

Dan Wolfe – The driveway already exists and the property is long, shouldn't be a problem.

Dan Wolfe – The second area variance application from Mark Lang at 12449 Barnum Lane. Wants to tear down porch and build towards lake, would like to go 2 more feet and needs a 13 ft. front setback variance.

Chairman Gary Daum – In the past there have been concerns with the high water mark at the lake.

Mark Lang – Going to put boulders in.

Dan Wolfe asked if he was confident that he wouldn't lose any more land.

Mark Lang – Yes.

Dan Wolfe – A last minute area variance has come in for 11411 Sunnycrest Lane this is for review only tonight. Mr. Herstek would like to demolish and rebuild however it's on a nonconforming lot. He is requesting a 7' side setback variance on west side.

Frank Herstek explained that he was going to sell but the kids want the cottage. It's in pretty bad shape therefore it needs to be rebuilt.

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

Offered by: Mike Boring

Seconded by: Pat O'Brien

Votes: 5 Ayes (Boring, O'Brien, Melfi, 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
John Ryan, Applicant
Mark Lang, Applicant
Paul & Paulette Daigler
Jeff Carrick
Frank Herstek
Steve Freeman
Larry Wolfe

The following notice was placed in the Batavia Daily News on September 17, 2021.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be 2 Public Hearings held on September 28, 2021 starting 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 # 02-21, submitted by John Ryan at 11923 Lakeshore Rd. FL 34, Lyndonville, New York 14098 for a 5' side setback variance. The Second is Application # 03-21, submitted by Mark Lang at 12449 Barnum Lane, Lyndonville, New York 14098 for a 13' front setback variance. 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 – First is application 02-21 from John Ryan at 11923 Lakeshore Rd. requesting a 5' side setback variance.

Chairman Gary Daum went over the application and the short environmental assessment form and asked if there were any questions regarding Mr. Ryan's application.

Paul Daigler, a neighbor of John Ryan's, is in favor of the area variance.

There were no questions.

Chairman Gary Daum – Second is application 03-21 from Mark Lang at 12449 Barnum Lane requesting a 13' front setback variance.

Chairman Gary Daum went over the application and the short environmental assessment form and asked if there were any questions.

There were no questions.

Chairman Gary Daum entertained a motion to close public hearing.

Offered by: Mike Boring

Seconded by: Don Melfi

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

Chairman Gary Daum entertained a motion to set a public hearing for an area variance submitted by Frank Herstek on Tuesday October 26th at 7:15 pm.

RESOLUTION NO. 04-9/21

RESOLUTION TO SET A PUBLIC HEARING FOR AN AREA VARIANCE SUBMITTED BY FRANK HERSTEK ON TUESDAY OCTOBER 26TH AT 7:15 PM AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to set a public hearing for an area variance submitted by Frank Herstek on Tuesday October 26th at 7:15 pm as presented to each board member.

Offered by: Mike Boring
Seconded by: Jim Taylor

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

Closed public hearing and reconvened the regular meeting.

The Area Variance Findings & Decision sheet was filled out for John Ryan.

Chairman Gary Daum entertained a motion to approve John Ryan's area variance for a 5' side setback variance.

RESOLUTION NO. 05-9/21

RESOLUTION TO APPROVE JOHN RYAN'S AREA VARIANCE FOR A 5' SIDE SETBACK VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve John Ryan's area variance for a 5' side setback variance as presented to each board member.

Offered by: Mike Boring
Seconded by: Don Melfi

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

The second Area Variance Findings & Decision sheet was filled out for Mark Lang.

Chairman Gary Daum entertained a motion to approve Mark Lang's area variance for a 13' front setback variance.

RESOLUTION NO. 06-9/21

RESOLUTION TO APPROVE MARK LANG'S AREA VARIANCE FOR A 13' FRONT SETBACK VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Mark Lang's area variance for a 13' front setback variance as presented to each board member.

Offered by: Don Melfi

Seconded by: Mike Boring

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

Chairman Gary Daum went over a few items that were discussed at the County Planning Board meeting including the special use permit from Mark Zimmerman that was approved by the County.

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn meeting.

Offered by: Don Melfi

Seconded by: Pat O'Brien

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