Zoning Board of Appeals
Regular Meeting and Public Hearing
January 27, 2026

Chairman Don Melfi 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:	Don Melfi, ZBA Chairman Bob DeMallie, ZBA Member Mike Boring, ZBA Member Pat O'Brien, ZBA Member Dawn Metty, Deputy Clerk Dave Reese, Code Enforcement Officer David Nevinger, Applicant Larry Wolfe
Those Absent:	Jim Taylor, ZBA Member

MINUTES:

The Zoning Board reviewed David Nevinger's area variance application and discussed why the variance was needed. It's due to a water line that is buried there. Stone and fabric were laid down before the water line was discovered and when they came to flag it, the water line was discovered right where they want to build. Now the pole barn needs to be moved over.

Chairman Don Melfi - I went down there, he'd be moving it to the east, so that he's not on the water line. The neighbor on that side gave him a letter in favor of the build. And then on the east side, he owns that lot there, too. He owns two lots. So it's not a big deal.

Pat O'Brien asked so the whole thing wasn't his fault for doing this?

Chairman Don Melfi - No, it wasn't his fault. They had it all dug out, staked out and everything. He's going to have to be five feet from that?

Mike Boring asked so he already had a building permit then?

Chairman Don Melfi – Yes he did. They just started digging before they flagged it.

Pat O'Brien - I guess what I'm saying is it's not self-created.

Chairman Don Melfi - Right

Chairman Don Melfi entertained a motion to adjourn the regular meeting for the public hearing.

Offered by: Bob DeMallie
Seconded by: Pat O'Brien

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

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

Those Present: Don Melfi, ZBA Chairman
Bob DeMallie, ZBA Member
Mike Boring, ZBA Member
Pat O'Brien, ZBA Member
Dawn Metty, Deputy Clerk
Dave Reese, Code Enforcement Officer
David Nevinger, Applicant
Larry Wolfe

Those Absent: Jim Taylor, ZBA Member

The following notice was placed in the Batavia Daily News on January 20, 2026.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be a Public Hearing held on January 27, 2026 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 # 03-25, submitted by David Nevinger at 10317 Chaffee Lane, Lyndonville, New York 14098. For a 10 ft. variance to be 5 ft. from the side yard line to build a 40 x 60 pole barn. 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 Don Melfi - This is a public meeting for, we already had an informational meeting, David Nevinger's area variance application for the property of 10317 Chaffee Lane. Do you, David have anything new?

David Nevinger - Nothing new.

Chairman Don Melfi - Other than you're waiting.

David Nevinger - Other than I'm waiting, there's a lot of snow up there.

Chairman Don Melfi asked if we approve this are you going to be able to start.

David Nevinger replied I'm going to let them know, and I'll let them decide. If they can get holes in the ground, I would imagine they'll probably start because they're probably slow right now.

Chairman Don Melfi - So, I understand you already gave us a letter, your neighbor doesn't object.

David Nevinger - Correct.

Chairman Don Melfi - On that side and you own on the other side.

David Nevinger - Yes.

Chairman Don Melfi - And the only problem was you found out after they put the stone down.

David Nevinger - Yes.

Chairman Don Melfi - It wasn't your fault. They got it down before they had it staked out, right?

David Nevinger - Yes.

Chairman Don Melfi - Any other discussion?

There was no other discussion.

Chairman Don Melfi - We've gone over everything and there's no one here to object. I would like to entertain the motion to close the public hearing.

Offered by: Pat O'Brien
Seconded by: Bob DeMallie

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

Chairman Don Melfi - We'll take a vote on it, and Dave Reese will let you know.

Dave Reese - Yes, and I did follow up with Rick who scraped the land. He wasn't puncturing anything, but he understands now that even scraping needs to be called in. You got to get the 811, and I stamp all our permits now, 811. Anything that needs to puncture the land.

Chairman Don Melfi entertained a motion to open the regular meeting.

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

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

Chairman Don Melfi entertained a motion to approve David Nevinger's area variance application.

RESOLUTION # 01-1/26

RESOLUTION TO APPROVE DAVID NEVINGER'S AREA VARIANCE APPLICATION AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve David Nevinger's area variance application as presented to each board member.

Offered by: Bob DeMallie
Seconded by: Pat O'Brien

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

The Area Variance Findings and Decision Sheet was filled out.

Chairman Don Melfi entertained a motion to accept the minutes from the December 9, 2025 Zoning Board meeting.

RESOLUTION NO. 02-1/26

RESOLUTION TO ACCEPT THE MINUTES FROM THE DECEMBER 9, 2025 ZONING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the December 9, 2025 Zoning Board meeting as presented to each Board Member.

Offered by: Pat O'Brien
Seconded by: Bob DeMallie

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

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Don Melfi entertained a motion to adjourn the meeting.

Offered by: Bob DeMallie
Seconded by: Pat O'Brien

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