Zoning Board of Appeals
Regular Meeting and Public Hearing
August 28, 2017

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 minutes from the May 23, 2017 meeting.

RESOLUTION NO. 7-8/17

RESOLUTION TO ACCEPT THE MINUTES FROM THE MAY 23, 2017 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the May 23, 2017 meeting as presented to each Board Member.

Offered: Pat O'Brien
Seconded: Mike Boring

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

Chairman Gary Daum – First discussed area variance application from Michael Heitzenrater. He is asking for an 18' side setback variance. A 30' side setback is required. He would like to build a garage. Are there any questions/concerns?

There were no questions/concerns.

Chairman Gary Daum then discussed area variance application from Sandy Knoll Farms, requesting a 155' front setback and 175' side setback variance. Reason for the variance is for farm labor housing. It's a considerable amount for a setback.

Dan Wolfe – Wants to use house he bought for housing which requires a 200 ft. setback on each side.

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

Offered: Pat O'Brien
Seconded: Mike Boring

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

Chairman Gary Daum called the Public Hearing to order at 7:20 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
Dan Wolfe, Code Enforcement Officer
Dawn Metty, Deputy Clerk
Patrick Woodworth (Sandy Knoll Farms), Applicant
Michael Heitzenrater, Applicant
Larry Wolfe, Resident

The following notice was placed in the Batavia Daily News on August 23, 2017.

PLEASE TAKE NOTICE; there will be 2 Public Hearings held on August 28, 2017 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 # 05-17, submitted by Sandy Knoll Farms Inc., at 1994 Greenman Rd., Lyndonville, New York 14098 for a 155' front setback variance and a 175' side setback variance. The Second is Application # 06-17, submitted by Michael Heitzenrater at 1406 N. Lyndonville Rd., Lyndonville, New York 14098 for an 18' side 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 an application for an area variance submitted by Sandy Knoll Farms asking for a 155' front setback and 175' side setback variance for farm labor housing. Denial was made because of a conflict with Section 730; 200' setback front, side and rear are required. There are guidelines. Are there any comments from the floor?

Patrick Woodworth – Did not realize a 200' setback was needed for existing structure when the house was purchased. Need permitted labor housing in order to provide housing. There are health department guidelines, cannot have more than 18 people in house.

Dan Wolfe asked what was going to be done with the house when the workers were done and gone.

Patrick Woodworth – The house will be closed up (Nov.-Feb.)

Chairman Gary Daum – With no one in attendance, does the board have any questions.

There were no other questions.

Chairman Gary Daum thanked Patrick Woodworth for coming.

Chairman Gary Daum – The second application is from Michael Heitzenrater at 1406 N. Lyndonville Rd. He is asking for an 18' side setback variance. Denial of building permit was made due to conflict with Section 530 Paragraph F 30' side setback required.

Chairman Gary Daum asked Michael Heitzenrater to share his thoughts for the garage.

Michael Heitzenrater – Have lived there for 30 years and never had a garage. Getting ready to retire and would like to have the garage to tinker in.

Chairman Gary Daum – Size of the lot is narrow. The garage would not be out of place if it was built.

Dan Wolfe informed Mr. Heitzenrater that the garage is to be used for personal use only, not a business.

Chairman Gary Daum asked if there were any other questions and thanked him for coming.
There were no other questions.

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

Chairman Gary Daum entertained a motion to approve Michael Heitzenrater's area variance for an 18' side setback variance.

RESOLUTION NO. 8-8/17

RESOLUTION TO APPROVE MICHAEL HEITZENRATER'S AREA VARIANCE FOR AN 18' SIDE SETBACK VARIANCE.

RESOLVED, to approve Michael Heitzenrater's area variance for an 18' side setback variance.

Offered by: Pat O'Brien
Seconded by: Jim Taylor

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

Area Variance Findings & Decision sheet was filled out.

Final discussion on Sandy Knoll Farms application was discussed. It's their business, they own the land around the property and there is some distance between the neighbors.

Chairman Gary Daum entertained a motion to accept Sandy Knoll Farms area variance for a 155' front setback and a 175' side setback variance.

RESOLUTION NO. 9-8/17

RESOLUTION TO ACCEPT SANDY KNOLL FARMS AREA VARIANCE FOR A 155' FRONT SETBACK AND A 175' SIDE SETBACK VARIANCE.

RESOLVED, to accept Sandy Knoll Farms area variance for a 155' front setback and a 175' side setback variance.

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

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

Area Variance Findings & Decision sheet was filled out.

NO FURTHER BUSINESS WAS DISCUSSED

Motion to adjourn meeting.

Offered by: Jim Taylor
Seconded by: Don Melfi

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