Zoning Board of Appeals
Regular Meeting and Public Hearing
August 13, 2019

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
Mike Boring, ZBA Member
Jim Taylor, ZBA Member
Dan Wolfe, Code Enforcement Officer
Dawn Metty, Deputy Clerk
Patrick & Sarah O'Brien, Applicants
Kate O'Brien
Donna Bane
Dan & Laurie Cleary
Michelle Krueger
Larry Wolfe, Resident

Those Absent: Don Melfi, ZBA Member

The following notice was placed in the Batavia Daily News on August 1, 2019.

PLEASE TAKE NOTICE; there will be a Public Hearing held on August 13, 2019 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 # 05-19, submitted by Patrick O'Brien at 10875 Petrie Lane, Lyndonville, New York 14098 for a 4'-6" setback variance. 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 Gary Daum – Open with public hearing for a request for an Area Variance submitted by Patrick O'Brien at 10875 Petrie Lane. He is asking for a 4'-6" setback variance to build a pool deck. Denial was made because of a violation/conflict with the Zoning Code.

Chairman Gary Daum went over the Short Environmental Assessment Form.

Dan Wolfe explained that they have a 60 ft. lot and that lots are not very big at the lake, which causes difficulty. Will try to answer any questions that anyone has.

Mr. Cleary asked how the pool got to be 1ft. 6 inches from his property line and that he and Pat measured it together.

Mr. O'Brien mentioned that at the time pool was going to go in, it was discussed with Mr. Cleary and was ok with it.

Mr. Cleary mentioned that he was in Atlanta at the time the pool was going in and no he did not have a problem with the pool, however, was not aware it would be within 5 ft. of property.

Dan Wolfe – Don't know how it happen, should have been more on top of it.

Mr. Cleary – No complaints on pool but when the fence/deck was going up did ask if it could be moved, Pat said no.

Dan Wolfe asked if they know if fact where the line is.

Mr. O'Brien mentioned that he was debating on having a survey done.

Dan Wolfe – With issues like this, it may be a good idea to have a survey done.

Mrs. O'Brien mentioned having the deck moved once ok is given to start work again.

Chairman Gary Daum asked if there were any more questions.

There were no other questions.

Motion to close Public Hearing.

Offered by: Mike Boring
Seconded by: Jim Taylor

Votes: 3 Ayes (Boring, Taylor, Daum); 0 Nays (1 absent (Melfi), 1 abstained (O'Brien))

Reconvene to the regular meeting.

Mr. Cleary does oppose the variance but hopes he and Mr. O'Brien can work it out.

Mrs. Cleary asked who decides the variance.

Chairman Gary Daum – The zoning board does.

Mrs. Cleary asked if they can appeal it.

Dan Wolfe – Will look into it.

Mike Boring asked how much room from the pool to the line.

Mr. O'Brien – 1ft. and a ½.

Chairman Gary Daum – Coming up with a negotiation would be a good idea, would like to see an agreement as best as it can be. Will meet as soon as we can (within a 2 week period). It will be a regular meeting. Please note that the public hearing was closed but additional public comments were made.

Chairman Gary Daum thanked everyone for coming.

Opened regular meeting

Dan Wolfe – Ervin Stauffer came to me a couple months ago. He would like to build an extremely large building to build modular homes. Zoning regulations only allows 7,500 sq. ft. He wants to build an 80 x 120 ft. building. He needs a 7,000 sq. ft. variance. Does meet home business Class B criteria

Chairman Gary Daum entertained a motion to accept the minutes from the July 23, 2019 meeting.

RESOLUTION NO. 9-8/19

RESOLUTION TO ACCEPT THE MINUTES FROM THE JULY 23, 2019 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the July 23, 2019 meeting as presented to each Board Member.

Offered by: Mike Boring
Seconded by: Jim Taylor

Votes: 3 Ayes (Boring, Taylor, Daum); 0 Nays (1 absent (Melfi) & 1 abstained (O'Brien))

Mike Boring entertained a motion to recommend a survey and start with a variance on the pool.

RESOLUTION NO. 10-8/19

RESOLUTION TO RECOMMEND A SURVEY AND START WITH A VARIANCE ON THE POOL AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to recommend a survey and start with a variance on the pool as presented to each board member.

Seconded by: Jim Taylor

Votes: 3 Ayes (Boring, Taylor, Daum); 0 Nays (1 absent (Melfi) & 1 abstained (O'Brien))

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn meeting.

Offered by: Mike Boring
Seconded by: Jim Taylor

Votes: 3 Ayes (Boring, Taylor, Daum); 0 Nays (1 absent (Melfi) & 1 abstained (O'Brien))