Zoning Board of Appeals
Regular Meeting and Public Hearing
April 18, 2023

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
Jim Taylor, ZBA Member
Pat O'Brien, ZBA Member
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Eric Vick, Applicant
Rich Rounds, Applicant
Ralph Vick
Jim Simon, Town Supervisor
Dave D'Anniballe, H.H. Dobbins
Paul Sylvestri, H.H. Dobbins Attorney
Larry Wolfe

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the March 28, 2023 meeting.

RESOLUTION NO. 05-4/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE MARCH 28, 2023 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the March 28, 2023 meeting as presented to each Board Member.

Offered by: Don Melfi
Seconded by: Mike Boring

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

Chairman Gary Daum – Instead of three public hearings tonight there will only be two. At last month's meeting we discussed Tom George's application for an area variance to build a garage however with a further investigation a variance was not needed and the building permit was approved.

Chairman Gary Daum reviewed with the board Eric Vicks application for an area variance and asked Eric to show the board where the new garage was going to be for clarification. Upon further review it was noted setback distance is measured from the center of the road. Therefore a 45 ft. setback is required.

Eric Vick agreed.

Then the board reviewed Rich Rounds application for an area variance. Chairman Gary Daum asked Rich if he was going to tear down the old garage.

Rich Rounds – Yes.

Chairman Gary Daum asked Rich where the septic was located and mentioned that denial was made under Section 510 Agricultural/Residential District but should be Section 520 Rural Residential District and will amend from Section 510 to Section 520.

Adjourned the regular meeting for the public hearing.

Chairman Gary Daum entertained a motion to open the public hearing.

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

Votes: 5 Ayes (O'Brien, Boring, 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
Pat O'Brien, ZBA Member
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Eric Vick, Applicant
Rich Rounds, Applicant
Ralph Vick
Jim Simon, Town Supervisor
Dave D'Anniballe, H.H. Dobbins
Paul Sylvestri, H.H. Dobbins
Larry Wolfe

The following notice was placed in the Batavia Daily News on April 13, 2023.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be 2 Public Hearings held on April 18, 2023 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 # 02-23, submitted by Eric Vick at 1958 Yates-Carlton Townline Rd., Lyndonville, New York 14098 for a 15' front setback variance. The Second is Application # 03-23, submitted by Rich Rounds at 11505 Platten Rd., Lyndonville, New York 14098 for a 18' west 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 on the agenda tonight is Mr. Vick at 1958 Yates-Carlton Townline Rd. He is asking for a 15' front setback variance to build a garage.

Don Melfi asked if the garage could be moved back further.

Eric Vick – Not able to move it back further because of the leach lines.

Chairman Gary Daum asked if we heard from any of the neighbors.

Dawn Metty – We did not hear from any of the neighbors.

With no other questions or concerns, Chairman Gary Daum entertained a motion to adjourn the public hearing.

Offered by: Mike Boring
Seconded by: Jim Taylor

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

With a few minutes before the next public hearing Chairman Gary Daum asked the board to take a look at the paperwork H.H. Dobbins submitted for an area variance.

Chairman Gary Daum entertained a motion to open the next public hearing.

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

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

Chairman Gary Daum – We have an area variance from Rich Rounds at 11505 Platten Rd. He is asking for an 18' side setback variance to build a garage.

Don Melfi asked if we heard anything from the neighbors.

Dawn Metty – No we did not.

With no other questions or concerns Chairman Gary Daum entertained a motion to adjourn the public hearing.

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

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

Reconvened to the regular meeting.

Chairman Gary Daum – We have a new area variance that has come in from H.H. Dobbins. They would like to build North of here farm labor housing. Our priority tonight is to discuss the variance.

Paul Sylvestri explained why the variance is needed and then asked if the zoning meeting could be the same night as the planning meeting.

Chairman Gary Daum – can try to get the paperwork to the County for review this month before next month's public hearing. The dead line for the County is this Thursday.

Chairman Gary Daum asked if any of the board members had any questions for Dobbins.

There were no questions.

Jim Simon asked about the second building that Dobbins eventually wanted to build.

Paul Sylvestri – Only looking to build one building. It was decided to drop the second one due to the length that this is taking.

Dave D'Anniballe explained that the help is needed and they can't find it here. Want to bring in H2A's early to do tree trimming and farm help. The H2B's will help with packing and cleaning. Would like to combine the H2A's and H2B's in one facility. He also explained to the Zoning Board what the company does.

Chairman Gary Daum entertained a motion to refer to the County Planning Board the variance submitted by H.H. Dobbins.

RESOLUTION NO. 06-4/23

RESOLUTION TO REFER TO THE COUNTY PLANNING BOARD THE VARIANCE SUBMITTED BY H.H. DOBBINS AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to refer to the County Planning Board the variance submitted by H.H. Dobbins 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
Jim Simon mentioned that a bigger place may be needed and will discuss that in the next day or two.

A discussion to have the Planning and Zoning together on May 4th.

Chairman Gary Daum entertained a motion to set the public hearing up on May 4, 2023 with the Planning Board public hearing.

RESOLUTION NO. 07-4/23

RESOLUTION TO SET THE PUBLIC HEARING UP ON MAY 4, 2023 WITH THE PLANNING BOARD PUBLIC HEARING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to set the public hearing up on May 4, 2023 with the Planning Board public hearing 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

Chairman Gary Daum entertained a motion to approve Eric Vick's area variance.

RESOLUTION NO. 08-4/23

RESOLUTION TO APPROVE ERIC VICK'S AREA VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Eric Vick's area variance as presented to each Board Member.

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

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

Chairman Gary Daum entertained a motion to approve Rich Rounds area variance.

RESOLUTION NO. 09-4/23

RESOLUTION TO APPROVE RICH ROUNDS AREA VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Rich Rounds area variance as presented to each Board Member.

Offered by: Mike Boring
Seconded by: Jim Taylor
Votes: 5 Ayes (Boring, Taylor, O'Brien, Melfi, Daum); 0 Nays

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn the meeting.

Offered by: Mike Boring
Seconded by: Don Melfi

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