Zoning Board of Appeals
Regular Meeting and Public Hearing
September 12, 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
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Brian Stoll, Applicant
Larry Wolfe

Those Absent: Pat O'Brien, ZBA Member

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the June 29, 2023 Zoning Board meeting.

RESOLUTION NO. 20-9/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE JUNE 29, 2023 ZONING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the June 29, 2023 Zoning Board meeting as presented to each Board Member.

Offered by: Don Melfi
Seconded by: Mike Boring

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

Chairman Gary Daum stated that there was some confusion at the last meeting as to where the property line is for Brian Stoll. Since then it has been clarified and the application has been amended. He is requesting a 14'.4" side yard variance.

Don Melfi asked if any of the neighbors had come in to inquire about the application.

Dawn Metty – Only one, and that was just to see the application and where the property line is. She has no problem with the project.

There were no other questions or concerns.

Chairman Gary Daum briefly read an article from the Home Town Extra Newspaper regarding dog control officers assisting code enforcement officer in Newfane. That would only be to assist enforcement of local codes and ordinances. (See attached)

Adjourned regular meeting for the public hearing.

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
Dawn Metty, Deputy Clerk
Brian Stoll, Applicant
Larry Wolfe

Those Absent: Pat O'Brien, ZBA Member

The following notice was placed in the Batavia Daily News on September 1, 2023.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be a Public Hearing held on September 12, 2023 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 # 04-23, submitted by Brian Stoll at 12190 Alps Rd., Lyndonville, New York 14098, for a 14'.4" side yard 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 – Tonight's meeting is for an area variance submitted by Brian Stoll, for the property located at 12190 Alps Rd. Denial of the building permit was made because of a violation/conflict with the Zoning Code 510 Section E side setback requirement not met. He is asking for a 14'.4" side setback variance. The property lines were in question but since have been resolved.

Brian Stoll explained the size of the variance he is asking and that the .4 is a little bit of a buffer. The new barn will be where the old barn was and that most of the new barn will be more on the property versus the line. Do have a neighbor that butts up to the line, he has no problem with the new build.

Chairman Gary Daum let Mr. Stoll know that one neighbor did come in to the town office regarding his application.

Dawn Metty explained that the neighbor just wanted to see the application and asked where the property line is and that they have no problem with the build.

There were no other questions/concerns.

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

Offered by: Mike Boring
Seconded by: Jim Taylor

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

Reconvened to the regular meeting.

Area Variance Findings & Decision sheet was filled out.

Chairman Gary Daum entertained a motion to approve Brian Stoll's area variance.

RESOLUTION NO. 21-9/23

RESOLUTION TO APPROVE BRIAN STOLL'S AREA VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Brian Stoll's area variance as presented to each Board Member.

Offered by: Mike Boring
Seconded by: Don Melfi

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

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn the meeting.

Offered by: Mike Boring
Seconded by: Jim Taylor

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