Zoning Board of Appeals
Regular Meeting and Public Hearing
December 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
Pat O'Brien, ZBA Member
Dawn Metty, Deputy Clerk
Daniel & Elizabeth Holler, Applicants
Larry Wolfe

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the November 14, 2023 Zoning Board meeting.

RESOLUTION NO. 23-12/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE NOVEMBER 14, 2023 ZONING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the November 14, 2023 Zoning Board meeting as presented to each Board Member.

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

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

Chairman Gary Daum – Here tonight for a request for an area variance from the Holler's. Did speak about the variance at the last meeting. They are looking for an 8 ft. side setback variance on both sides and a 46 ft. setback variance from the high water mark. They would like to put a manufactured home on the property. The site plan has been included with the application.

Jim Taylor asked how old the septic system is and how big the tank is.

Daniel Holler – The septic was there 20 years ago when we bought the property and we think it's about 1,000 gallons.

Chairman Gary Daum asked if they had any issues with the leach lines and asked if the new home was still going to be seasonal.

Daniel Holler – Yes, at one time, Truesdell came and replaced the lines and put extra fingers. Yes, it's still going to be seasonal.

Chairman Gary Daum asked if the neighbors had contacted the town with any concerns and also asked Daniel if the neighbors had mentioned anything to him of concerns.

Dawn Metty replied that there had been no calls or anyone that had come in to the office.

Daniel Holler replied that both sides are for it and support the new home.

Chairman Gary Daum explained that the side setbacks are not a problem.

Daniel Holler said that the old cottage was 20 x 40 and the new one is going to be 24 x 40, it's a little bigger than the old one.

Chairman Gary Daum stressed that the high water mark is a factor and can't be ignored and that the water is constantly up and down and asked again how far the cottage is to the water?

Daniel Holler – its 30 ft. to the edge of the beginning of the break way.

Jim Taylor asked how many bedrooms, bathrooms and is the health department good with the leach lines?

Daniel Holler – There are 2 bedrooms and 1 bathroom. The health department is good with the leach lines.

There were no other questions or concerns.

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
Pat O'Brien, ZBA Member
Dawn Metty, Deputy Clerk
Daniel & Elizabeth Holler, Applicants
Larry Wolfe

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

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be a Public Hearing held on December 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 # 06-23, submitted by Daniel & Elizabeth Holler at 10905 Petrie Lane, Lyndonville, New York 14098, for an 8 ft. side setback variance on both sides and a 46 ft. setback variance from the high water mark. 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 explained that the board has to go by the zoning regulations and the biggest concern is the closeness to the water.

There was much discussion on the distance for both the cottage and septic.

Pat O'Brien spoke about erosion and what it has done over the years. Cottages were built far from the water but because of the erosion, land has washed away through the years.

There were no other questions.

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

Offered by: Don Melfi
Seconded by: Mike Boring

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

Reconvened to the regular meeting.

After much discussion on the distance from the water, the septic and camper use. The pros are that the neighbors are in favor of the new home and it is an improvement. The cons are it's too close to the water and the septic is a concern. The Zoning Board decided to entertain the motion to accept with conditions.

Chairman Gary Daum entertained a motion to approve Daniel & Elizabeth Holler's area variance with the following conditions that the Hollers adheres strictly to the 29 ft. from the high water mark and no additions or improvements will be allowed on the lake side of the structure.

RESOLUTION NO. 24-12/23

RESOLUTION TO APPROVE DANIEL & ELIZABETH HOLLER'S AREA VARIANCE WITH THE FOLLOWING CONDITIONS THAT THE HOLLERS ADHEARS STRICTLY TO THE 29 FT. FROM THE HIGH WATER MARK AND NO ADDITIONS OR IMPROVEMENTS WILL BE ALLOWED ON THE LAKE SIDE OF THE STRUCTURE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Daniel & Elizabeth Holler's area variance with the following conditions that the Hollers adheres strictly to the 29 ft. from the high water mark and no additions or improvements will be allowed on the lake side of the structure as presented to each Board Member.

Offered by: Mike Boring
Seconded by: Jim Taylor

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

The area findings and decision sheet was filled out.

Chairman Gary Daum thanked the board for everything they do.

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Gary Daum entertained a motion to adjourn the meeting.

Offered by: Don Melfi
Seconded by: Mike Boring

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