Zoning Board of Appeals
Regular Meeting and Public Hearing
January 10, 2023

Chairman Gary Daum called the Regular Meeting to order at 7:10 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
Kevin Eppig, Applicant
Larry Wolfe

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the November 3, 2022 Joint Planning & Zoning Board meeting.

RESOLUTION NO. 01-1/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE NOVEMBER 3, 2022 JOINT PLANNING & ZONING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the November 3, 2022 Joint Planning & Zoning Board 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 updated the board with the approval from the County Planning Board for the cell tower application from the Town of Yates. The gentleman from Tarpon Towers was there and gave a good presentation and mentioned that the County Planning Board has asked that Yates look into updating the zoning regulations on height requirements pertaining to telecommunication towers (see attached).

Adjourned regular meeting for the public hearing.

Chairman Gary Daum called the Public Hearing to order at 7:17pm, 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
Kevin Eppig, Applicant
Larry Wolfe

The following notice was placed in the Batavia Daily News on December 30, 2022.

LEGAL NOTICE:

PLEASE TAKE NOTICE; there will be a Public Hearing held on January 10, 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 # 01-23, submitted by Christine Buongiorne on behalf of Colleen Eppig at 11571 Goetze Lane, Lyndonville, New York 14098. Size of the existing lot is non-conforming & cannot meet the required side-yard setbacks. 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 – The reason for the meeting tonight is for an area variance, the property located at 11571 Goetze Lane, owned by Kevin & Colleen Eppig. How long have you owned the property?

Kevin Eppig – Just under 1 year.

Chairman Gary Daum went over the Short Environmental Assessment Form and read a recommendation letter from the Code Enforcement Officer, Jason Raduns.

Kevin Eppig spoke on behalf of himself saying that he and his family love being at the lake and stated that the structure is old and not big enough for a family of 5.

The site plan and set backs were discussed.

Chairman Gary Daum asked if any of the neighbors had called or come in regarding this application.

Dawn Metty – Three people asked to see the paperwork but did not come back.

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

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

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

Reconvened to the regular meeting.

Chairman Gary Daum spoke briefly about the Town of Kendall proposing Air B & B's for zoning and was turned down by the County and also mentioned that code enforcement officers have been using drones but must seek search warrants first.

Area Variance Findings & Decision sheet was filled out.

Chairman Gary Daum entertained a motion to approve the SEQR Form submitted by Christine Buongiorne on behalf of Kevin & Colleen Eppig.

RESOLUTION NO. 02-1/23

RESOLUTION TO APPROVE THE SEQR FORM SUBMITTED BY CHRISTINE BUONGIORNE ON BEHALF OF KEVIN & COLLEEN EPPIG AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve the SEQR Form submitted by Christine Buongiorne on behalf of Kevin & Colleen Eppig.

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

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

Chairman Gary Daum entertained a motion to approve Kevin & Colleen Eppig's area variance.

RESOLUTION NO. 03-1/23

RESOLUTION TO APPROVE KEVIN & COLLEEN EPPIG'S AREA VARIANCE AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve Kevin & Colleen Eppig's area variance as presented to each Board Member.

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

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

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