

**TOWN OF DARIEN  
GENESEE COUNTY, NEW YORK 14040**

ZONING BOARD

February 26, 2018

MEMBERS PRESENT: Jane Oles, Dawn Mark, Ben Kolhagen, Charlie Marble

MEMBERS ABSENT: Anthony Hackett

OTHERS PRESENT: Hal McWilliams

Meeting called to order 7:35 pm. Everyone present recited the pledge to the flag. The minutes from the January 22, 2018 meeting were read. Ben Kolhagen made a motion to approve the minutes as read; Dawn Mark second. All ayes; the minutes were approved as read.

McWilliams: Hal McWilliams submitted an application for a use variance for the property at 177 Broadway Road, Darien; tax map # 9.-1-7. The public hearing was opened at 7:40PM with a reading of the notice as it appeared in the official papers. Jane Oles read the email of Margaret Demuth. Charlie Marble joined 7:43PM. Mr. and Mrs. Fix indicated they are glad to see the old gone as they had serious problems with Capwell and raw sewage because there was no leach field. They are concerned with where the leach field will run off. Mr. McWilliams explained Genesee County Health Department will have to inspect a new system. He is expecting the current system will not pass and they will put a sand filter in to eliminate those issues. He would not be able to sell the house without GCHD approved system. He is in the process of transferring the deed with the attorneys now. Mr. Fix indicated there were previous problems that were investigated by the Town of Alden, Town of Darien and Genesee County. They discovered there was no leach field. They currently have drainage problems. When the culverts were put in on County Line it leaves water standing in the ditch now. Previously, Mr. Yoder advised him to contact Neil Marzolf, Highway Superintendent. Dawn Mark made a motion to close the public hearing; Ben Kohlhagen second. All ayes; public hearing closed at 8:40PM. Jane Oles read the Genesee County Planning Board disapproval and explanation. Mr. McWilliams attended the county meeting and spoke in his defense. The County indicated to Hal he would need to show he cannot make money using as commercial use. County indicated to Hal it would ultimately be up to Darien Zoning Board. Jane Oles advised as part of our file that Mr. McWilliams needed to show proof of ownership. Jane prefers the entire Board present for the vote. It was discussed the matter could be tabled until the full Board was present. Dawn Mark indicated she would like something in writing itemizing the four points outlined to give weight to his request. A copy was provided to Mr. McWilliams. The Board could request a special meeting to vote on this matter. If the Board denied the application, Mr. Yoder indicated Hal can request to rezone the property. Mr. McWilliams indicated that it more paperwork and adds a couple more months to this project. Mr. McWilliams anticipated having all the documentation requested by the Board by the end of the week. Jane Oles offered doing a vote tonight. It was discussed once the vote is done can't revoke with additional board members present.

Dawn Mark made a motion to approve the application with the condition the written documentation and proof of ownership is provided. Ben Kolhagen second. All ayes; variance granted with noted conditions.

Ben Kolhagen made a motion to adjourn the meeting; Charlie Marble second. All ayes; meeting adjourned at 8:10PM.

Respectfully submitted

Brooke Finkney, Zoning Board Clerk