

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

**Zoning Board of Appeals
Minutes
July 27, 2020**

MEMBERS PRESENT: Ben Kohlhagen, Anthony Hackett, Al Stein, Mike Plitt, William Sweet
MEMBERS ABSENT: None
OTHERS PRESENT: Jerry Yoder ZEO, Alice Calmes, Shawn Calmes, Dennis Fisher, John Kula

The meeting was called to order at 7:30 p.m. Everyone in attendance recited the pledge to the flag. The minutes from the February 24, 2020 meeting were approved. Al Stein made a motion to approve the minutes; Mike Plitt second; all ayes; the minutes were approved.

Dennis Fisher: Dennis Fisher submitted an application for an area variance at 1326 Herkimer Road, Tax Map #10.-1-64 to construct a 20X24 foot garage. The proposed garage will be 3 feet from his side lot line and 10 feet is required. He wants to remove a building from his property and place the garage in that area. Al Stein made a motion to forward the application to county planning; Ben Kohlhagen second; all ayes. The application will be forwarded, and the public hearing will be held at the next Zoning Board meeting on Monday, August 24 at 7:35 p.m.

John Kula, Freedom Fellowship: John Kula, Freedom Fellowship submitted an application for an area variance at 254 Broadway Road, Tax Map #9.-1-43.1 to build a 3-bay service garage and print shop. It will be limited to light repair: tires, brakes, and routine service. The applicant owns adjacent parcels and frontage. The service will offer vocational training and financial support to his program. The proposed building would be approximately 150 feet from the parcel line, 170 feet from the nearest structure, and 425 feet from the assembly occupancy; 500 feet is required. Al Stein made a motion to forward the application to county planning; Ben Kohlhagen second; all ayes. Al Stein questioned the need for an applicant who owns all adjacent parcels to request a variance. ZEO Yoder stated that because the parcels are separate and have differing uses, that the owner could sell at a future date. It was stated the variance runs with the land. Mike Plitt questioned the future use of the repair facility and brought up if its use could change to heavier servicing and junk cars. ZEO Yoder stated that all changes in use and occupancy require Site Plan and Special Use Permitting in the Commercial Zone. The Planning Board is the oversight board for future changes. The application will be forwarded, and the public hearing will be held at the next Zoning Board meeting on Monday, August 24 at 7:45 p.m.

Scott Schultz: Scott Schultz submitted an application for an area variance at 2053 County Line Road, Tax Map #5.-1-45.11 to construct an approximately 12X32 foot pole barn with or without outside walls to store a camper. He needs to build it 20 -25 feet from his property line or he would have to clear land with large trees to build it 50 feet from his property line. His septic also keeps him from building 50 feet from the line. Ben Kohlhagen made a motion to forward the application to county planning; Mike Plitt second; all ayes. The application will be forwarded, and the public hearing will be held at the next Zoning Board meeting on Monday, August 24 at 7:55 p.m.

William and Gloria Sweet: William and Gloria Sweet submitted an application for an area variance at 10221 Alleghany Road, Tax Map #7.-1-42.111 to place a 12X20 foot shed on skids less than 50 feet from the property line. William Sweet recused himself from the application. He wants it near his driveway 25 feet from the property line at the end of his driveway. Ben Kohlhagen made a motion to forward the application to county planning; Anthony Hackett second; all ayes. The application will be forwarded, and the public hearing will be held at the next Zoning Board meeting on Monday, August 24 at 8:05 p.m.

Mike Plitt made a motion to adjourn the meeting, Ben Kohlhagen second. All ayes; the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Gwen Yoder,
PB/ZBA Clerk