

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

**Zoning Board of Appeals  
Minutes  
March 28, 2022**

MEMBERS PRESENT: Ben Kohlhagen, Al Stein, Mike Plitt, William Sweet  
MEMBERS ABSENT: Anthony Hackett  
OTHERS PRESENT: Jerry Yoder, Steven Cummings, Gary Edwards

The meeting was called to order at 7:30 p.m. Everyone in attendance recited the pledge to the flag. Ben Kohlhagen made a motion to approve the minutes from the February 28, 2022 meeting; Mike Plitt second; all ayes, the minutes were approved.

Steven Cummings: Mr. Cummings submitted an application at 10565 Harper Road, Tax Map #12.-1-9 for an area variance for a shed on skids for outdoor storage. The public hearing opened at 7:35 p.m. There were no comments from the public. Mike Plitt made a motion to close the public hearing; William Sweet second; all ayes, the public hearing closed at 7:45 p.m. Mike Plitt made a motion to approve the application; Ben Kohlhagen second; all ayes, the application was approved.

Mark Koller: Mr. Koller submitted an application at 792 Mammot Road, Tax Map #14.-1-53.111 for an area variance to replace one building with a larger building with the existing setback. The public hearing opened at 7:40 p.m. There were no comments from the public. Al Stein made a motion to close the public hearing; Ben Kohlhagen second; all ayes, the public hearing closed at 7:50 p.m. Al Stein made a motion to approve the application; William Sweet second; all ayes, the application was approved.

Thomas Draves: Mr. Draves submitted an application at 1821 Sharrick Road, Tax Map #11.-2-10.12 for a request to place a brick and granite sign to denote the location of the Draves Arboretum and education center. The sign would be complimentary to the surrounding neighborhood. The size of the sign wouldn't be more than 20 square feet. Al Stein made a motion for a public hearing; William Sweet second; all ayes, the public hearing will be held at the next ZBA meeting on April 25 at 7:35 p.m.

Chad Downs: Mr. Downs submitted an application for an area variance for a pole barn with the front setback only 38 feet instead of the required Zoning minimum of 50 feet. Ben Kohlhagen made a motion to forward the application to County Planning; Al Stein second; all ayes, the public hearing will be held at the next ZBA meeting on April 25 at 7:40 p.m.

Gary Edwards: Mr. Edwards submitted an application at 1928 Broadway Road, Tax Map #12.-1.55 for appeal of the Zoning Officer's decision to deny the application to place a 60X40 foot tent in the summer months on his property. He contends that it will not increase the property's current capacity since people will be sitting outdoors instead of indoors during nice weather. Al Stein asked about total occupancy, the most recent fire inspection, hours of operation, parking, how the application was done previously through the Planning Board, what is considered the summer season, how long is the tent needed. There were concerns by Zoning Board members about the parking situation when

the tent is on the property. William Sweet and other members are concerned about crossing the street. There were questions about how the neighbors feel about the tent and the noise. Ben Kohlhagen asked about bathroom facilities to accommodate the increased capacity. Mike Plitt asked what the previous permit was from the Planning Board. The Zoning Officer stated a Temporary Use Permit was granted to keep the tent the remainder of last year since the owner had paid for the season and businesses were just transitioning to normal capacity limits. There was a question about the calculation of the entire property without the tent for parking with the backlot. Ben Kohlhagen made a motion to forward the application to County Planning; Mike Plitt second; all ayes, the public hearing will be held at the next ZBA meeting on April 25 at 7:45 p.m.

Jerry Yoder discussed the agreement between the Genesee County Planning Board and the Town exempting minor land use actions from the Genesee County Planning Board Review. Ben Kohlhagen made a motion to forward support of the proposed agreement to the Darien Town Board; Al Stein second; all ayes, the ZBA support is noted and will be forwarded to the Darien Town Board for further review.

Al Stein made a motion to adjourn the meeting, Mike Plitt second. All ayes, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Gwen Yoder,  
PB/ZBA Clerk