

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

**Zoning Board of Appeals  
Minutes  
April 25, 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 March 28, 2022 meeting; Al Stein second; all ayes, the minutes were 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. The public hearing opened at 7:35 p.m. Bruce Leroy lives on the west side of Thomas Draves. He has no objections for the sign. There were no other comments from the public. Al Stein made a motion to close the public hearing; Ben Kohlhagen second; all ayes, the public hearing closed at 7:45 p.m. Mike Plitt made a motion to approve the application; Al Stein second; all ayes, the application was approved.

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. The public hearing opened at 7:40 p.m. Al Stein wanted to know about the time frame. Chad Downs said that he wasn't sure yet depending on how quick the materials could be delivered and then built. He is hoping to have concrete poured by the end of the summer. Al Stein made a motion to close the public hearing; Anthony Hackett second; all ayes, the public hearing closed at 7:50 p.m. Ben Kohlhagen made a motion to approve the application; Mike Plitt second; all ayes, the application was approved.

Training: A work session was held to discuss the parcels of 234, 254, and 282 Broadway Rd. known today as Freedom Fellowship. The original parcel of 282 Broadway was privately purchased and developed into a non-profit corporation sold to Freedom Fellowship, Inc. in 2017. The parcel at 254 and 234 Broadway were also purchased by Freedom Fellowship, Inc. in 2017 and the three parcels operate the Total Freedom Program which is a 9-month in-patient discipleship alternative addiction program for men and women. The properties have been deemed a campus by the Zoning Officer for purposes of Site Plan review and Special Use Permitting. Discussion commenced as to the continued build out of the parcels and the importance of evaluating Freedom Fellowship, Inc. as an inter-related community of business, assembly, residential, and retail.

Gary Edwards: Mr. Edwards submitted an application at 1928 Broadway Road, Tax Map #12.-1-55 for interpretation 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. The public hearing opened at 7:45 p.m. A neighbor on the east side of the property stated that there are

customers spilling out already and the driveway is full of vehicles. Having the tent would make it worse. Discussion included how the property is used by patrons currently and if the tent is allowed. The Zoning Officer discussed parcel loading and how he arrives at occupancy calculations. Mike Plitt asked if there were any more comments from the public. Al Stein disagreed that you would have that many patrons on-site, that the designated occupancy doesn't seem practical. Al Stein asked about page 160 Section F of the Town of Darien Zoning Law. Jerry Yoder stated he has reviewed the process with the municipal attorney. Gary Edwards said that he only has 12 picnic tables under the tent and music at the front end. He also said that in the summer the restaurant inside is empty. Customers want to be outside. Parking and zoning were discussed. Mike Plitt made a motion to close the public hearing; Al Stein second; all ayes, the public hearing closed at 7:55 p.m. Al Stein made a motion to overrule the Zoning Officer's permit denial but limit the size of the proposed tent to 40X40 feet. Motion failed due to lack of a second. Bill Sweet made a motion in agreement with the Zoning Officer's decision to deny the application to place a tent (assembly membrane structure) on the property; Anthony Hackett second. The vote was taken: Bill Sweet, aye; Anthony Hackett, aye; Ben Kohlhagen, aye; Mike Plitt, nay; and Al Stein, nay; the application to overrule the interpretation of the Zoning Officer was denied.

Al Stein made a motion to adjourn the meeting, Mike Plitt second. All ayes, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Gwen Yoder,  
PB/ZBA Clerk