

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

ZONING BOARD  
MEMBERS PRESENT:

September 25, 2017  
Jane Oles, Dawn Mark  
Ben Kolhagen, Charlie Marble  
Anthony Hackett

MEMBERS ABSENT:

OTHERS PRESENT:  
Michael Metzger

Jerry Yoder, Michael Cole, Esq.,  
  
Augustine & Elizabeth Mecca, Troy &  
Tambra Johnson, Amanda Smith

Meeting called to order 7:30 pm. Everyone present recited the pledge to the flag. The minutes from the August 28, 2017 meeting were read. Charlie Marble made a motion to approve the minutes as read. Ben Kolhagen second. All ayes. The minutes were approved.

Smith: Amanda Smith submitted an application for a variance. The location of the property is 10879 Griswold Road, Darien Center, NY, Tax Map #16.-1-8. The public hearing opened at 7:35p.m. with the reading of the notice that appeared in the official newspapers. Applicants are requesting a variance of 42 feet verse the 50 foot requirement. Dawn Mark made a motion to close the public hearing. Charlie Marble second. All ayes. Public hearing closed at 7:40p.m. Dawn Mark made a motion to accept the variance. Ben Kolhagen second. All ayes. Variance approved.

Mecca: Elizabeth Mecca submitted an application for a variance. The location of the property is 557 Genesee Street, Corfu, NY, Tax Map #1.-1-19.1. The amount of frontage on both Genesee Street and Lake were discussed. The applicants would like a variance so that it is possible to separate the property creating a non-conforming building lot on Lake. It is their desire to build a smaller home on the Lake lot. Charlie Marble made a motion to refer this matter to county. Ben Kolhagen second. All ayes. This matter will be forwarded to the Genesee County Planning Department. A public hearing was set for October 23, 2017 at 7:35p.m.

Berner: Mark Berner submitted an application for a variance. The location of the property is 606 Broadway Road, Darien, NY, Tax Map #9-1-24. The applicant is seeking an area variance for more than one principal building and one use. Mr. Metzger, Metzger Civil Engineering, went through the application in detail. He indicated that at the time of purchase there were two existing structures. The home had two living units, while the garage had a business on bottom and a residential unit on top. The applicant had been working with the previous zoning officer diligently on correcting zoning irregularities. He also indicated this application was really an expansion of the area variance granted in 2010 for multiple uses. Mr. Yoder, Zoning Enforcement Officer, read his correspondence to the Board indicating on what grounds he felt the application should be rejected. Mr. Yoder indicated an area variance was not granted in 2010 and that at the time of the purchase of the property multiple uses did not exist nor was there a residence above the garage. He indicated according to records on file the applicant purchased a single family residence and garage. Mr.

Yoder further indicated the application did not have standing on the basis it is to expand an area variance that was never granted.

Mr. Metzger, rebutted with they are set up for that use and want to continue. He further reiterated the applicant's position.

Mr. Cole, Attorney for Applicant, indicated that they were in possession of photographs showing there was in fact a residence above the garage at the time of purchase. He also indicated the benefits derived would outweigh the negatives for the community. He further noted he did not believe the term fraudulent should be utilized.

Mr. Metzger indicated their request is consistent with the character of the neighborhood.

Mr. Yoder reiterated the premise of the application did not have standing. The origin of the 2010 variance was discussed.

Mr. Cole requested the matter be tabled to allow the applicant time to amend the application.

Mr. Yoder reiterated his position.

Mr. Cole reiterated his request.

Jane Oles made a motion to reject the application and not table the matter. Charlie Marble second. All ayes. The application is rejected.

Charlie Marble made a motion to adjourn the meeting. Dawn Mark second. All ayes. The meeting was adjourned at 8:43p.m.

Respectfully submitted

Brooke Finkney  
Secretary