

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

**Zoning Board of Appeals
Minutes
July 23, 2018**

MEMBERS PRESENT: Jane Oles, Ben Kohlhagen, Charlie Marble, Anthony Hackett, Dawn Mark
MEMBERS ABSENT: All Present
OTHERS PRESENT: Jerry Yoder, Mark Berner, Jacob Metzger, Glen Laben

The meeting was called to order at 7:30pm. Everyone in attendance recited the pledge to the flag. The minutes from the June 25, 2018 meeting were read. Charlie Marble made a motion to approve the minutes as read, Ben Kohlhagen second; all ayes; the minutes were approved.

Berner: Berner's public hearing opened at 7:40 p.m. Berner applied for an area variance at 606 Broadway Road, Tax Map# 9-1-24. At the town's request, the owner is subdividing the parcel to create separate lots for each principal structure with only 87' between the structures. Jacob Metzger spoke on Berner's behalf. Jerry Yoder agreed that it wouldn't cause any future problems. Nothing was addressed by the public. The public hearing was closed at 7:43 p.m. Anthony Hackett made a motion to approve the area variance; Ben Kohlhagen second; all ayes; the area variance was approved.

Toal: Toal's public hearing opened at 7:55 p.m. Toal submitted an application for an area variance at 9939 Colby Road, Tax Map# 7.-1-18-21. It was opened for comment to the public. He has not attended any of the meetings. He wanted to split a conforming lot in half from 424 foot frontage to 212 foot frontage lot each. Jerry Yoder said that it would be a very substantial request and would change the character of the neighborhood. Jane Oles said that it's important to look at the future and the issues it could create. Nothing was addressed by the public. The public hearing for Toal was closed at 7:59 p.m. Charlie Marble made a motion to deny the area variance; Ben Kohlhagen second; all nays. The application has been denied.

Laben/DellaNeve: Laben/DellaNeve submitted an application for a use variance to build a wedding and event barn venue at 460 Broadway Road, Tax Map# 9-1-26.1. The size of the property is 21.5 acres. They want to build the venue on three acres of the property. They want to project a country atmosphere wedding and event venue with a gambrel roof barn as the event center. Laben stated that his justification for the request is the failure to yield livable income from traditional farming techniques. The cost of starting a farm and limited acreage are causing them to seek agricultural-themed yet non-traditional income. He also stated that the parking will not be visible from the road and the landscape will be designed to minimize noise pollution. Jerry Yoder stated that discussion was entertained about rezoning several parcels with frontage on Broadway, but that multiple owner would need to petition the Town Board. Spot rezoning would not be feasible and adjacent landowners have not shown interest in rezoning. He also stated that Laben produced a very thorough application with his intent to make it work. Charlie Marble made a motion to send it to County Planning; Jane Oles second; all ayes. The application will be sent to County Planning for the August 9th meeting and a public hearing will be held Monday, August 27th at 7:40 p.m.

There was open discussion amongst the Board about the pending receipt of a Wind Energy application. The Zoning Office has advised the Board to expect receipt of an application at the August meeting and anticipated application for zoning variances.

Ben Kohlhagen made a motion to adjourn the meeting; Charlie Marble second. All ayes; the meeting was adjourned at 8:24 p.m.

Respectfully submitted

Gwen Yoder,
PB/ZBA Clerk