



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on April 17, 2013**

ATTENDANCE:

- Chairman- Nathan Witkowski
- Vice Chairman-Terrance Daniel
- David Sabato
- Richard Doktor
- Ronald Kasinski
- Diane Denton-ZBA Secretary

PUBLIC PRESENT: Yes

MEETING called to order at 7:30 pm.

Corrections to the Minutes from March 27, 2013 Zoning Board Meeting: David Sabato who was mentioned a few times was absent:

- Roll call vote for 5ft. East side yard area variance: Terrance Daniels (not David Sabato).
- Motion for approval of East Side Yard Area Variance made by Terrance Daniels.

A Motion to Approve the corrected Minutes for the March 27, 2013 Zoning Board Meeting was made by Richard Doktor, second to motion made by Terrance Daniel.

Voice Vote—ALL AYES—**MOTION PASSED.**

Chairman introduced the new clerk, Diane Denton and mentioned that the meeting was being recorded.

Chairman announced changes for filling out the paperwork: at the close of each public hearing, Chairman will fill out paperwork and take directly to Shellye Dale-Hall.

ALL AYES—**Changes approved.**

PUBLIC HEARING

Donald Dylag

Vacant Land Indian Falls Rd., Town of Pembroke

(Tax Map #9.-2-10.1; Zoning District: AG/R)

Request for **TWO FRONT YARD VARIANCES**

Requires Genesee County Recommendation

PUBLIC HEARING called to order at 7:31 pm. Donald Dylag Sr. and Donald Dylag Jr. were present. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's Bulletin Board. Chairman Witkowski read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- The Dylags wish to divide a parcel into two building lots with 162.72ft. of frontage.
- Zoning requires minimum frontage 200ft.
- Variance Request went before the Genesee Country Zoning Board and was approved.
- A detailed Site plan was provided.

- Donald Dylag Sr. explained that he would like his children to be able to build on the lots.
- Board explained that, without some unique situation, a land separation that doesn't conform cannot be created.
- One anonymous neighboring residence letter was returned expressing an objection to the variance request on the grounds that Mr. Dylag knew the requirements when he bought the land, and questioning the value of zoning if this variance is allowed.
- Public present also expressed concern that if this variance was approved a precedence would be set.

PUBLIC PARTICIPATION—Members of the public were present.

Motion to Close the Public Hearing made by David Sabato and seconded by Ronald Kasinski.

Voice Vote: All Ayes—motion passed.

The Public Hearing Closed at 8:05pm

On **MOTION** made by David Sabato and seconded by Ronald Kasinski, to **DENY APPROVAL** of two front yard variances based on a self-created hardship by Mr. Dylag.

ROLL CALL VOTE: Richard Doktor-Aye; Terrance Daniel-Aye; Ronald Kasinski-Aye; David Sabato-Aye; Chairman Witkowski-Nay.

4 AYES, 1 NAY—**MOTION PASSED.**

Zoning Board Decision: VARIANCES DENIED.

PUBLIC HEARING

Charles Kohorst

922 Genesee St., Town of Pembroke

(Tax Map #23.-1-42.22; Zoning District: AG/R)

Request for **FRONT YARD AREA VARIANCE**

Requires Genesee County Recommendation

PUBLIC HEARING called to order at 8:10 pm. Mr. Kohorst wasn't present. Chairman Witkowski left to call him. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's Bulletin Board, and notice given to Adjoining Property Owners. Chairman Witkowski read from the Genesee County Notice of Final Action, noting the County's modifications. Mr. Kohorst arrived at 8:20pm. Chairman Witkowski read the Affidavit of Posting.

- Charles Kohorst is requesting a Special Use Permit, Site Plan Review, and Area Variance to operate a gift shop as a home occupation.
- Zoning Schedule A requires 5ft front yard area.
- A detailed Site Plan was provided.
- In order to close the right away, Mr. Kohorst needs approximately 5ft variance.
- Discussion of signage on property: the number, placement, size, and permanency of signs.
- Discussion of whether this business is a Home Occupation or Road Side Stand.

PUBLIC PARTICIPATION— Charles Kohorst was present; no other public participation.

Motion to Close the Public Hearing made by Terrance Daniel and seconded by Ronald Kasinski.

Voice Vote: All Ayes—motion passed.

The Public Hearing Closed at 9:00pm

1st MOTION made by Terrance Daniel and seconded by David Sabato, **APPROVAL** of 5ft front yard area on the basis that it will not impact the nature of the neighborhood.

ROLL CALL VOTE: Richard Doktor-Aye; Terrance Daniel-Aye; Ronald Kasinski-Aye; David Sabato-Aye; Chairman Witkowski-Aye.

ALL AYES—MOTION PASSED.

Zoning Board Decision: APPROVAL.

2nd MOTION made by Terrance Daniel and seconded by David Sabato, **APPROVAL** of signage variance based on traffic safety and the use of shed is in accordance with Sect. 506.D.3 of Zoning Law.

RESTRICTIONS IMPOSED: Maximum three signs and total area all signs not more than 20sq ft.

ROLL CALL VOTE: Richard Doktor-Aye; Terrance Daniel-Aye; Ronald Kasinski-Aye; David Sabato-Aye; Chairman Witkowski-Aye.

ALL AYES—MOTION PASSED.

Zoning Board Decision: APPROVAL WITH RESTRICTIONS.

**PUBLIC HEARING
Zachary & Anna Cerasani**

8265 Marble Rd., Town of Pembroke

(Tax Map #14.-2-2; Zoning District: AG/R)

Request for **SIDE YARD AREA VARIANCE**

PUBLIC HEARING put on hold. The Cerasanis not present. They didn't want to get Variance until they decide on what they want to build. They will attend the April 24th Planning Board Meeting to discuss.

Motion to Hold the Public Hearing made by Chairman Witkowski and seconded by Richard Doktor.

Voice Vote: All Ayes—motion passed.

New Business: May 1st @ 7:00pm. Review of Zoning Laws – first meeting to nail down agenda and plan of attack.

Discussion:

Old Business:

Public Hearing for Side Yard Variance/Zachary & Anna Cerasani put on hold.

A **MOTION** to close the meeting was made by Terrance Daniel, seconded by Richard Doktor.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 9:10 pm.

Respectfully Submitted,

Diane Denton-ZBA Secretary

Nathan Witkowski-ZBA Chairman

These minutes were approved by the Zoning Board of Appeals 5/15/1.