

ZONING BOARD OF APPEALS MINUTES

MARCH 25, 2009

7:00 p.m.

Present: Michelle McIntyre, Chairman  
Thomas Danielson  
Richard Nygren  
Attorney Joel Seachrist  
Denise Klizek – absent  
Douglas Hooper – absent

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, March 25, 2009 at 7:00 p.m. at the Town of Busti Administration Building, 121 Chautauqua Avenue, Lakewood, New York, to consider the following applications:

Application of Leona Anderson, 4365 West Summit Street, Lakewood, New York, for a renewal for a Special Use Permit to use the existing building located at 4370 West Fairmount Avenue, Lakewood, New York, for selling ice cream. Property is in the Conservation Residential District, owned by her and known as Section 385.05, Block 4, Lot 64 of the official tax map of the Town of Busti.

Thomas Danielson offered the following motion seconded by Richard Nygren: I make a motion that we grant the renewal of her Special Use Permit to Leona Anderson, 4365 West Summit Avenue, Lakewood, New York, for her existing building located at 4370 West Fairmount Avenue, Lakewood, New York for selling ice cream. Property is in the Conservation Residential District, owned by her and known as Section 385.05 Block 4 Lot 64 of the official map of the Town of Busti.

She has been there for over twenty years. This is a non-conforming use. This permit shall be for three years.

All aye.

Application of James Frank, 3117 Garfield Rd., Jamestown, NY for a variance to build a pole barn. Property is in the Conservation Residential District, owned by him and known as Section 403.08 Block 2 Lot 51.1 of the official tax map of the Town of Busti.

Michelle McIntyre moved to table the application until the next meeting on April 22, 2009.

All aye.

Application of Randy Peterson, 29 Gwendolin Ave., Jamestown, NY for a variance to build a house and garage located at 23 Loomis Bay Rd., Ashville, NY. Property is in the Multi-Family Residential District, owned by Joseph Scorse and known as Section 367.15 Block 2 Lot 24 of the official tax map of the Town of Busti.

Thomas Danielson made the following motion seconded by Richard Nygren: I move that we grant the application of Randy Peterson, 29 Gwendolin Ave., Jamestown, NY for a variance to build a house and garage located at 23 Loomis Bay Rd., Ashville, NY. Property is in the Multi-Family Residential District, owned by him and known as Section 367.15 Block 2 Lot 24 of the official tax map of the Town of Busti. The variance is not to be any closer than 46' to the lake, 13' on one side and 17' on the other side with the back on the road side. No closer than 5' on each side of the

building, two stories. The garage 5' on each side, 32' from the road, 16' from the garage to the swamp 1-1/2 story. Granting for the lot coverage of 2% for the house and approximately 5% on the garage.

All aye.

Application of Tara Huston, 41 Cobbe Cr., Jamestown, NY for a variance to build a home located on Grandview Ave., Lakewood, NY. Property is in the Conservation Residential District, owned by her and known as Section 385.03 Block 1 Lot 10 of the official tax map of the Town of Busti.

Thomas Danielson made the following motion seconded by Richard Nygren: I make a motion to grant the application for Tara Huston, 41 Cobbe Circle, Jamestown, NY for a variance to build a home located on Grandview Ave., Lakewood, NY. Property is in the Conservation Residential District, owned by her and known as Section 385.03 Block 1 Lot 10 in the Town of Busti the adjacent tax map 385.09 Block 1 Lot 7 in the Village of Lakewood. The board has found that the benefit to the applicant outweighs the detriment to the neighborhood, which is negligible.

2. The 20' variance is hereby granted for the front yard of the house. For purposes of this resolution the front of the house is the south side of the house where the front door will be located. The lake side or north side is the rear yard and the east and west of the house are the side yards.

3. For purposes of this resolution the Zoning Board of Appeals finds that it shall include the area of the existing tax parcel in the Village of Lakewood in considering the area requirements of the Town of Busti Zoning Code. The applicant shall construct the house as shown in the plans prepared by the architect with the exception that the house will be moved 10' to the west from Grandview Estates Lot No. 7.

All aye.

Upon motion made by Michelle McIntyre the meeting adjourned at 8:30 p.m.

Respectfully given,

Diane M. VanDewark  
Town Clerk