

ZONING BOARD OF APPEALS MINUTES

March 24, 2010

7:00 p.m.

Present: Michelle McIntyre, Chairwoman
Thomas Danielson
Douglas Hooper
Robert Whitman
Richard Nygren

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, March 24, 2010 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 Paul Gustafson and Jamie Gustafson, 1965 Shadyside Road, Lakewood, New York 14750 for a variance to build a single family residence on said property. Property is owned by them and is known as Section 402.00, Block 2, Lot 1 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Paul Gustafson, Jamie Gustafson, and Todd Saracki from Carlton Homes, LLC, were present in support of said application. Aerial photographs of the lot and adjoining lot for driveway were produced, as well as a hand-drawn plan depicting situation of proposed home. The home will be built with the intention of running gas, water, and electric lines underground along the edge of the driveway.

The Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Thomas Danielson offered the following motion, which was seconded by Robert Whitman: I make a motion to grant the variance to Paul Gustafson and Jamie Gustafson, 1965 Shadyside Road, Lakewood, New York for a variance to build a single family, two-story residence on the afore-mentioned property. The planned house will consist of two stories and the driveway will have 100' of road frontage. It was determined that no permanent structures shall be placed on the 100' lot to be used as the driveway. All aye.

Application of CR Rentals, 897 Busti Sugar Grove Road, Jamestown, New York 14701, to build a commercial deck on the side and front of existing building for outdoor seating, and to use area in front of existing building for new treated steps, ramp and landing. Property is owned by them and is known as Section 420.18, Block 1, Lot 14 of the official tax map of the Town of Busti. Property is in the Highway Commercial District.

Christine Fosberg, Randy Fosberg and Stewart Tefft were present in support of said application. Michelle McIntyre read the referral form submitted by the Chautauqua County Municipal Zoning Department, since the property borders on County Route 28. The referral found that "the proposed action would have no significant county-wide or

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inter-community impact and that the proposal would be a matter of local concern.” It was determined that adding the ramp and other additions would not encroach on any parking spaces, as curbs are already being utilized and will not need to be moved to make room for additions. Christine Fosberg intends to place railings along deck and confirmed that the planned ramp will not extend past the corner of the existing building. She also may wish to use a cloth awning over the seating area deck.

The Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Richard Nygren offered the following motion, which was seconded by Douglas Hooper: I make a motion to grant the variance to CR Rentals, LLC, 897 Busti-Sugar Grove Road, Jamestown, New York to build a commercial deck on the side and front of existing building for outdoor seating, and to use area in front of existing building for new treated steps, ramp and landing. The handicapped ramp on the front of the building will not extend past the corner of the building and the edge of the ramp shall be 47’ from the road. The deck at the front of the building shall be 25’6” to the right front corner, which will be 52’ from the road. The deck shall be 8’ wide, extend 28’ on the right side of the building toward the back, and be 61’ from the corner of the lot on the front and 45’ from the back corner of the lot. All aye.

Application of James and Cheryl Scheffer, 1195 Lillie Hill Road, Apalachin, New York 13732 for a variance to move an existing 17.4’ x 26.4’ garage from the front to the rear of property located at 22 Loomis Bay Road, Ashville, New York 14710. Property is owned by them and is known as Section 367.15, Block 2, Lot 25 of the official tax map of the Town of Busti. Property is in the Multi-Family Residential District.

James Scheffer and Cheryl Scheffer were absent, but neighbor Randy Peterson, of 23 Loomis Bay Road, Ashville, New York, was present in support of application. The age of the garage to be moved was discussed.

The Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Douglas Hooper offered the following motion, which was seconded by Richard Nygren: I make a motion to grant the variance to James and Cheryl Scheffer, 1195 Lillie Hill Road, Apalachin, New York to move the existing garage from the front to the rear of property located at 22 Loomis Bay Road, Ashville, New York. It was determined that the garage would be moved directly backwards, no closer than 12’ from the rear property line, and 10’ from each side property line, onto a cement pad. All aye.

Upon motion made by Michelle McIntyre the meeting was adjourned at 8:00 p.m.

Respectfully given,
Dena Hirliman, Deputy Town Clerk