

ZONING BOARD OF APPEALS MINUTES

May 26, 2010

7:00 p.m.

Present: Douglas Hooper, Acting Chairman
Thomas Danielson
Robert Whitman

Denise Klizek
Richard Nygren

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, May 26, 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 C. Adam Padd, 3811 Bellview Road, Bemus Point, New York 14712, for a variance to demolish existing cottage and build a new cottage on property located at 4402 West Fairmount Avenue, Lakewood, New York 14750. Property is owned by him and is known as Section 385.05, Block 4, Lot 9 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Mr. Adam Padd appeared and indicated that he would like to demolish the existing 12' x 45' cottage, due to its age and condition, and build a 19' x 55' cottage 3' from each property line to the east and west for family use. Neighbors to the east and west appeared with concerns regarding close proximity to property lines and limited access for demolition and construction purposes. The Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Denise Klizek made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application for a variance of Adam Padd to demolish the old cottage and build a new structure at 4402 West Fairmount Avenue, New York. The new cottage shall be no closer than 5' to each east and west property line, no closer than 110' from Fairmount Avenue, and no closer than 45' from the rear property line along the lake. The structure will be a two-story house with a cantilever deck from the second story, with no deck or pad below said cantilever deck. The dimensions of the structure itself will be no larger than 15' x 55', as the allowed footage on either side can be no closer than 5' to each east and west property line, as opposed to the requested 3', which resulted in a reduction of the width from the requested 19' to 15'." All aye.

Application of Betsy R. Foe, 1405 Forest Avenue, Jamestown, New York 14701, for a variance to build a 24' x 32' garage for vehicle storage on said property. Property is owned by her and is known as Section 404.00, Block 1, Lot 28 of the official tax map of the Town of Busti. Property is in the Conservation Agricultural District.

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Mrs. Foe appeared and the Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Robert Whitman made the following motion, which was seconded by Richard Nygren: "I make a motion to grant the application for a variance by Betsy R. Foe, 1405 Forest Avenue, Jamestown, New York, to build a 24' x 32' garage for vehicle storage on said property with 56' of road frontage. The garage shall be no closer than 40' from the rear property line." All aye.

Application of Sheridan and Rosemarie Cobb, 4374 West Summit Avenue, Lakewood, New York 14750, to build a deck on said property. Property is owned by them and is known as Section 385.05, Block 4, Lot 21 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Mr. and Mrs. Cobb appeared regarding the ground level deck, which has been in place for several years, and the upper deck which was constructed in absence of the issuance of a building permit. Neighbors on the west side appeared and alleged that the upper deck's posts encroach onto their property. Neighbors on the east side appeared in support of decks, indicating that the improvements have enhanced the value of the cottage. It was determined that the application for variance could not be honored or declined, due to the absence of a survey and legal counsel. The following motion was made by Douglas Hooper, and seconded by Denise Klizek: "I make a motion to table the application for variance of Sheridan and Rosemarie Cobb, 4374 West Summit Avenue, Lakewood, New York, to build a deck on said property, until the next scheduled public hearing before the Zoning Board of Appeals, which is tentatively scheduled for Wednesday, June 23, 2010 at 7:00 p.m." All aye.

Upon motion made by Douglas Hooper, the meeting was adjourned at 8:00 p.m.

Respectfully given,

Dena Hirliman
Deputy Town Clerk