

ZONING BOARD OF APPEALS MINUTES

June 23, 2010

7:00 p.m.

Present: Michelle McIntyre, Chairwoman
Thomas Danielson
Douglas Hooper
Joel H. Seachrist, Esq.
Denise Klizek
Richard Nygren

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, June 23, 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 Dennis J. Frangione, 2738 Burton Road, Jamestown, New York 14701, for a variance to build a pole building on said property. Property is owned by him and is known as Section 438.00, Block 2, Lot 34 of the official tax map of the Town of Busti. Property is in the Conservation Agricultural District.

Mr. Frangione appeared and indicated that he would like to build a 24' x 26' pole building for personal storage. 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 made the following motion, which was seconded by Richard Nygren: "I make a motion to grant the application for a variance of Dennis J. Frangione to build a 24' x 26' pole building for personal storage on his property located at 2738 Burton Road, Jamestown, New York. The pole building shall be no closer than 20' from the west property boundary line, and used for personal storage only. The variance is granted due to the lot size of 1.98 acres and the intended placement of the pole building 20' from the west property boundary line." All aye.

Revisit the application of Sheridan and Rosemarie Cobb, 4374 West Summit Avenue, Lakewood, New York 14750, to build a deck on said property, which was tabled at the previous zoning board meeting of May 26, 2010. 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.

Prior to commencing this matter, Thomas Danielson excused himself from the Board due to a conflict of interest as a neighbor to Mr. and Mrs. Cobb. 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. The neighbor on the east side of property appeared in support of decks, indicating that the improvements have enhanced the value of the cottage. Mr. and Mrs. Cobb provided an updated survey of said property, dated June 18, 2010, as well as color photographs of the decks at issue.

The Board retired to executive session and upon return reviewed the balancing test. It was determined that the benefit to the applicants outweighed any detriment to the neighborhood. The following motion was made by Richard Nygren, and seconded by Douglas Hooper: "I make a motion to grant the application for variance of Sheridan and Rosemarie Cobb, 4374 West Summit Avenue, Lakewood, New York, to build a deck on said property."

Denise Klizek said, "I would like it to be noted that the deck was built and did not have a permit. I think if you would have come to us prior we probably would have approved your deck, but maybe with some modifications...without the trauma of the neighborhood...I think you've set a precedent that we're not happy."

Michelle McIntyre said, "I would like the record to reflect also that I am very displeased by this and the decision that's being rendered. I really believe that you knew, going into it, that we would not have gone for this so close to the property line."

It was determined that Mr. and Mrs. Cobb will be required to produce engineer-stamped plans to obtain the building permit.

Three aye, Michelle McIntyre opposed.

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

Respectfully given,

Dena Hirliman
Deputy Town Clerk