

ZONING BOARD OF APPEALS MINUTES

April 27, 2011 @ 7:00 p.m.

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

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, April 27, 2011 at 7:00 p.m. at the Town of Busti Administration Building, 121 Chautauqua Avenue, Lakewood, New York, to consider the following applications: (Legal Notice was placed on file.)

Application of Thomas and Laura Leone, 1552 Trask Road, Jamestown, New York, to construct a deck around an existing pool located on said property. Property is owned by them and is known as Section 403.00, Block 2, Lot 20 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Mr. Leone approached the Board and discussed the proposed deck plans. 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 made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Thomas and Laura Leone, 1552 Trask Road, Jamestown, New York, for an area variance to construct a deck around the existing round, above-ground pool on said property. Property is owned by them and is known as Section 403.00, Block 2, Lot 20 of the official tax map of the Town of Busti. Property is in the Conservation Residential District. The deck will be located on the rear half of the pool and will be approximately sixty feet (60') from either side boundary line. There is plenty of room on the rear boundary. It will be a wooden deck." All aye.

Application of Shawn P. Hallett, 1588 Trask Road, Jamestown, New York, to add: a peaked roof over the existing flat-roofed garage; an attached carport for third vehicle; and a covered patio area off the back of existing garage. Property is owned by Shawn P. Hallett and Sandra J. Hallett and is known as Section 403.00, Block 2, Lot 16 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Mr. Hallett appeared and presented the plans for the proposed construction. 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 of Shawn P. Hallett, 1588 Trask Road, Jamestown, New York, to add a peaked roof over an existing flat-roofed garage; an attached sixteen feet by thirty-two feet (16' x 32') carport to the rear of the property; and an eight feet by twenty-five feet (8' x 25') covered patio to the rear of the garage. The property is owned by Shawn P. Hallett and Sandra J. Hallett and is known as Section 403.00, Block 2, Lot 16 of the official tax map of the Town of Busti. Property is in the Conservation Residential District. The carport shall be no closer than twenty-nine feet (29') to the south boundary of said property." All aye.

Page Two

Zoning Board of Appeals April 27, 2011

Application of Randy Peterson, 29 Gwendolyn Avenue, Jamestown, New York, to build a one-and-one-half story, pole-style garage on property located at 140 Goose Creek Road (Loomis Park), Ashville, New York. Property is owned by Randy Peterson and Susan Peterson and is known as Section 367.15, Block 2, Lot 84 of the official tax map of the Town of Busti. Property is in the Multi-Residential District. This application was withdrawn and tabled to be heard on May 25, 2011 so that the appropriate use variance application could be prepared.

Application of Eric Smith, 2166 Fourth Avenue, Lakewood, New York, to build a sunroom addition to the existing home on said property. Property is owned by Eric Smith and Amber Smith and is known as Section 384.12, Block 3, Lot 53 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Mrs. Amber Smith appeared and produced a letter of support from William and Elaine Weaver, their neighbor. The letter was read into the record by Michelle McIntyre and the proposed plans were examined. 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 made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Eric Smith, 2166 Fourth Avenue, Lakewood, New York, to build a sunroom addition to the existing home on said property. Property is owned by Eric Smith and Amber Smith and is known as Section 384.12, Block 3, Lot 53 of the official tax map of the Town of Busti. Property is in the Conservation Residential District. The sunroom addition will be an addition to the home, measuring fourteen feet by twenty-two feet (14' x 22'), with a seventeen feet (17') rear setback variance and twenty feet (20') side setback variance. The sunroom will be one story." All aye.

Application of Joel B. Davis, 108 Academy Street, Salamanca, New York, to build a log cabin on property located at 16 Creek Road, Jamestown, New York. Property is owned by him, and is known as Section 454.00, Block 1, Lot 28 of the official tax map of the Town of Busti. Property is in the Conservation Agricultural District.

Mr. and Mrs. Davis appeared and it was determined by the Board that, since there was already a physical residence in existence on said property, they would need to seek legal advice, determine whether to divide the property, and reapply to build the cabin on the resulting vacant parcel. Accordingly, the application was tabled for the May 25, 2011 meeting, in the event that the application is resubmitted to the Town Clerk of Busti prior to the submission deadline.

Upon motion made by Douglas Hooper and seconded by Thomas Danielson, the meeting was adjourned at 7:50 p.m.

Respectfully Given,  
Dena Hirliman, Deputy Town Clerk