

ZONING BOARD OF APPEALS MINUTES

August 24, 2011 @ 7:00 p.m.

Present: Michelle McIntyre, Chairwoman Joel Seachrist, Attorney
 Douglas Hooper Thomas Danielson

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, August 24, 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 Louis R. LaLonde, d/b/a Copy Quik Printing, 4384 West Fairmount Avenue, Lakewood, New York, for renewal of a Special Use Permit to operate a digital imaging and photograph service at that location. The property is in the Conservation Residential District, is owned by him and is known as Section 385.05, Block 4, Lots 68 & 69 of the official tax map of the Town of Busti.

Mr. LaLonde appeared and indicated that no changes in the operation of the business have occurred, and that a few small improvements have been made. Doug Hooper made the following motion, seconded by Thomas Danielson: "I make a motion to approve the application of Louis R. LaLonde, d/b/a Copy Quik Printing, 4384 West Fairmount Avenue, Lakewood, New York, for renewal of a Special Use Permit to operate a digital imaging and photograph service at that location. The property is in the Conservation Residential District, is owned by him and is known as Section 385.05, Block 4, Lots 68 & 69 of the official tax map of the Town of Busti. The special use permit will be extended three more years under the same guidelines we talked about originally." All aye.

Application of Richard Froah, 294 Shadyside Avenue, Lakewood, New York, for an area variance to build a 28' x 28' attached garage on property located at 1134 Hunt Road, Lakewood, New York. The property is in the Conservation Residential District, is owned by him, and is known as Section 385.00, Block 1, Lot 28 of the official tax map of the Town of Busti.

Mr. Froah was in attendance. The Board reviewed the balancing test and it was determined that the benefit to the applicant outweighed any detriment to the neighborhood. Thomas Danielson made the following motion, which was seconded by Douglas Hooper: "I make a motion to grant the application of Richard Froah, 294 Shadyside Avenue, Lakewood, New York, for an area variance to build a 28' x 28' attached garage on property located at 1134 Hunt Road, Lakewood, New York. The property is in the Conservation Residential District, is owned by him, and is known as Section 385.00, Block 1, Lot 28 of the official tax map of the Town of Busti. The garage will be no closer than fifteen feet (15') to the property line to the east and will be for personal use only." All aye.

Application of Rev. James Mohney, 31 Thayer Street, Jamestown, New York, for an area variance to place a storage shed on property known as Living Waters Open Bible Church, 946 Southwestern Drive, Jamestown, New York. Property is in the Highway Commercial District, is owned by Living Waters Ministries of Jamestown, Inc., and is known as Section 420.19, Block 1, Lot 43 of the official tax map of the Town of Busti.

Rev. James Mohney appeared and discussed the desired placement of the storage shed on said parcel. The Board reviewed the balancing test and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Thomas Danielson made the following motion, which was seconded by Douglas Hooper: "I make a motion to grant the application of Rev. James Mohney, 31 Thayer Street, Jamestown, New York, for an area variance to place a storage shed on property known as Living Waters Open Bible Church, 946 Southwestern Drive, Jamestown, New York. Property is in the Highway Commercial District, is owned by Living Waters Ministries of Jamestown, Inc., and is known as Section 420.19, Block 1, Lot 43 of the official tax map of the Town of Busti. The shed will be placed no closer than five feet (5') from the property line to the east and no closer than five feet (5') to the south." All aye.

Application of Robert and Darcy Kuhn, 2418 Keller Road, Ashville, New York, for an area variance to increase the size of the existing deck on said property by three feet (from 6'6" x 21'7" to 9'6" x 21'7"). Property is in the Multi-Residential District, is owned by them, and is known as Section 367.20, Block 2, Lot 56 of the official tax map of the Town of Busti.

Mr. Kuhn was present and discussed with the Board the proposed deck addition. The Board reviewed the balancing test and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Doug Hooper made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Robert and Darcy Kuhn, 2418 Keller Road, Ashville, New York, for an area variance to increase the size of the existing deck on said property by three feet (from 6'6" x 21'7" to 9'6" x 21'7"). Property is in the Multi-Residential District, is owned by them, and is known as Section 367.20, Block 2, Lot 56 of the official tax map of the Town of Busti. The existing deck size will increase by three feet (3'), from 6'6" to 9'6" toward the canal. The edge of the deck will be no closer than thirty four feet (34') from the canal. The side setbacks remain the same. When asked by ZBA Chairwoman Michelle McIntyre, Mr. Kuhn responded that it would be a single-story deck. The roof will extend ten and one-half feet (10 ½') over deck, which will be thirty three feet (33') from the edge of the canal." All aye.

Application of Eugene and Ann Blamowski, 43 Loomis Bay, Ashville, New York, for an area variance to build a 20' x 24' garage on said property. Property is in the Multi-Residential District, is owned by them, and is known as Section 367.15, Block 2, Lot 6 of the official tax map of the Town of Busti.

Mr. and Mrs. Blamowski appeared to discuss proposed garage. The Board reviewed the balancing test and determined that the benefit to the applicants outweighed any detriment to the neighborhood. Doug Hooper made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Eugene and Ann Blamowski, 43 Loomis Bay, Ashville, New York, for an area variance to build a 20' x 24' garage on said property. Property is in the Multi-Residential District, is owned by them, and is known as Section 367.15, Block 2, Lot 6 of the official tax map of the Town of Busti. The garage will be no closer than five feet (5') to the property line on the southeast corner and approximately ten and three-quarters feet (10 ¾') to the opposite side boundary. The garage will sit back twenty feet (20') from the road and be a one-story garage for personal use only." All aye.

Application of Beverly Church, 44 Loomis Bay Road, Ashville, New York, for an area variance to build a roof over the existing front and back porches on said property. Property is in the Multi-Residential District and is known as Section 367.15, Block 2, Lot 5 of the official tax map of the Town of Busti. The building(s) is owned by Ms. Church, and the underlying property is owned by Loomis Bay Shores, LLC.

Ms. Church appeared regarding the proposed roofs over the existing porches. The Board reviewed the balancing test and determined that the benefit to the applicant outweighs and detriment to the neighborhood. Thomas Danielson made the following motion, which was seconded by Doug Hooper: "I make a motion to grant the application of Beverly Church, 44 Loomis Bay Road, Ashville, New York, for an area variance to build a roof over the front and back porches on said property. Property is in the Multi-Residential District and is known as Section 367.15, Block 2, Lot 5 of the official tax map of the Town of Busti. The building(s) is owned by Ms. Church, and the underlying property is owned by Loomis Bay Shores, LLC. Both porches need a one-foot (1') overhang with gutters on both sides and the project will maintain the existing footprint." All aye.

Application of Barbara M. Bergman, 997 Wellman Road, Ashville, New York, for an area variance to build a 10' x 18' deck on the back of home located on said property. The property is in the Conservation Agricultural District, is owned by her, and is known as Section 418.00, Block 2, Lot 13 of the official tax map of the Town of Busti.

Applicant was not in attendance, but the Board reviewed the balancing test and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Doug Hooper made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Barbara M. Bergman, 997 Wellman Road, Ashville, New York, for an area variance to build a 10' x 18' deck on the back of home located on said property. The property is in the Conservation Agricultural District, is owned by her, and is known as Section 418.00, Block 2, Lot 13 of the official tax map of the Town of Busti. The deck can be covered, can include railings or stairs according to town code, and will be constructed of wood, composite material and/or other material, also according to town code." All aye.

Revisiting of the application of Harold L. Lobb, 155 Big Tree Road, Jamestown, New York, for an area variance to convey two acres for the purpose of building a house from the parcel which already includes a house. Said property is owned by him and is known as Section 453.00, Block 1, Lot 50 of the official tax map of the Town of Busti. Property is in the Conservation Agricultural District.

Mr. Lobb appeared, accompanied by his attorney, Paul Webb. Also in attendance were Leonard Fertall, Yvonne Fertall and Richard Kinne. Michelle McIntyre welcomed discussion from any in attendance who were not at the prior hearing. None spoke, and the decision was explained, based on examination of the property at issue, neighboring property, and the GIS map from Chautauqua County.

Michelle McIntyre read some of the findings of the draft decision. Michelle McIntyre made a motion and the Board voted to close the public hearing.

Michelle McIntyre then made a motion, which was seconded by Thomas Danielson, to grant the application of Harold L. Lobb, 155 Big Tree Road, for an area variance to convey two acres from his existing 12.18 acres, to build a house. The parent lot already has a house on it, and the new lot and parent lot will now have road frontages of 165.66' each. The width will fall short of the minimum requirement of two hundred fifty feet. In addition, an area variance will be granted for the proposed house to be no closer than 30'1" away from the southerly boundary of the property, rather than the required forty feet. The motion included and incorporated the written decision, which is available to be distributed.

No additions, amendments or corrections were made. All voted aye.

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

Respectfully Given,
Dena Hirliman, Deputy Town Clerk