

feet) from the rear property line and no closer than 10' (ten feet) to the south property line. A cement walk measuring 7' (seven feet) wide is permitted around the pool on those two sides, with a fence bordering the cement. There will be a 3' (three-foot) buffer zone between the fence and the neighbors' property line. The (chain link) fence shall be at least 4' (four feet) high and necessary on all four sides, or as required by state code, as opposed to using the neighbor's existing fence on one side." All aye.

Application of James and Cheryl Scheffer, 22 Loomis Bay Road, Ashville, New York, for an area variance to build a garage on said property. The 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-Residential District.

Neighbor Randy Peterson appeared for applicant. The Scheffers were previously granted an area variance to move an existing garage to said location on parcel; however, after deeming the garage too old to be moved, it is now requested that an area variance is granted to build a new garage on the desired location. The Board reviewed the balancing test and determined that the benefit to the applicants outweighs any detriment to the neighborhood. The following motion was made by Richard Nygren, and seconded by Robert Whitman: "I make a motion to grant the application of James and Cheryl Scheffer, 22 Loomis Bay Road, Ashville, New York, for an area variance to build a garage on said property. The garage will be no closer than 5' (five feet) on each side property line, 15' (fifteen feet) to the rear property line, and 37' (thirty-seven feet) from the street. The garage will be 1 ½ story, and measure 24' x 32' (twenty-four by thirty-two feet). It is requested that a demolition permit is also obtained in order to take down the existing older garage." All aye.

Application of Timothy Sampson, 2350 Lakeside Drive, Ashville, New York, for an area variance to build an addition to the existing residential structure, and to expand the existing garage of said property by one stall. The property is owned by Timothy and Dana Sampson, and is known as Section 367.20, Block 5, Lot 17 of the official tax map of the Town of Busti. Property is in the Multi-Residential District.

The applicants produced blueprints, photographs, and diagrams of the proposed additions. They would prefer to build a new three-stall garage instead of adding one stall to the existing garage, as previously indicated on the original application. The Board reviewed the balancing test and determined that the benefit to the applicants outweighs any detriment to the neighborhood. The following motion was made by Thomas Danielson, and seconded by Richard Nygren: "I make a motion to grant the application of Timothy Sampson, 2350 Lakeside Drive, Ashville, New York, for an area variance to build an addition to the existing residential structure, and to build a three-stall garage on said property. The garage will be 1 ½ story, 25' x 40' (twenty-five by forty feet), and used for personal storage. It is requested that a demolition permit is obtained to take

down the existing older garage. For the house addition, we grant a 32' (thirty-two foot) lot width variance and a 4' (four-foot) side yard variance on the east side. The addition will add a second story to the house." All aye.

Application of Ronald and Judith Rich, 2450 Lakeside Drive, Ashville, New York, for an area variance to build a 14' x 16' deck on the existing house of said property. Property is owned by them and is known as Section 367.20, Block 4, Lot 27 of the official tax map of the Town of Busti and is in the Multi-Residential District.

Mrs. Rich explained the proposal and the Board reviewed the balancing test. It was determined that the benefit to the applicant outweighed any detriment to the neighborhood. The following motion was made by Douglas Hooper, and seconded by Robert Whitman: "I make a motion to grant the application of Ronald and Judith Rich, 2450 Lakeside Drive, Ashville, New York, for an area variance to build a 14' x 16' (fourteen by sixteen feet) deck on the lakeside of the existing house on said property. The deck will be no closer than 40.5' (forty and one-half feet) from the lake, it will be wooden and uncovered, and the railing will be roughly 2' (two feet) from one boundary line and approximately 7' (seven feet) to the other boundary line. The railing shall be in accordance with the building code of the State of New York." All aye.

Application of Michele Raeon, 1293 South Main Street Extension, Jamestown, New York, for an area variance to build an 8' x 16' addition to the existing home at said property. Property is owned by her and is known as Section 421.00, Block 2, Lot 9 of the official tax map of the Town of Busti and is in the Conservation-Agricultural District.

Applicant requests a variance for lot size, but owns the neighboring lot. The Board reviewed the balancing test and it was determined that the benefit to the applicant outweighed any detriment to the neighborhood. Robert Whitman made the following motion, which was seconded by Thomas Danielson: "I make a motion to grant the application of Michele Raeon, 1293 South Main Street Extension, Jamestown, New York, for an area variance to build an 8' x 16' (eight by sixteen feet) addition to the existing home on said property. The addition will be a single-story mudroom on a cement slab. An area variance is granted due to lot size being under two acres." All aye.

Application of Barbara Nygren, 1247 Southwestern Drive, Jamestown, New York, for an area variance to display signs on the front and each side of the store currently located at 890 Busti-Sugar Grove Road, Jamestown, New York. Property is owned by Jeffrey and Mary Eggleston, and is known as Section 437.06, Block 2, Lot 36 of the official tax map of the Town of Busti. Property is in the Highway Commercial District.

Applicant Mr. Nygren recused himself from deciding on the application, as he is a board member and an interested party. The application was referred to Chautauqua County, and duly referred back to the Town of Busti for decision on a local level. 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 Barbara Nygren, 1247 Southwestern Drive, Jamestown, New York, for an area variance to display signs on the front and each side of the store currently located at 890 Busti-Sugar Grove Road, Jamestown, New York. The storefront sign will be no larger than 4' x 8' (four feet by eight feet) and the two signs on either side of the store will be no larger than 4' x 5' (four feet by five feet). The signs will be painted or vinyl, not lit, and will be flush with the building. It was noted that the owner of the store, Mrs. Eggleston, agrees with the placement of the signs." All aye.

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 a 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.

Applicant requests an area variance for road frontage and the survey of the proposed house shows placement of the house to be only 30' (thirty feet) from the southern boundary of the proposed parcel. When asked, Mr. Lobb indicated that the placement of the house is negotiable. Interested neighbors in attendance expressed their opposition to the building of another house so close to the existing house and so close to the road. The application was tabled until the next Board of Appeals meeting on Wednesday, August 24, 2011.

Upon motion made by Michelle McIntyre and seconded by Douglas Hooper, the meeting was adjourned at 8:43 p.m.

Respectfully Given,
Dena Hirliman, Deputy Town Clerk