

ZONING BOARD OF APPEALS MINUTES
September 28, 2011 at 7:00 p.m.

Present: Michelle McIntyre, Chairwoman Douglas Hooper
 Thomas Danielson Joel H. Seachrist, Town Attorney
 Richard Nygren
 Robert Whitman

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, September 28, 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 Robert and Darcy Kuhn, 2418 Keller Road, Ashville, New York, for an area variance to demo the existing lower deck and replace it with a 10' x 22' cement patio; and to build a 9'6" x 21'7" upper deck with a roof which has a 24" x 12" overhang. 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.

Chairman Michelle McIntyre moved to revoke the variance that was granted on August 24, 2011 to Mr. Kuhn as the board did not have all the information needed which was seconded by Douglas Hooper.

All aye.

The Board reviewed the balancing test and it was determined that the benefit to the applicant outweighed any detriment to the neighborhood. Robert Whitman moved the following motion which was seconded by Richard Nygren: I make a motion to grant Robert and Darcy Kuhn, 2418 Keller Road, Ashville, New York, an area variance to demo the existing lower deck and replace it with a 10' x 22' cement patio; and to build a 9'6" x 21'7" upper deck with a roof which has a 24" x 12" overhang. 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 deck shall be no closer than 34' on the canal side, no closer than 24' to the left side of the property and 30' to the right. The granting of this variance is contingent upon meeting with the building code officer to meet state codes.

All aye.

Application of Charles Abramo, 2451 Keller Road, Ashville, New York, for an area variance to build a 17' x 12' enclosed porch on the existing house at said address. Property is in the Multi-Residential District, is owned by Charles and Rose Marie Abramo, and is known as Section 367.20, Block 1, Lot 72 of the official tax map of the Town of Busti.

The Board reviewed the balancing test and it was determined that the benefit to the applicant outweighed any detriment to the neighborhood. Tom Danielson made the following motion which was seconded by Douglas Hooper: I make a motion to allow him the already built porch with no permit on the existing house 17' x 12' & 6' x 42' one story with roof. Mr. Abramo now wants to enclose the existing porch. He will need to provide proof that that the structure he wants to now enclose is indeed structurally in

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compliance with the building code.
All aye.

Tom Danielson moved the following motion which was duly seconded by Douglas Hooper: I make a motion to allow him to enclose the 17' x 12' porch with glass doors and windows contingent on meeting with the building & code officer to meet state codes.

All aye.

Respectfully given,
Diane M. VanDewark
Town Clerk