

Zoning Board of Appeals Minutes
November 28, 2012

Present: Michelle McIntyre, Chairwoman
Douglas Hooper
Thomas Danielson

Also present: Stan & Cindy Davis, Jerry Milliron, Attorney Joel Seachrist

A public hearing was held before the Zoning Board of Appeals of the Town of Busti on Wednesday, November 28, 2012 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 Stanley Davis, 4104 Lawson Rd., Jamestown, New York, for an area variance to build a 50' x 32' storage building. Property is owned by him and known as Section 436.00, Block 1, Lot 11 of the official tax map of the Town of Busti. Property is in the Conservation Agricultural District. 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 a motion to grant the application which was seconded by Douglas Hooper. The shed is to be no closer than 10' to the eastern boundary, one story and for personal use. All aye. Carried.

Application of David Goris, 1745 Fix Rd., Grand Island, New York, for an area variance to build a 4' x 6' covered porch on to his home at 17 Loomis Bay Road. Property is owned by him and is known as Section 367.15, Block 2, Lot 30 of the official tax map of the Town of Busti. Property is in the Multi-Family Residential District. 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 a motion to grant the application, seconded by Thomas Danielson. The covered porch will be on the road side, the backside of the house and will be no closer than 5' on the west boundary and 6.5' on the east boundary. It will be a small, 4'x6', covered porch with a roof and built according to New York State building code. All aye. Carried.

Upon recommendation of the Planning Board, Jerry Milliron met with the Board of Appeals for their interpretation as to whether the "greenhouse" use permitted by right in Section 405-12 includes on-site retailing of products to the public. There was discussion regarding the interpretation. Joel Seachrist will be writing an interpretation for the board to review and approve at the January meeting.

Upon motion made by Chairman Michelle McIntyre, the meeting adjourned at 7:55 p.m.

Respectfully given,
Darlene Nygren
Deputy Town Clerk