

Zoning Board of Appeals Minutes
October 24, 2012

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

Also present: Hollie Pike, Trevor & Dana Maynard, John E. Thayer, David Goris, Donald Christner, William & Donna Haenggi and Todd Saracki

A public hearing was held before the Zoning Board of Appeals of the Town of Busti on Wednesday, October 24, 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 Chautauqua Resources Inc., 4345 West Summit, Lakewood, New York, for an area variance to build a 12' x 18' deck. Property is owned by them and known as Section 385.05, Block 4, Lot 55 of the official tax map of the Town of Busti. Property is in the Conservation 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. It was noted that the fence shown on the provided survey map has been removed. Douglas Hooper made a motion to grant the application which was seconded by Thomas Danielson. The deck will be at the rear of the dwelling, which is the south side. It will be wooden, have a railing and stairs attached to it, and measure 12' x 18'. The east setback of the deck will be no closer than 5' to the eastern boundary line. The existing deck will be demolished prior to this being built. The new deck will be uncovered and will meet the New York State building code. All aye. Carried.

Application of Trevor D. Maynard, 8555 Brownell Road, Clymer, New York, for an area variance to build a home. Property is owned by Freda Farnsworth and Jerome McMaster and is known as Section 384.18, Block 1, Lot 23 & 22 of the official tax map of the Town of Busti. Property is in the Conservation 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. Thomas Danielson made a motion to grant the application which was seconded by Douglas Hooper. The road frontage is 54.5' on Hoag Rd.; the approval is contingent and will take affect after the property purchase is dually recorded in the county. All aye. Carried

John Thayer of 1991 Southwestern Dr. was granted an area variance in August 2012 to build a one story 40' x 48' building. Mr. Thayer questioned the board if by installing attic trusses the building would be considered two stories. The trusses will not change the height, width, or depth of the building. There will be stairs going to the attic inside the building. The building, as well as the attic, would be used for storage purposes only. The board was in agreement that even with attic trusses the building would remain in compliance with the area variance.

Dave Goris of 17 Loomis Bay Road was granted an area variance in April 2012 to build a new addition at the said address. Mr. Goris started construction and found that the foundation plan was wrong making the 20' addition and covered porch not in compliance with the original area variance. He is requesting to change the location of the covered porch (deck). The board questioned as to whether the addition was still within the 5' boundary and Mr. Goris said it was. Due to the length of time since the original area variance the board advised Mr. Goris to apply for a new area variance. Mr. Goris explained his plans to the board and would not be required to appear at the next Board of Appeals meeting. The board stated that he could continue construction as long as the porch was not a part of it.

Todd Saracki stated that the Shadow Creek Phase 2 has begun. There is a gas well on the said property that will remain there. Due to the location of the gas well the road's blacktop and storm sewer have been moved over by 10', which gives the appearance that the two adjacent properties, lots #10 & 11, are deeper than they are. If the houses are placed where originally planned they would be inconsistent with the rest of the neighborhood. One of the new home owners has asked Mr. Saracki to adjust the placement of his home which would affect the setbacks by 8'. Michelle McIntyre contacted Joel Seachrist for advisement. Joel said because the setback is being measured from the edge of the blacktop, the setback should be adjusted according to the distance that the blacktop placement has been moved. This is only for the two lots currently in question. Mr. Saracki stated that the blacktop was adjusted by 13' and he is only adjusting the house placement by 10'.

Upon motion made by Chairman Michelle McIntyre, the meeting adjourned by 7:50 p.m.

Respectfully given,
Darlene Nygren
Deputy Town Clerk