

Zoning Board of Appeals Minutes  
July 23, 2014

Present: Robert Whitman, Chairman  
Douglas Hooper  
Thomas Danielson  
Richard Nygren  
Tim Young

Also present: Attorney Joel H. Seachrist, Renee Miller, Jon Miller, John Reynolds, Ben Gustafson - Hunt Engineers, and Jocelyn Bos - Calamar

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, July 30, 2014 at 7:00 p.m. at the Town of Busti Administration Building, 9 W. Summit Avenue, Lakewood, New York, to consider the following applications:

Application of Renee' Miller, 765 Cayuga Creek Road, Cheektowaga, New York for an area variance to extend a front porch. Property is owned by Jonathan Miller and Timothy J. Miller, located at 2454 Vukote Road, Ashville, New York and is known as Section 367.20, Block 1, Lot 16 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. Thomas Danielson made a motion to grant the application of Renee Miller to extend a front porch. The extension will be 8' x 3 1/2' on the north side of the existing porch. The extension is to be no closer than 5' to the north boundary line and the 3'x42" section located in the "spoils area" is to be removable. Seconded by Richard Nygren. All aye. Carried.

Application of John Reynolds, 34 Crandall Street, Westfield, New York for an area variance to build a 12' x 20' camp. Property is owned by him, located on Kortwright Road, Ashville, New York and is known as Section 452.00, Block 2, Lot 47.1 of the official tax map of the Town of Busti. Property is in the Conservation/Agricultural District. Chairman Whitman read letters received from neighbors regarding the application, as attached. The Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. In addition to the area variance the board will be considering the application for a Special Use Permit as defined in Town Code §405-28B. Chairman Whitman read the requirements for camps as found in the Town Code §405-28B – Special Use Permits from Zoning Board of Appeals.

B.

Camps, game farms, fish hatcheries, fishing reserves, and dog kennels. Camps, game farms, fish hatcheries and fishing reserves shall be allowed in CR, CAMP and CA Districts, and dog kennels shall be allowed in CA or CAMP Districts by securing a special permit from the Zoning Board of Appeals of the Town of Busti, provided that:

(1)

No camp or building harboring game, fish or dog kennels shall be located closer than 100 feet from any property boundary line;

(2)

The premises upon which any camp, game farm, fish hatchery, fishing reserve or dog kennels are located must be maintained in a sanitary condition at all times;

(3)

Floors and inside walls must be hosed and washed at reasonable intervals, (not applicable to CAMP);

(4)

Pits and stalls must be kept clean and free from objectionable smells at all times; and

(5)

All outside fences must be at least 50 feet from any property boundary line.

Douglas Hooper made a motion to grant the application of John Reynolds to build a 12'x20' camp. The camp will be a no closer than 50' to the east boundary, 123' to the west boundary, and 383' to Kortwright Road. It is to be a one story camp. The variance is needed due the road frontage being 203' which is less than the 250' as required by Town Code. Seconded by Thomas Danielson, all aye. Carried.

Motion made by Thomas Danielson that the board treat the variance application as a special use permit and to grant the special use application of John Reynolds to build a camp with the conditions as defined in §405-28B in Town Code. Seconded by Douglas Hooper, all aye. Carried.

Jocelyn Bos, Director, Senior Housing Development for Calamar and Ben Gustafson, Civil Engineer for Hunt presented plans for a 116 Unit Senior Housing Project off of Southwestern Drive and North of Hunt Road as according to §405-26 in Town Code - Planned Unit Residential Development. The procedure for approving such an application is found in section §405-23; the Planning Board reviews the application and makes a recommendation to the Zoning Board of Appeals. The Zoning Board of Appeals then holds a public hearing for the application. The applicant is required make notice to the adjacent land owners. The applicant has agreed to pay for an engineer who will review the plans and act as an advisor for the Town of Busti; the engineer will be Rex Tolman. Mr. Gustafson asked for clarification regarding the building width according to Town Code §405-26E. In addition to the clarification, there will be two variance requests – 1) Town Code requires 2 parking spaces per unit, Calamar is asking for an allowance of 1.5 per unit. 2) Town Code requires 25' of width for the driveway; New York State Fire Code requires 26', so an additional 12" needs approved. Calamar will hold a public meeting on August 6, 2014 to inform area residents of the proposed project, notifications of the meeting will be sent out by Calamar.

Motion made by Robert Whitman to set a Public Hearing to review the Calamar Project application on Wednesday, August 20, 2014 at 7:00 pm. Seconded by Thomas Danielson, all aye. Carried.

The regular August 27, 2014 meeting has been rescheduled for Thursday, September 4, 2014 at 6:30 pm at that time the board will make the final decision on the application of Calamar and all other Zoning Board applications.

Motion made by Robert Whitman to adjourn the meeting at 8:30 p.m. Seconded by Richard Nygren. All aye. Carried.

Respectively Given,

Darlene Nygren  
Town Clerk