

VILLAGE OF SPRINGVILLE
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

October 10, 2018

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Timothy O'Neal Kate Moody (absent) Jamie Raynor Marc Gentner
Also Present:	Mike Kaleta, CEO/Building Inspector (absent) Alan Chamberlin, Trustee Ken Rothenberg Herb Lux
Clerk:	Kellie Grube (absent) Jenny Blumenstein

Chairman Wolniewicz called the meeting to order at 7:03 p.m. to hear the petition of Ken Rothenberg and Herb Lux, Elm St near Maple Ave., Springville, New York, **File #8606** for an Area Variance.

Due to the applicant's property being located within a R8.5 Zoning District, the applicable section for File #8606 of the Village Code is § 200 Attachment 4.

§ 200 Attachment 4:

Requires 85 feet for minimum lot width and each lot being formed will be approximately 81 feet.

At 7:02 pm Chairman Wolniewicz opened the Public Hearing.

In a letter sent to the Village of Springville, Mr. Rothenberg stated that he owned map parcels identified as 42, and part of 31. The tax map designation is 335.160-4-42.; village parcel 42 is approximately .56 acres, consisting of 2 lots with a frontage of 71'. Village parcel 31 is part of tax parcel 335.16-4-31, is approximately 1.669 acres.

Mr. Rothenberg went on to explain that he would like to combine take all the parcels and divide the property into 6 lots of approximately 81'. This new sub-division would change parcel 42 from a frontage of approximately 71' to 81'. The size will be in harmony with the other lots in

the area which has 18 lots facing Elm St. under 71'. Mr. Rothenberg added that this would enable the building of 6 homes to add to the beauty and revenue of the Village. A sliver of land, approximately 25' on the front line and approximately 6' on the rear property line is being divided to be able to be added as additional frontage to neighboring parcel 41 which now has a shed which is over the property line of Mr. Rothenberg's property. The sale of the sliver of land will keep the shed from having to be moved and it will help bring lot 41 in line with setbacks.

Mr. Rothenberg and Mr. Lux were both on hand if the Zoning Board of Appeals had any further questions. Member Tim O'Neal asked the applicants if they are interested in putting up homes. Mr. Rothenberg stated that they were in the near future and that they have already begun clearing up trees.

Chairman Wolniewicz closed the Public Hearing to go into Board discussion.

After some discussion, Chairman Wolniewicz declared the SEQR for File #8606 a Type II requiring no further action; therefore a negative declaration was determined. All required input paperwork has also been returned from all Village of Springville Departments that would be affected by this property with no concerns or problems listed.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x(4)
3. Whether the requested variance is substantial: Yes ___ No x(4)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(4)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes x(4) No ___

DETERMINATION OF THE ZONING BOARD of APPEALS BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is approved.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u> x </u>	_____	_____
TIMOTHY O'NEAL	<u> x </u>	_____	_____
KATE MOODY	_____	_____	<u> x </u>
JAMIE RAYNOR	<u> x </u>	_____	_____
MARC GENTNER	<u> x </u>	_____	_____

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the August 15, 2018 minutes.

With there being none, Chairman Wolniewicz asked for a motion to accept the August 15, 2018 minutes. Member Jeremy Raynor made the motion, seconded by Tim O'Neal. All in favor, none opposed.

At 7:22 p.m. Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,



Kellie R. Grube