

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

January 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 Jamie Raynor Marc Gentner
Also Present:	Mike Kaleta, CEO/Building Inspector Christopher Kamba Timothy Scheg
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of ALDI Inc., 175 S. Cascade Dr., Springville, New York, **File #8366** for an Area Variance.

Due to the applicant's property being located within a CIP Zoning District, the applicable section for File #8366 of the Village Code is § 200 Attachment 6.

§ 200 Attachment 6 within a CIP District allows maximum lot coverage of 20%. With the Applicant's expansion of 3,372 sq. ft. they will be at 22.2%. 20% of 88,557 sq. ft. =17,711sq. ft. They have 19,684 sq. ft. which is over by 1,973 sq. ft.

At 7:01 pm Chairman Wolniewicz opened the Public Hearing.

Chairman Wolnowicz asked who was present on behalf of the applicant. Mr. Timothy Scheg and Mr. Christopher Kambar of APD Engineering and Architecture stated that they were contracted with the applicant and were on hand to answer any questions the Zoning Board of Appeals may have. Mr. Scheg went on to explain the addition and why it was going to be located where it was. He also stated that per our Village Code, with the new additional square footage that they are seeking, their parking would still be sufficient. Mr. Scheg also stated that only 2.2% of their Site Plan would be exceeding the maximum of 20% coverage.

Chairman Wolniewicz declared the SEQR for File #8366 a Type II requiring no further action; therefore a negative declaration was determined.

Notification for the Town of Concord and Erie County Planning was required and both were notified on December 27, 2017. All other public notifications were also completed and this Public Hearing announcement was published in the Springville Journal.

Before the Zoning Board of Appeals started going over the Factors Considered for the Area Variance Findings and Decision sheet, CEO Mike Kaleta wanted to inform the Board the history of this lot. He told the Members about how this property was once owned by Joe Roosa, who had a 99 year lease with Aldi Inc. At some point after that the property was seized by U.S. Marshalls and subsequently then sold to PT Management/ ECHO. With all of the property transactions in this area, the original lot size of this parcel has been altered to adjust other surrounding properties here and there and it is these alterations that are limiting ALDI so much. He felt that if the property had been left in its original state, the lot would have had enough room for the setback and an Area Variance would not have been needed. They would have needed Site Plan approval only.

At this time the Zoning Board of Appeals went over the factors considered in their decision that will be based on what the applicant has presented:

**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No x(5)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_ No x(5)
3. Whether the requested variance is substantial: Yes \_\_\_ No x(5)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No x(5)
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 \_\_\_ No x(5)

**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. The ZBA further find that an area variance of 2.2% shall be given. The variance pertains to § 200-33c. Residence District of the Zoning Code. 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 with no stipulations.

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 November 29, 2017 minutes. With there being none, Chairman Wolniewicz asked for a motion to approve the minutes from the November 29, 2017 meeting, Member Kate Moody made the motion, seconded by Marc Gentner. All in favor, none opposed.

At 7:20 p.m. Chairman Wolniewicz made a motion to adjourn the meeting. Member Jamie Raynor seconded the motion. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube