

VILLAGE OF SPRINGVILLE
ZONING BOARD OF APPEALS MINUTES

February 4, 2015

7:00 P.M.

A meeting of the Zoning Board 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:

Chairwoman:	Sue Owen
Members:	Christine Greene (absent) Joe Wolniewicz Tim O'Neal Dave Guadagna
Also Present:	Mike Kaleta, CEO/Building Inspector Trustee Alan Chamberlin Tim Black
Clerk:	Kellie Grube (absent)

Chairwoman Owen called the meeting to order at 7:00 p.m. for a continuation to hear the petition of Z & M Ag and Turf, 336 Vaughn St.(AKA Bus Barn), Springville, New York, **File #7281** for a request for a Use Variance for sales, service and outdoor storage. It is prohibited in a R8.5 zoning district where the property is located.

Applicable section for File #7281 of the Village Code is Section 200 Attachment 1.

At 7:01 pm Chairwoman Owen opened the Public Hearing.

This Public Hearing is a continuation due to SEQR requirements. The short form EAF has ben prepared for an Unlisted Action. The review went as follows:

- Part One- All voting yes
- Part Two- All voting yes
- Part Three- All voting yes

The ZBA also determined that notice requirements have been sent to Erie County Division of Planning.

The Zoning Board, after some more discussion, decided to go over the factors considered when decision making for a Use Variance. They need to make sure that they have sufficient documentation to support the factors considered:

FACTORS CONSIDERED:

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial: Yes No

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood) : Yes ____ No
3. The required use variance, if granted, will not alter the essential character of the neighborhood:
Yes No ____
4. The alleged hardship has been self –created: Yes ____ No

The ZBA, after reviewing the above four proofs, finds:

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The Zoning Board of Appeals has determined the applicant may have sales, service and outdoor storage for tractor and farm equipment. Member Joe Wolniewicz made the motion, seconded by Dave Guadagna. All in favor, none opposed.

Next, CEO Mike Kaleta wanted to speak to the Zoning Board regarding 359 W. Main St. The owners would like to purchase an old truck for this residence that would be used as a lawn decoration. Mr. Kaleta wanted the ZBA’s opinion on whether the truck “flower bed” would be considered art or junk. With much discussion the Zoning Board couldn’t come up with an overall consensus and thought perhaps it should be referred to Paul Weiss, the Village of Springville’s attorney, to see what the legalities of this would be per Village of Springville Code.

Mr. Kaleta also wanted to give the ZBA a heads up regarding 54 Franklin St. There is a new tenant at this address who is opening a dog grooming/ dog daycare business. Mr. Kaleta has spoken with the business owner and she asked him about the possibilities of kenneling. If the owner decides she wants to kennel dogs as well, she will have to come before the ZBA for a Use Vairance, depending on the number of dogs she intends to keep on the premises. Mr. Kaleta will keep the ZBA informed of the tenant’s intentions as they come up.

Lastly, Chairwoman Sue Owen asked for a motion to approve the minutes from the December 22, 2014 meeting. Joe Wolniewicz made the motion, seconded by Dave Guadagna. All in favor, none opposed.

At 8:00p.m. Chairwoman Owen asked for a motion to adjourn the meeting.

Respectfully Submitted,

Kellie R. Grube

