

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

May 3, 2016

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:

Chairwoman:	Sue Owen (absent)
Members:	Christine Greene Joe Wolniewicz Timothy O'Neal David Guadagna
Also Present:	Mike Kaleta, CEO/Building Inspector Applicant, Steve Buckley
Clerk:	Kellie Grube

Zoning Board Co-Chairwoman Christie Greene called the meeting to order at 7:02 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Steve Buckley, 555 S. Cascade Dr., Springville, New York, **File #7728** for an Area Variance regarding minimum frontage along a state or county highway of at least 150 feet for a transfer station special exception use. The proposed site frontage for this application is 137' in width. The applicant meets the total lot square footage with 33,750 square feet, with the minimum required being 20,000 square feet. It is the lot frontage that is lacking by 13 feet. This site is located within a CIP Zoning District.

Applicable section for File #7728 of the Village Code is Section 200-73, Article X. Special Exception Uses, truck terminal and/or transfer station.

At 7:04 pm Co-Chairwoman Christie Greene opened the Public Hearing.

Notification for the Town of Concord and Erie County Planning was not required. All other public notifications were completed and this Public Hearing announcement was published in the Springville Journal.

Co-Chairwoman Greene asked applicant Steve Buckley to explain what he wanted to do and why he is seeking an Area Variance. Mr. Buckley informed the Zoning Board about his recycling company that is currently located in the Chaffee/ Arcade area. He stated that he owns property at 555 S. Cascade Drive in the Village of Springville; it is at this location that he would like to move his recycling company to. With all of his other business being located in Springville the moving of the recycling business would make it a lot easier for him to manage all his properties

and be hands on. Mr. Buckley stated that they would be handling cardboard, plastic, paper and electronics. Due to the driveway being like a horseshoe, there shouldn't be any issues for the trucks on this property in regards to turning around and such. He said that at this point any outside storage would be for the bales of finished goods. Most of the work is done inside, especially because of the wind factor. It was also discussed though that in the future if storage or product was outside of the building due to needed space, that Mr. Buckley would possibly fence in or enclose the portion of the outside property being used. The DEC currently monitors and regulates Mr. Buckley's business and would continue to do so at a location change.

Regarding the Zoning Board petition, the ZBA declared the SEQR for File #7728 a Type II requiring no further action.

The Zoning Board, after some more discussion about the setbacks for this property, decided to go over the factors considered when decision making for an Area Variance.

At this time, Co-Chairwoman Christie Greene closed the Public Hearing . 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___
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x___
3. Whether the requested variance is substantial: Yes ___ No x___
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x___
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___ 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. The ZBA further find that a variance of 13 feet from Section 200-73 A of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood. Therefore the variance request is **approved, with recommendation.**

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
SUE OWEN	_____	_____	__x__
JOE WOLNIEWICZ	__x__	_____	_____
TIMOTHY O'NEAL	__x__	_____	_____
CHRISTY GREENE	__x__	_____	_____
DAVE GUADAGNA	__x__	_____	_____

Attached to their approval of this Public Hearing, the ZBA would like to make the following recommendation to the Planning Board : The Zoning Board of Appeals for the Village of Springville would like to suggest to the Planning Board that any future development on this property that they take into consideration the setbacks in question.

Next, CEO Kaleta would like some clarification in determining a use for an Industrial zoned property. Mr. Kaleta wanted to hear the Zoning Board's ideas and definitions of the difference between retail and wholesale. Mr. Kaleta has been working with an individual that is interested in starting a wholesale business in the Village of Springville. Part of the issue is he will occasionally be selling product out of the warehouse. This individual is looking at a piece of property that is zoned industrial. Retail is not permitted in Industrial zoned property. After much discussion, the Zoning Board consensus seemed to agree with CEO Kaleta's interpretation, that the majority of the business is wholesale.

Lastly, Co-Chairwoman Greene made a motion to approve the minutes from the September 16, 2015 meeting, seconded by Tim O'Neal. All in favor, none opposed.

At 8:17 p.m. Co-Chairwoman Greene made a motion to adjourn the meeting.

Respectfully Submitted,

Kellie R. Grube