

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

September 16, 2015

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
Members:	Christine Greene Joe Wolniewicz Timothy O'Neal David Guadagna
Also Present:	Mike Kaleta, CEO/Building Inspector Trustee Alan Chamberlin Richard Knox
Clerk:	Kellie Grube

Zoning Board Chairwoman Sue Owen called the meeting to order at 7:04 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Richard Knox/ Joe Rumfola, proposed 396 Waverly St., actual 23Commerce Dr. just east of 410Waverly St., Springville, New York, **File #7531** for an Area Variance regarding minimum lot dimensions of 200' x 200'. Proposed subdivision is for a lot 140' in width. Total is approximately 1 acre located in a CIP Zoning District.

Applicable section for File #7531 of the Village Code is Section 200 Attachment 6, CIP Minimum Lot Width 200'.

At 7:06 pm Chairwoman Owen 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.

Chairwoman Sue Owen asked applicant Richard Knox to explain what he and Dr. Rumfola wanted to do and why they were seeking an Area Variance. Mr. Knox explained that they wanted to build a new dentist office on this new lot. Even though the lot is plenty deep enough, Mr. Knox stated that the reason for the narrow frontage was because there is a slope that drops off sharply at the front of the property and the 140' stopped there. The Zoning Board was also informed that the applicant's application for Site Plan and Subdivision approval that was before the Planning Board has been tabled until October 13, 2015. The Planning Board is waiting on an updated Site Plan and the applicants need to fill out a Short Form SEQR review for their Site Plan.

Regarding the Zoning Board petition, Chairwoman Sue Owen declared the SEQR for File #7531 a Type II requiring no further action.

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

At this time, Chairwoman Sue Owen closed the Public Hearing to go into Board discussion. After a little discussion, the Zoning Board 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 x No \_\_\_
3. Whether the requested variance is substantial: Yes x No \_\_\_
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. Therefore the variance request is approved.

**RECORD OF VOTE**

MEMBER NAME	AYE	NAY	NO VOTE
SUE OWEN	<u>  x  </u>	___	_____
JOE WOLNIEWICZ	<u>  x  </u>	___	_____
TIMOTHY O'NEAL	<u>  x  </u>	___	_____
CHRISTY GREENE	<u>  x  </u>	___	_____
DAVE GUADAGNA	<u>  x  </u>	___	_____

The ZBA finds that the following stipulation is necessary in order to minimize adverse impacts upon the neighborhood or community:

*Approval is contingent to Site Plan and Sub-division approval from the Planning Board.*

At this time Chairwoman Sue Owen inquired to Building Inspector/ CEO Mike Kaleta about the Village of Springville's policies and procedures regarding neighbor notification when an applicant needs to come before any of the Village's Boards. Chairwoman Owen was questioning if the Village was doing enough.

Page 3  
Zoning Board Meeting  
September 16, 2015

Mr. Kaleta stated that the Zoning Board can look over the required notifications in the Code and check on the definitions. After that review, if the Zoning Board wishes to make any recommendations regarding notifications to the Village Board of Trustees they may do so.

Lastly, Chairwoman Sue Owen made a motion to approve the minutes from the May 27, 2015 meeting, seconded by Christie Greene. All in favor, none opposed.

At 7:31 p.m. Chairwoman Owen made a motion to adjourn the meeting.

Respectfully Submitted,

Kellie R. Grube