Zoning Board of Appeals Minutes
October 28, 2026

Present: Bruce Kidder
Dave Josephson
Gary Starr
Joe Flikkema

Present at the meeting in person: Town Attorney Joel Seachrist, Donald Jablonski, Margaret Jablonski, Krysten Yager, Isabella Benson, Robert Marshall, Andru Calimeri, Bryan Calimeri, Stephen Schiavone, and Susan Schiavone.

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, October 28, 2026, at 6:30 p.m. at the Town of Busti Administration Building, 125 Chautauqua Avenue, Lakewood, New York.

The Zoning Board of Appeals meeting was called to order at 125 Chautauqua Avenue at 6:30 p.m. by Bruce Kidder.

The Board reviewed the previously tabled application of Donald Jablonski, Ashville, New York for an area variance to construct a second story on his existing house located at 2465 Keller Road, on property owned by him and identified as Section 367.20, Block 1, Lot 78, on the official tax map of the Town of Busti. The property is located in the Lakeshore Residential District.

The Board discussed the proposed building height, including the height to the peak, and confirmed that the proposed construction would remain on the existing footprint. The applicant stated that the work would be completed from the interior of the building, including the work associated with the piers and removal of the floor. The Board discussed the nonconforming lot, the proximity of the existing house to the neighboring property line, and the requested area variances listed on Code Enforcement Officer Jeff Swanson's chart.

The Board further discussed the installation of gutters and the requirements for windows and a firewall due to the proximity of the structure to the property line. The applicant was advised to consult with Code Enforcement Officer, Jeff Swanson, regarding applicable building code requirements before proceeding. The Board also discussed the existing distance of the house from the water and noted that the proposed construction would not include a covered patio.

The Board conducted the variance balancing test and determined that, although the requested variances were substantial and self-created, there would be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties, no adverse impact on the physical or environmental conditions in the neighborhood, and the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance. After taking into consideration these factors, the ZBA determined that the benefit to the applicant does outweigh the detriment to the neighborhood and community.

Gary Starr made a motion to grant the applicant, Donald Jablonski, for the requested area variances as presented and listed on Code Enforcement Officer Jeff Swanson's chart, with the additional condition that gutters be installed on the structure. Seconded by Dave Josephson. All in favor, carried.

The Board reviewed the application of Isabella Benson, Jamestown, New York for an area variance to construct a deck on the existing house located at 3357 Busti Stillwater Road, Jamestown, on property owned by her and identified as Section 430.07, Block 1, Lot 20, on the official tax map of the Town of Busti. The property is located in the Hamlet District.

The Board discussed the proposed porch and its proximity to the road. The applicant's proposed construction was described as a porch that would extend closer to the road than the existing structure. The Board discussed whether the porch would be enclosed and whether it would affect visibility for vehicles entering or exiting the nearby roadway. It was clarified that the proposed construction would be an open porch. The requested variance was for the minimum front yard setback. The required setback was 50 feet, and the proposed setback was 41 feet, requiring a 9' variance.

The Board conducted the variance balancing test and determined that, although the requested variances were self-created, they are not substantial and there would be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties, no adverse impact on the physical or environmental conditions in the neighborhood, and the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance. After taking into consideration these factors, the ZBA determined that the benefit to the applicant does outweigh the detriment to the neighborhood and community.

Dave Josephson made a motion to grant the applicant, Isabella Benson, at 3357 Busti Stillwater Road, identified as Section 430.07, Block 1, Lot 20, in the Hamlet District, for a 9' variance from the required 50-foot minimum front yard setback. Seconded by Joe Flikkema. All in favor, carried.

The Board reviewed the application of Andru Calimeri, Lakewood, New York for an area variance to construct a small porch and replace the stairs on the existing house located at 130 Goose Creek Road, Ashville, New York, on property owned by him and identified as Section 367.19, Block 1, Lot 17, on the official tax map of the Town of Busti. The property is located in the Lakeshore Residential District.

The applicant explained that the proposed work would involve constructing a 5'x5' porch and replacing the existing stairs. The Board discussed the location of the existing sidewalk and porch roof and confirmed that the proposed work would be in the vicinity of the existing structure. The Board also discussed the orientation of the stairs toward the water and the neighboring property.

The Board conducted the variance balancing test and determined that, although the requested variances were substantial and self-created, there would be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties, no adverse impact on the physical or environmental conditions in the neighborhood, and the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance. After taking into consideration these factors, the ZBA determined that the benefit to the applicant does outweigh the detriment to the neighborhood and community.

Gary Starr made a motion to grant the applicant, Andru Calimeri, to construct a 5'x5' porch and replace the stairs at 130 Goose Creek Road, Ashville, New York, subject to the requested area variance for the minimum lot width. Seconded by Bruce Kidder. All in favor, carried. The applicant was advised to see Code Enforcement Officer Jeff Swanson regarding the permit.

The Board reviewed the application of Ryan Sturzenbecker, Jamestown, New York for an area variance to construct a 38'x64' addition to the existing structure located at 842 Mill Road, Jamestown, New York, on property owned by him and identified as Section 437.07, Block 1, Lot 43, on the official tax map of the Town of Busti. The property is located in the Hamlet District. Krysten Yager appeared on the applicant's behalf and identified herself as the applicant's office manager.

The Board discussed the proposed construction and whether the existing structure would be renovated or demolished and replaced. The representative explained that the existing building was deteriorating and that the applicant wished to replace it with a new 40'x60'structure for personal storage, including recreational vehicles and other personal equipment, rather than for the expansion of his excavating business.

The Board discussed the proposed building dimensions, the existing building's proximity to the adjoining cemetery and property line, the location of a gravestone near the property line, and the grading and drop-off at the rear of the property. The Board also discussed the need for a retaining wall and the applicable zoning and building code requirements. It was noted that demolition and reconstruction would result in the proposed building being treated as a new build, subject to applicable code requirements.

The Board discussed the required setbacks and expressed concern about the proposed structure being approximately six inches from the property line. The Board indicated that a five-foot setback could be considered, although the required setback was discussed as being ten feet. The representative was advised that the Board would be willing to consider a revised proposal providing a five-foot setback from the property line.

The Board further discussed the need for a survey showing the proposed repositioning of the building and the grades of the property to account for the drop-off at the rear. The Board also discussed placing a condition on any approval limiting the building's use to private purposes and prohibiting commercial business use.

Following discussion, the Board determined that the application should be tabled to allow the applicant to consider revising the proposed building location and submitting additional information.

Gary Starr made a motion was made to table the application until the next meeting. Seconded by Joe Flikkema. All in favor, carried. Krysten Yager was advised that the applicant could contact Board members to discuss the proposed revisions before the next meeting.

There being no further business, a motion was made by Dave Josephson to adjourn the meeting at 7:00 p.m. Seconded by Gary Starr. All in favor, carried.

Respectfully given,

_____

Jenna Lundmark, Deputy Town Clerk II