



REVISED MINUTES 1.9.24

September 4, 2023

Opening:

The regular meeting of the Town of Chautauqua Zoning Board of Appeals was called to order at 3:00 pm, on Tuesday, August 30th by Zoning Board Chairman, Troy Smith.

Board Members Present:

Troy Smith, Charlie Krause, Stan Marshaus, Jim Lewellyn, Roberta Tenpas.

Board Members Absent: Stanley Marshaus

Others Present: Frank Watson (Code Officer), Ken Shearer (Code Officer) Nicole Yacklon (Code Clerk), Tom and Sally Piper, Gavin Stefanski, Karen Goodell, Carl Scarpino, Marilyn Scarpino, Sandie Nicholson, Carl Cohen, Don Harrington (architect for Stefanski), Jim Parker, Judy Parker, Paula Rubenstein, Margaret Dietly, Wendy Heinz, Sherena Titus, Craig Dana, Mandy Dana,

Agenda:

Case No. 1:

To act on the appeal of Gavin and Laura Stefanski for the construction of a new single family 2 story home. The property is located at 4409 Canterbury Drive in Mayville and is designated on the official Chautauqua County Tax map as Section 297.11 Block 2, Lot 20, which is in a Residential Lakeside area which requires a variance for lot width under section 143-13. Width needed 75', lot has 70'9", short by 4'3".

Public Comments: Gavin Stefanski, property owner spoke about his plans for the property that he purchased from McChesney in 2020 to build a home for his family to enjoy for years to come, something that will be passed down through generations. He apologized for how his project and entrance into this community has been with negative feedback from the neighbors pertaining to his proposed home build on this lot.

There was input from numerous neighbors with concerns about drainage, water run-off, traffic in and out of their community, lack of greenspace and the character of the neighborhood for the future.

Neighbor Craig Dana addressed the ZBA board with his concerns that if the board approved this variance for a substandard lot width that it will become a precedent that they do not want in their neighborhood.

Neighbor Marilyn Scarpino spoke about a home behind theirs that was for sale and that they would like to protect the rest of the greenspace in their community.

Neighbor Carl Scarpino addressed the board with concern over proper drainage so as not to affect their property being that there was already water pooling in his yard from the recent rains. He requested copies of the previous Zoning Board case with this property when McChesney owned it and it was determined to be a buildable lot.

Chairman Smith explained that the case was an interpretation of the zoning for a new build on the property and that the outcome of the interpretation from the Zoning board was that it was a buildable lot.

Neighbor Sandie Nicholson said that she was concerned about this new home building and its size with less and less greenspace being available in their community. She purchased her property to pass on to her children.

Don Harrington, Architect for the Stefanski's reviewed the plans for the home and stated the home was being built with the highest environmental standards required. The home will be 4,000 sq. ft. and a story and a half. The owner does have plans to address landscaping and drainage. The home will have a basement that stands at a foot and half above ground level. Chairman Smith reminded Mr. Harrington that once the plans have been approved there cannot be a deviation from those plans unless it comes back to the Code Officers and ZBA board.

Carl Cohen spoke about not wanting what he felt were the rules stretched for buildings in their community and asked that the hearing be postponed until additional information could be obtained. Chairman Smith stated that there was no need to postpone the case and asked the board if they were ready to vote, the board stated they were ready. Chairman Smith reminded the neighbors in attendance that if they wanted, they could purchase the greenspace. He also suggested that they re-visit the feasibility of an HOA, which would protect the character of their community for the future.

Board Comments: J. Lewellyn requested that a swell was erected during construction but was corrected by Troy Smith and Code Officer Shearer that the correct term was not a swell but a silt fence during construction to prevent any run off during the construction phase.

Chairman Smith addressed the neighbors in attendance, The ZBA Board is sympathetic to the plight of the residents; however, the board's responsibility is to look at the whole picture. The input from the residents was appreciated and understood. Chairman Smith stated the board was ready to vote on their decision based on the Finding's and Decisions 5 test questions.

A motion was made by Chairman Troy Smith to approve the variance. A second on the motion was made by James Lewellyn. Chairman Smith read off the findings and decisions used to by the variance board.

Vote: Chairman, Troy Smith – aye
Member, Charlie Krause – aye
Member, Stan Marshaus - aye
Member, L James Lewellyn – aye
Member, Roberta Tenpas - aye

Approval was made for the variance with the condition that a silt fence be used during the construction of the new home build.

Motion carried.

Case No. 2:

To act on the appeal of Jim and Judy Parker for an approval to extend the date of a previously approved variance for construction of a 60 x 40 Pole Barn with electric service. The property is located at 5470 Seven Winds Road in Dewittville and is designated on the official Chautauqua County Tax map as Section 263.20 Block 1, Lot 2.1,

Public Comments: None

Board Comments: None

Motion to approve the requested one-year extension was made by Chairman Troy Smith with a second by Member, Charley Krause.

Vote:

Chairman, Troy Smith – yay

Member, Roberta Tenpas - yay

Member, Charley Krause – yay

Member, Stan Marshaus – yay

Member, L James Lewellyn – yay

Motion was approved.

With no further comment the meeting was adjourned.

Respectfully,

Nicole Yacklon

Code Clerk/Deputy Clerk

9.4.23

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