

**PLANNING BOARD
TOWN AND VILLAGE OF ARCADE
17 Church Street, Arcade, New York 14009
Village Office 585 492-1111
Town Office 585 492-4685**

At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, August 9, 2017, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Don Suttell, Andy Schnitzler, Paul Bijhouwer, Rich Kosmerl, Aaron Felber

OTHERS PRESENT: Michelle Karpinski, Sandie Dutton, Mike and Sheila Dytschkowskyj, and Kenneth and Karen Jirak.

The meeting was called to order at 7:05 P.M. by Acting Chairman Rich Kosmerl.

APPROVAL OF MINUTES:

MOTION by Don Suttell, seconded by Andy Schnitzler and carried three yes votes to one abstention, to accept the Minutes of July 12, 2017. Aaron Felber abstained as he was not present at that meeting.

ZBA REQUESTS RECOMMENDATION AND COMMENT ON AREA VARIANCE APPLICATION, PERMIT NO. 2358, SBL NO. 183-13-1-35.2, SUBMITTED BY MIKE DYTSCHKOWSKYJ, REQUESTING CONSTRUCTION OF A POLE GARAGE LOCATED AT 431 W. MAIN STREET, NOT IN COMPLIANCE WITH SECTION 422 OF LOCAL VILLAGE ZONING LAW REGARDING SIDE AND REAR SETBACKS:

The Board reviewed the application and all the information submitted by the applicant as well as the Checklist and Minutes from the July Zoning Board of Appeals meeting.

The secretary provided the Board with the Minutes and all the information from the Planning Board and Zoning Board of Appeals from the 2007 division of the Church property.

In discussion:

1. The variance is for east and north setbacks of only two feet each.
2. The property is 54 feet wide and 170 feet deep.
3. The Board referred to the 2007 information when the original property was divided which recommended that the Church adjust the property to come as close to 11,000

square feet as possible. The depth was adjusted to the 170 ft. but remained 54 feet wide.

Chairman Bijhouwer was seated at 7:10 P.M. Chairman Bijhouwer stated that he was a member of the Parish Council of the New Saint Mary's Church. The Board determined that since they have no authority in granting any action that the Chairman did not have to recuse himself from discussion.

The applicant stated:

1. He could not flip the parking spot to the other side as it is too close to the house to be able to back up.
2. He has a permanent right-of-way to use the shared driveway to the west of the house.
3. The overhang of the proposed garage will be six inches.
4. He attended the meeting of the Wyoming County Planning Board and agreed to adjust the size of the garage so that the side and rear setbacks would be four feet. By doing so the side yard setback would only be off by two feet and the rear yard setback by six feet. That would allow all his vehicles to fit inside except for his pickup truck.
5. The additional drawings of the proposed garage requested by the ZBA were submitted.
6. He was not able to obtain permission in writing from the Pastor to be on Church property to do maintenance on the proposed garage. He has spoken to an attorney who recommended he approach the Church's Board of Trustees.

MOTION by Rich Kosmerl, seconded by Andy Schnitzler and unanimously carried, to forward the following recommendation and comments to the Zoning Board of Appeals for Permit No. 2358:

1. With the applicant's willingness to increase the setbacks to four feet, this is not hugely out of compliance.
2. The previous ZBA Minutes from 2007 recognize that a garage could be built.
3. If the lot had been sold at the full limit of the size recommended in 2007 there would be no violations of zoning ordinances.
4. This issue is not self-created.
5. Although this Board does not foresee an issue with being on Church property to perform maintenance, it is in the best interest of the applicant to pursue written permission.
6. The Planning Board recommends approval.

**AREA VARIANCE APPLICATION, SBL NO. 150-2-29.12, SUBMITTED BY KENNETH JIRAK,
REQUESTING CONSTRUCTION OF A TWO-STORY ADDITION TO HOUSE LOCATED AT 390
CHAFFEE ROAD, NOT IN COMPLIANCE WITH SIDE-YARD SETBACK:**

The Board reviewed the application and all the information submitted by the applicant as well as the Checklist and Minutes from the July ZBA meeting.

In discussion:

1. The existing house is 35 feet from property line and in compliance.
2. The angle of the proposed addition is due to narrowness of the property and the placement of the existing driveway.
3. The septic system prohibits placement to the east.
4. The applicant is in the process of purchasing the airstrip which is adjacent to his current property.
5. The applicant does not wish to encroach on the airstrip by changing property lines. If he should want to sell the airstrip in the future it would not be advisable.

MOTION by Andy Schnitzler, seconded by Don Suttell and unanimously carried, to forward the following recommendation and comments to the Zoning Board of Appeals for SBL No. 150-2-29.12:

1. In an Agricultural District the population is not as dense as in a more urban setting providing more space.
2. That being said, the adjacent land use is a registered airstrip and has value as such.
3. The reduced setback will allow for no damage or impairment of the airstrip.
4. A line of trees on the property provide a barrier.
5. There will be no major impact on the character of the neighborhood or impairment of the current use of the adjacent property.
6. The Board recommends approval.
- 7.

REVIEW OF PROPOSED LAND SEPARATION LAW FOR THE TOWN:

After review of the proposed Land Separation Law, the Board members agreed that they had no opposition to adding it to the Town of Arcade Local Zoning Law as advised by Town ZEO Don Roberts.

IN OTHER BUSINESS:

The Secretary introduced Michelle Karpinski who is a candidate to become the new Secretary to the Planning Board and the Zoning Board of Appeals as of November 1, 2017.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 8:10 P.M. upon **motion** by Don Suttell, seconded by Aaron Felber and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, September 13, 2017, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary