

**ZONING BOARD OF APPEALS
TOWN AND VILLAGE OF ARCADE
17 Church Street, Arcade, New York 14009
(585) 492-1111**

At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, August 20, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Jeff Snyder, Gordon Cramer, Lee Ameis, Paul Sanders and Doug Eigenbrod

ABSENT: ZEO, Marvin Zielonka

OTHERS PRESENT: Michael Dytschkowskyj, Rev. Czeslaw, and Bryan Zielenieski

The meeting was called to order at 7:01 by Chairman Snyder followed by introductions of Board Members and the Secretary. The Chairman explained the variance process explaining that a Public Hearing would be scheduled and the Board had 61 days after the hearing to render a decision. He also explained that since both applications were located on a State highway, they would have to be forwarded to the Wyoming County Planning Board for recommendations and comments, but that the Zoning Board of Appeals is not bound by any recommendations that are made by the County. The Chairman explained that the Board must weigh the needs of the applicant with those of the community and, if approved, they could impose conditions.

APPROVAL OF MINUTES:

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried, to accept the minutes of the meeting of May 21, 2007.

AREA VARIANCE APPLICATION, PERMIT NO. 1919-V, SUBMITTED BY SS PETER AND PAUL CHURCH, REQUESTING DIVISION OF PROPERTY LOCATED AT 431 WEST MAIN STREET, NOT IN COMPLIANCE WITH SECTION 413 (3), MINIMUM LOT SIZE:

The Chairman read the application (See Attachment A). The proposal is to divide the residential lot into two lots. The first lot with the house would be sold. The remaining lot to be retained by the church would have 16 feet of the total 54 feet made into parking lot and the remainder green space.

In discussion:

1. The proposed lot to be sold with house would equal 7,560 square feet. The Board explained that present zoning calls for a lot to include a minimum of 11,250 square feet with a minimum of 80 feet in width. The original lot when purchased by the Church was 54 feet in width and existed before zoning went into effect.
2. The Board indicated that 7,560 square feet is too small and would not allow a new owner to make any additions to the house or build a garage in the future.
3. Board members have visited the residential lot and indicated a number a way the proposed lot with house could be increased in width and length and still give the Church necessary room for additional parking. The Board realizes that the 80 foot minimum width is not possible, but explained how the lot could be made somewhat wider and deeper.
4. Drainage issues also need to be addressed because of the proposed paved area. The lot slopes back and to the east which may cause drainage problems on adjoining residential properties if in the future the Church decides to pave more of the lot.
5. If the lot is divided as proposed, two non-conforming lots would be formed. The Church needs to consider adding the proposed lot they will keep to the original Church property. In other words, resurveying and deeding would need to be done.
6. The Board determined that side and back yard setbacks for the house are adequate.
7. Michael Dytschkowskyj, prospective buyer of the house, indicated that he is comfortable with whatever size the lot finally becomes.
8. The Board reviewed SEQR.

In conclusion, the Board stated that the applicant should be prepared to address changes in proposed lot size and drainage issues at the Public Hearing in September.

MOTION by Paul Sanders, seconded by Doug Eigenbrod, and unanimously carried, to accept as complete Area Variance Application, Permit No. 1919-V, submitted by SS Peter and Paul Church, requesting division of property located at 431 West Main Street, not in compliance with Section 413(3) and determined this to be a Type II Action under SEQR C (12). Further, the Board directed the Secretary to forward the application to the Wyoming County Planning Board for recommendation and comments and to publish a

Public Hearing to be held on Monday, September 17, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

AREA VARIANCE APPLICATION, PERMIT NO. 1912-AV-1, SUBMITTED BY THE NEW ST. MARY'S PARISH, REQUESTING A SIGN NOT IN COMPLIANCE WITH SECTION 805-R-3B, REGARDING SIZE AND SETBACK, LOCATED AT 417 WEST MAIN STREET:

The Chairman read the application (See Attachment B). The applicant proposes to erect a sign 6' wide by 8' high indicating the new parish name with additional message board space.

In discussion:

1. The Board explained that all signs on the property are included in the maximum square footage allowed. It was asked if all present signs would be removed, to which Rev. Czeslaw replied that they would be removed.
2. The Board asked if the orientation of the sign was important as it is proposed to be two-sided and may block the view up and down the street. Rev. Czeslaw stated it was important. As the sign will also be used as a message board listing upcoming events for the community, it needs to be seen when driving by. A forward facing sign would only allow for a matter of moments to be read.
3. The Board explained that the minimum setback for signs allowed by zoning is 20 feet and that according to the diagram it appears there will be only 16 feet. Rev. Czeslaw agreed to move the sign back the additional 4 feet. By doing so, the front post of the sign will be even with the front church steps and will not cause any additional blockage of view.
4. The Rev. explained that the proposed sign will have an attractive country look to it which will be a major improvement to the neighborhood over the temporary sign on wheels that is presently being used.
5. The Board reviewed SEQR.

In conclusion, the Board asked the applicant to provide at the September meeting a better picture of the sign, possibly from the manufacturer's brochure, and also if it would be possible to decrease the height.

MOTION by Lee Ameis, seconded by Doug Eigenbrod and unanimously carried, to accept as complete Area Variance Application, Permit No. 1912 AV-1, submitted by The

New St. Mary's Parish, requesting a sign not in compliance with Section 805-R-3B, located at 417 West Main Street and determined this to be a Type II Action under SEQRC (12). Further, the Board directed the Secretary to forward the application to the Wyoming County Planning Board for recommendation and comments and to publish a Public Hearing to be held on Monday, September 17, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

IN FURTHER BUSINESS:

The Secretary reminded Board Members if they wished to attend upcoming training sessions to be held in the Village Boardroom, that they needed to sign up. She will again send information to all Board Members in the near future.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 8:01 P.M. upon **motion** by Paul Sanders, seconded by Jeff Snyder and unanimously carried. The next regular meeting of the Zoning Board of Appeals will be held on Monday, September 17, 2007, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary

Part - Attachments for ZBA Minutes
of Aug. 20, 2007

Attachment A

LOT DIVISION

Permit # 1919-V
SBL# 183.013-1-37

Please complete the following Questions in as much detail as possible.
PLEASE PRINT

**1. Is it possible to achieve your project by any other feasible means?
Please explain.**

The only other means would be to buy the lot and house to the East of SS Peter and Paul rectory. The Church has already purchased two lots to the west. In 1998 we purchased the first adjacent lot, removing an old dilapidated barn, and planting an angel garden in its place adding to increase the beauty of that portion of Main St immediately across the Arcade Lumber Yard. The purchase the present lot in question created the opportunity for 35 more parking spaces. Until these additional present spaces were available overflow worshipers, both children and elderly, parked in the *Presolite* lot, having to cross Route 39 without any police supervision. My residence being on the same aforementioned Route, I am very much aware of the heavy traffic, both commercial, local, and tourist beginning at 5:30AM until evening throughout the week. Crossing Main street and even exiting the church parking lot is a precarious undertaking for adult pedestrians and drivers and can be a dangerous undertaking for seniors and children. We hope the board sees this proposal as a safer option. With the SS Peter and Paul Church, Blessed Sacrament, and St. Mary's merged into one parish, the 417 W Main Street site is already being used by more individuals from all three towns. So, practically speaking, there is no other *feasible* way to confront the expansion than buying a third lot to the East. At the present time Church funds are inadequate, being earmarked for stone tower reconstruction, even if the property to the East was available. It is not available for sale. Therefore, there are no other feasible means, other than dividing the church's property on the Western most lot.

2. Will your project cause undesirable change in the characteristic if the neighborhood to nearby properties. Please explain.

Cognizant of the fact that the lot for which this variance is being submitted is presently church owned property, no change would occur to surrounding properties. If, on the other hand, no buyer was interested, church pastor and trustees, considered tearing it down and extending the asphalt parking lot to the far west end. That option, rejected by church leaders last year, would have substantially changed the character of the entire lot. This proposal has as its purpose to maintain the characteristic integrity of a residential lot on Main St, and a green space in the rear section, with the narrow 16' western extension of the parking lot that increased available spaces by 35, decreasing the need to park across the well trafficked, commercial and local, Route 39. Overall, parceling off the lot approximately 1/3 residential on Main St and 2/3 green-space plus 16' expanded rear parking does not substantially change the nature of the property, but rather remains sensitive to the quasi-residential character of this section of West Main St.

3. Is this a substantial (major) project?

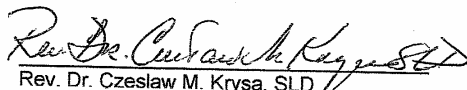
No. It just involves the reapportioning of the actual lot, an issue within the full competency of the Zoning Board.

4. Will your project have any negative physical or environmental effects?

No to our knowledge. We all believe it will only have positive effects, i.e. returning another older, characteristic, unique, farm-style home to a local owner/resident and the tax rolls, maintaining the residential aspect versus the asphalt, paved, parking lot aspect of W Main Street, and keeping the green area at the rear of the lot intact. We can only foresee positive effects of the change.

5. Have you caused the problem you are requesting to change? Please explain.

No, because we do not see this as a "problem", we see it as an opportunity. It returns a characteristic turn of the 1900s home back to a local resident/taxpayer, while in addition allowing the church to accommodate to recent needs of expansion. We believe it is a positive contribution to the Arcade community to use the buildings we have inherited from the patrimony of the last century, the sacrifices and labors of founding fathers. SS Peter and Paul church is being used more often and by more people, ex. Tri-County extension office for the Catholic Charities of the Diocese of Buffalo (helping families in financial and spiritual crises), people from Delevan and E Arcade, 175 grade schoolers to high schoolers use the facility weekly, local women's Home Bureau meetings, AA, Alanon, Knights of Columbus (since the closing of their former hall in Delevan). At the same time, this request attempts to decrease the numbers of unused buildings on Main Street, without having to tear down vacant residential or business structures and halt the expansion of sometimes unsightly parking lots. Therefore, we submit to the Zoning board that this reapportionment will only have a positive effect on the overall look and feel of our 200 year old community, for which SS. Peter and Paul has witnessed and contributed to for the past 100 years.



Rev. Dr. Czeslaw M. Krysa, SLD
Pastor of the New St. Mary's Parish
Bishop E. U. Kmiec's representative for the Tri-County Vicariate

August 12, 2007

Zoning Board of Appeals
Town & Village of Arcade

Applicant Name: SS. Peter & Paul R.C. Church
Address: 417 W. Main St.
City: Arcade, NY 14009

1. Benefit cannot be achieved by other means feasible to applicant because:

With the Diocese of Buffalo going through the reorganization process, the three area parishes are merging into one parish with two worship sites, therefore we are trying to put up a sign that will show the community the new name of the parish, with a lighter board that will display parish announcements and activities. All of this is an effort to bring the communities together. This can not be done with the standard 2x2 sign.

2. An undesirable change in the neighborhood character or to nearby properties will not be created because:

The parish owns the property to the east and west of the proposed site of the sign, with a minimal of 100 ft to each side of the sign. The sign is going to be a high quality carved sign, that is landscaped, and will add beauty to the neighborhood, not detract from it.

3. Request is not substantial because:

The new sign will be add beauty to an area that is currently rather dull. The new sign will also help to show the community what is going on in the Catholic parishes. The new sign is also not so large that it will cause undesirable attention to it, it is designed to blend into its surroundings, to be very presentable, to look professional, and to provide a service to the parishes as well as to the community. It should also be noted that there are other signs in front of churches that are larger than the zoning requirements allow, and this sign is not any more drastic than those.

4. Request will not have an adverse physical or environmental effect or impact in the neighborhood or district because:

The sign will be approximately 16 feet from the road, which will still give plenty of allowance for people to see when pulling out of the parking lot for traffic. The sign will not have an environmental effect because it will simply add beauty to a dead space, which will detract from the parking lot that is behind it. Peoples attention will be focused on the sign, and the landscaping rather than the blacktop and yellow lines.

5. The alleged difficulty is not self-created because:
The parish when it put up the original sign to the church, did not own the neighboring property, therefore there was no location for a sign of this type. The sign that is currently up worked. However now that the parish has expanded and the consolidation of parishes is taking place, a more significant sign is needed to show the Catholic presence in the community. This parish is staying open, therefore, we need to do everything possible to let people know what is happening and going on so that we can stay vibrant, so that the parish will stay open in the future.

Rev. Dr. Czeslaw M. Krysa, SLD

August 12, 2007

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