

**ZONING BOARD OF APPEALS
TOWN AND VILLAGE OF ARCADE
17 Church Street, Arcade, New York 14009
Village Office (585) 492-1111
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At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, May 19, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

ABSENT: ZEO Marvin Zielonka

OTHERS PRESENT: Jennifer and Don Schwab

The meeting was called to order at 7:00 P.M. by Chairman Jeff Snyder followed by introductions of Board Members and Secretary. Doug Eigenbrod was seated at 7:03 P.M.

APPROVAL OF MINUTES:

MOTION by Paul Sanders, seconded by Lee Ameis and carried 3 yes votes to one abstention to accept the minutes of the meeting of December 17, 2007. Jeff Snyder abstained as he was not present at that meeting.

AREA VARIANCE, SBL NO. 161.-1-11.112, SUBMITTED BY DONALD SCHWAB, REQUESTING CONSTRUCTION OF A ONE-STORY, TWO-CAR GARAGE ON PROPERTY LOACTED AT 6641 NORTHWOODS ROAD, NOT IN COMPLIANCE WITH ZONING LOCAL LAW SECTION 404 (8), MINIMUM SIDE YARD DIMENSION OF 35 FEET:

Chairman Snyder explained the variance process including the Public Hearing that will need to be held and the time frame the Board has to render a decision. The Chairman read the application and the criteria for an Area Variance. The answers given by the applicant were:

1. Is it possible to achieve your project by any other feasible means? “No, our driveway is located on the south side of our property. The garage needs to be at the end of the driveway.”
2. Will your project cause an undesirable change in the characteristic of the neighborhood or to nearby properties? “No, it is a garage that will be sided to match the house.”

3. Is this a substantial project? “No, it’s just a one story, 2 car garage.”
4. Will your project have any negative physical or environmental effects? “No, it will be built on what is just lawn area now.”
5. Have you caused the problem that you are requesting to change? “No.”

In discussion:

1. The applicant has 20.42 acres in an Agricultural Zone.
2. It was established that the applicant built the house thereby causing the problem.
3. The Board stated that by locating the house so near the south property line the applicant has created the problem.
4. The applicant changed his answer to question number 5 to read: “No. We did not know you needed 35 feet from the property line for an outbuilding when we built the house.”
5. Mr. and Mrs. Schwab stated:
 - a. They want the garage to line up with the driveway.
 - b. They do not want to block the view from the windows of the family room.
 - c. Previously living in the Village, they did not realize the side yard setback back was 35 feet in the Town.
 - d. They did not plan to build a garage when they built the house.
 - e. There is a swale and drainage issues so they can not move the garage back too far.
6. The Board explained that zoning laws are to protect not just the neighbors but the applicants themselves. It is not that a garage can not be built, but where it can be located. The Board discussed ways in which the proposed garage could be moved as the applicant has over 20 acres on which to build. The well is in the front and the septic system on the other side of the house.
7. The Board explained the Public Hearing will be set for the next meeting and neighbors within 500 feet will be notified. In preparation for the hearing the Board suggested that the applicant explore ways in which the side yard can be increased. Since the property is on a Town road it does not need to be forwarded to the County.

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried to accept as complete Area Variance, SBL No. 161.-1-11.112, submitted by Donald Schwab, requesting construction of a one-story, two-car garage on property located at 6641 Northwoods Road, not in compliance with Zoning Local Law Section 404 (8), minimum side yard dimension of 35 feet, and further, directed the Secretary to publish a Public Hearing to be held on Monday, June 16, 2008 and forward the application to the Arcade Planning Board for recommendation and comment.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:27 P.M. upon **motion** by Paul Sanders, seconded by Doug Eigenbrod and unanimously carried. The next regular meeting of the Zoning Board of Appeals of the Town and Village of Arcade will be held on Monday, June 16, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary