

**ZONING BOARD OF APPEALS
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 Zoning Board of Appeals of the Town and Village of Arcade held on Monday, May 18, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: Doug Eigenbrod

OTHERS PRESENT: Katie Domes, Larry Kilburn, Paul Burkett and ZEO Marv Zielonka

The meeting was called to order at 7:00 P.M. by Chairman Jeff Snyder.

APPROVAL OF MINUTES:

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried, to accept the minutes of the meeting of October 20, 2008.

AREA VARIANCE APPLICATION, PERMIT NO. 1981AV, SUBMITTED BY KATIE DOMES, REQUESTING SIGNAGE NOT IN COMPLIANCE WITH SECTION 805 (3) OF LOCAL ZONING LAW – EXCEEDS MAXIMUM ALLOWABLE SIGNAGE OF 200 SQ. FT. FOR CORNER LOT – AT BUSINESS LOCATED AT 281 MAIN STREET:

The chairman read the application which stated:

1. Is it possible to achieve your project by any other feasible means? Not able to maintain signage as it exists. New business – need new signs.
2. Will your project cause an undesirable change in the characteristic of the neighborhood or to nearby properties? No, same size signs at same location as existing, only change is business name.
3. Is this a substantial project: No – it is replacing two already existing signs.
4. Will your project have any negative physical or environmental effect? No, replacing signs only.
5. Have you caused the problem that you are requesting to change? No, because my building has a rear entrance opening to rear parking lot which customers use, especially in inclement weather.

In discussion:

1. The ZEO stated that the signs on the front and side of the building are in compliance.
2. Both the ZEO and Mayor Paul Burkett stated that there is no provision in Local Zoning for a three sided building that faces the public. Only corner (two-sided) is addressed.
3. The Board noted that there is no provision at all for buildings having rear entrances from the municipal parking lot.
4. Mayor Burkett agreed and informed the Board that the issue will be addressed in the updated Zoning Law which is presently being composed. He stated that the Village wants people to use the municipal parking lot as much as possible and buildings with rear access need to have signage.

The Board reviewed SEQR.

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried, to accept as complete Area Variance Application, Permit No. 1981AV, submitted by Katie Domes, requesting signage not in compliance with Section 805 (3) of Local Zoning Law, at business located at 281 Main Street for this Type II SEQR, Section 617.5 (17). The Board directed the Secretary to forward the application to both the Wyoming County Planning Board and the Arcade Planning Board for recommendation and comment. Further, the Board directed the Secretary to publish a Public Hearing to be held at 7:00 P.M. on Monday, June 15, 2009 in the Village Boardroom, 17 Church Street, Arcade.

**REQUEST BY THE VILLAGE BOARD TO BEGIN REVIEW OF PROPOSED
UPDATED VILLAGE LOCAL ZONING LAW:**

In discussion:

1. The Chairman stated that to give any official recommendations, the Board is legally required to hold a Public Hearing. They could, however, give individual comments.
2. Mayor Burkett stated that the Village Board wants recommendations. The ZBA knows better what the problems are as a result of the variances it receives. Honest input is needed.
3. It was decided by the Board that each member would review the document and come prepared at the next meeting to discuss their points and make notes. A public hearing will then be held at the July meeting so that the ZBA can make official recommendations to the Village Board.

IN OTHER BUSINESS:

Board member Paul Sanders expressed a concern that the ZBA did not know if SS Peter and Paul of the New St. Mary's Parish had completed the new survey of the property on West Main Street as was required by the Board when the variance was granted allowing the church to sell

the house to the west side. Supt. Kilburn stated that the tax maps could be checked on the Wyoming County website.

The Board agreed that any such further requests need to include a stipulation that the applicant return to the Board with proof of such before the action can proceed.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:43 P.M. upon **motion** by Lee Ameis, seconded by Paul Sanders 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 15, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary