

**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, November 15, 2010 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: Jeff Snyder

OTHERS PRESENT: Richard Hoffman, ZEO Marv Zielonka

The meeting was called to order at 7:00 P.M. by Acting Chairman Doug Eigenbrod, followed by introductions of Board members, ZEO and Secretary.

APPROVAL OF MINUTES:

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried, to accept the minutes of the meeting of November 16, 2009.

AREA VARIANCE APPLICATION, PERMIT NO. 2070 AV, SUBMITTED BY RICHARD HOFFMAN FOR UTZ TIRE OF ARCADE, REQUESTING CONSTRUCTION OF STORAGE UNITS (100 FT. X 20 FT.), LOCATED AT 688 WEST MAIN STREET, NOT IN COMPLIANCE WITH SECTION 440(6) OF LOCAL VILLAGE ZONING LAW, FRONT YARD SETBACK ON STEELE AVE. IN AN HC/LI DISTRICT:

The Board explained the procedure for an Area Variance.

The Board reviewed the application and the Criteria for Area Variance (see Attachment A).

In discussion:

1. The applicant stated that the storage units will not be rented to the public. They will be used for storage for his business and inventory of his tenant's business, Mattress City Sleep Shop. To be in compliance the applicant would have to delete too many units. It would not meet his and the tenant's needs and would not be economically feasible.

2. This is a corner lot, thus Steele Avenue must also be considered a front yard. The hand drawing that indicates a setback of 36 feet is incorrect. The engineered drawing is correct indicating the front yard setback as 15 feet.
3. Drainage will tie into the existing system on property which flows under Steele Ave. into the existing drainage ditch.
4. The Board reviewed SEQR.

MOTION by Paul Sanders, seconded by Lee Ameis and unanimously carried, that Area Variance Application, Permit No. 2070-AV, is a Type II Action under SEQR Section 617.5 (c) 12, and not subject to further review.

MOTION by Doug Eigenbrod, seconded by Paul Sanders and unanimously carried, to accept as complete Area Variance Application, Permit No. 2070-AV, submitted by Richard Hoffman for Utz Tire of Arcade, requesting construction of storage units located at 688 West Main Street, not in compliance with Section 440 (6) of Local Village Zoning Law in and HC/LI District. Further, the Secretary was directed to forward the application to the Wyoming County Planning Board and the Arcade Planning Board for recommendation and comment and to publish a Public Hearing to be held on Monday, December 20, 2010 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:32 P.M. upon **motion** by Doug Eigenbrod, seconded by Lee Ameis 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, December 20, 2010 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary