

ZONING BOARD OF APPEALS
Town and Village of Arcade
17 Church Street, Arcade, NY 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, March 21, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: Paul Sanders

OTHERS PRESENT: Brian Geiger, Robert Shanahan

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

APPROVAL OF MINUTES:

MOTION by Lee Ameis, seconded by Gordon Cramer and unanimously carried, to accept the minutes of the meeting of February 21, 2011.

PUBLIC HEARING FOR AREA VARIANCE APPLICATION, SBL NO. 173.-1-39, SUBMITTED BY BRIAN GEIGER, REQUESTING CONSTRUCTION OF A POLE BARN GARAGE LOCATED AT 894 GENESEE ROAD, NOT IN COMPLIANCE WITH SECTION 415 MINIMUM SIDE YARD OF 35 FEET:

The Chairman explained the procedure for an Area Variance and he read the application and the Criteria for Area Variance completed by the applicant. The proposed pole barn type garage is shown with a side yard of 12 feet and 35 feet is required.

The Board reviewed the recommendation and comments from the Wyoming County Planning Board (WCPB) (see Attachment A). They recommended that the new building be constructed no closer than 18 feet to the side property line which would allow for access to the septic system should repairs be necessary in the future.

The Board reviewed the recommendation and comments from the Arcade Planning Board (see Attachment B). They recommended that the footprint of the septic system needs to be identified and what the feasible placement of the building would be in approving the Area Variance.

MOTION by Gordon Cramer, seconded by Lee Ameis and unanimously carried to open the Public Hearing.

The applicant:

1. Presented the Board with the information and diagram of the septic system that he received from the Wyoming County Health Department.
2. Could comply with the WCPB's recommendation of a minimum side line of 18 feet by moving the proposed building to the west bringing it flush with the house.
3. Drainage from the gutters will be to the back of his property causing no runoff onto neighboring properties.
4. He submitted to the Board a letter from property owner Earl Keele, 894 Genesee Road, which stated he does not object to the variance (see Exhibit A).

Robert Shanahan, property owner to the east, stated he had looked at the applicant's property and proposed placement of the building. He stated that there is a small forested area between the two properties and the building will not be seen. He agrees that due to the slope of the property and placement of the septic system that the proposed area is the only placement feasible. He has no objection to the variance. Mr. Shanahan also stated that his views also represent those of property owner Rich Mangino.

Zoning Enforcement Officer Marv Zielonka stated he has no problem with the granting of the variance.

The Chairman asked if there were any other comments. There were none.

MOTION by Gordon Cramer, seconded by Lee Ameis and unanimously carried to close the Public Hearing.

MOTION by Lee Ameis, seconded by Doug Eigenbrod and unanimously carried, to approve Area Variance Application, SBL No. 173.-1-39, submitted by Brian Geiger, requesting construction of a pole barn/garage located at 894 Genesee Road with the stipulation that a minimum of 18 feet be established for the side yard setback. Due to the lay of the land it is the only option available to the applicant.

Board Members' Reasons:

Jeff Snyder – Voted yes. I agree with the WCPB recommendation of an 18 foot sideline. Due to the nature of the property and natural drainage the applicant cannot place the building in another location.

Doug Eigenbrod – Voted yes. I agree with the compromise of 18 feet for the sideline as there is no other place to position the building due to the water runoff problem and slope of the land.

Lee Ameis – Voted yes. Due to the lay of the land the placement of the building is the only option available.

Gordon Cramer – Voted yes. It is the only feasible placement for the building.

IN OTHER BUSINESS:

1. The Board discussed a comment made by the WCPB regarding not submitting a Site Plan Checklist with the above application. It is the ZBA's opinion that site plan reviews are not the responsibility of a Zoning Board of Appeals but that of the Planning Board. In this case, a site plan review was not required by the Planning Board as it is a residential property and under the responsibility of the Wyoming County Building Dept. The Secretary was directed to ask for clarification from the WCPB.
2. The ZEO informed the Board that they would be receiving information via e-mail regarding new regulations he learned about at a recent training session.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:34 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, April 18, 2011, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary