

ZONING BOARD OF APPEALS
Town and Village of Arcade
17 Church Street, Arcade, NY 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, April 18, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: Jeff Snyder

OTHERS PRESENT: Lee and Jenne Piridy, ZEO Marvin 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 Lee Ameis, seconded by Gordon Cramer and carried three yes votes to one abstention, to accept the minutes of the meeting of March 21, 2011. Paul Sanders abstained as he was not present at that meeting.

REPORTS FROM THE SECRETARY:

1. As per direction of the Board at the March meeting, the Secretary contacted the Wyoming County Planning Board (WCPB) for clarification of the submission of Site Plan Checklists in conjunction with Variance Applications. The WCPB responded that they would like a Site Plan Checklist submitted with applications forwarded to them to assist them in their review. See additional information regarding the checklist further on in these minutes.
2. It was brought to the attention of the Town Clerk by the ZEO that a stipulation in Local Town Zoning Law states that "...if the applicant files with the Zoning Board of Appeals a signed consent for such special Permit or Variance signed by more than fifty percent (50%) of the affected property owners;...the Zoning Board of Appeals shall be relieved of the duty to mail or send notice to such property owners."

- a. The cost of postage to mail registered, return receipt notification to neighboring property owners is approaching \$6.00 each. Depending on the number of property owners to be notified, the cost of postage at times is more than the fee collected for applications.
- b. The above provision is also included in Village Zoning Law. There have been applications within the Village that required as many as 30 or more letters to be sent which can result in a postage bill approaching \$200.00.
- c. In an effort to reduce cost, the Secretary prepared a form for applicants to use to collect signatures (see Attachment A). The Town/Village Clerk will be responsible for completion of the top section based on the information on the application. The Clerk will provide on the form, the names and addresses of the property owners within the 250 foot requirement. If the applicant declines to obtain signatures, the Town/Village is required to mail the notification
- d. The ZEO stated that notification from the Town/Village will still have to be done by mail in an Agricultural Zone to any legal, working farm as per Agricultural Laws.
- e. A Public Hearing Notice must continue to be posted in the newspaper.
- f. The Board was in agreement to institute this provision in an attempt to cut costs for the Town and Village.
- g. The Secretary will provide the Clerks with the form to be included in the Variance Application Packet.

AREA VARIANCE APPLICATION, SBL NO. 173.-1-29.2, SUBMITTED BY LEE AND JENNE PIRDY, REQUESTING CONSTRUCTION OF A 16 FT. X 28 FT. ADDITION TO AN EXISING HOME NOT IN COMPLIANCE WITH SECTION 415, MINIMUM SIDE LINE OF 35 FT., AT 867 GENESEE ROAD, TOWN OF ARCADE:

The Acting Chairman:

1. Explained the variance procedure.
2. Read the application.
3. Read the Criteria for Area Variance (see Attachment B).

In discussion:

1. It was determined that the side line after completion of the addition would be 29 feet.
2. The home and lot are pre-existing and the home was not built by the applicant.
3. The pre-existing well and septic system prevent the addition from being built in any other location.
4. This lot is only 150 feet wide and was established before the present 200 ft. zoning requirement. Existing grading and drainage will be maintained.
5. The addition will contain two bedrooms with a full basement.
6. The applicant has provided the new signature form with more than 50% of neighboring property owners' signatures. The Board thanked Mr. Piridy for completing it.
7. The Board also thanked Mr. Piridy for the time and effort he put in to the drawings.

8. SEQR was determined to be a Type II Action under Section 617.5 (c) (12) and not subject to further review.

Site Plan Checklist:

1. The Board reviewed the Site Plan Checklist used by the Arcade Planning Board and determined with the help of the ZEO what they felt was necessary for a residential property variance and a commercial property variance. The Secretary was asked to revamp the checklist for specific use by the ZBA for variances, inform the Town and Village Clerks and have them include it in the Variance Packet for applicants.
2. The checklist was completed (see Attachment C).

MOTION by Gordon Cramer, seconded by Lee Ameis and unanimously carried, to accept as complete Area Variance Application, SBL No. 173.-1-29.2, submitted by Lee and Jenne Piridy, requesting construction of a 16 ft. x 28 ft. addition to an existing home not in compliance with Section 415 minimum side line of 35 feet located at 867 Genesee Road and further, directed the Secretary to forward the application to both the WCPB and Arcade Planning Board for recommendation and comment and to publish a Public Hearing to be held on Monday, May 16, 2011 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 7:25 P.M. upon **motion** by Paul Sanders, 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, May 16, 2011 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary

Attachment A – ZBA Minutes of April 18, 2011

**ZONING BOARD OF APPEALS
Town and Village of Arcade
17 Church Street, Arcade, NY 14009
Town Office (585) 492-4685**

**TOWN and VILLAGE OF ARCADE
SIGNED CONSENT FOR VARIANCE**

As per Zoning Local Law of the Town of Arcade and the Village of Arcade, "...if the applicant files with the Zoning Board of Appeals a signed consent for such Special Permit or Variance signed by more than fifty percent (50%) of the affected property owners;...the Zoning Board of Appeals shall be relieved of the duty to mail or send notice to such property owners."

I have applied for an AREA/USE variance with the ZBA of the Town and Village of Arcade as follows:

SBL No. _____ Zoning District _____ Date _____

Applicant's Name _____

Address _____

Description of proposed project _____

Not in compliance with the following provisions of the Zoning Local Law – Section(s): _____

As the undersigned, I have reviewed the proposed project information above and give consent.

NAME	ADDRESS	SIGNATURE	DATE

Attachment C – ZBA Minutes of 18, 2011

Applicant's Name _____ **Permit No.** _____

Date _____ **SBL No.** _____

ARCADE ZONING BOARD OF APPEALS
VARIANCE APPROVAL CHECKLIST

The Zoning Board of Appeals of the Town and Village of Arcade has identified the following as important elements which should be included when submitting variance applications.

Failure to submit the requested documentation and information, if applicable, may cause the Arcade Zoning Board of Appeals and/or the Wyoming County Dept. of Planning and Development to consider the application incomplete and consequently table the proposed project until complete materials are submitted.

For questions or assistance, please contact the Zoning Enforcement Officer at 716 496-7448.

FOR RESIDENTIAL PROPERTIES and COMMERCIAL PROPERTIES:

- ___ 1. Fees paid for Variance Application and Certificate of Zoning Compliance. Both applications completed, signed and submitted.

- ___ 2. Criteria for Area or Use Variance completed including explanations.

- ___ 3. Tax map identifying adjacent properties and usages. If applicable: Agricultural Data Statement and Flood Hazard Permit.

- ___ 4. Property Survey prepared by a registered NY State surveyor.

- ___ 5. Drawing of proposed construction.

- ___ 6. Boundaries of the property plotted to scale; location and dimensions of setbacks; exact size and location of all existing buildings/structures on property; location of proposed building on lot drawn to scale with all dimensions; north arrow.

- ___ 7. Existing watercourse and bodies of water.

- ___ 8. Type of construction materials; exterior dimensions of all buildings; architectural design features.

- ___ 9. Description of the method of sewage disposal and location of the sewage disposal facilities.

- ___ 10. Identification and description of the method, location, design and source of securing public or private potable water.

- ___ 11. Any easements and/or deed restrictions.
- ___ 12. Identification of any State or County permits required for the project's execution.
- ___ 13. Appropriate State Environmental Quality Review Form (SEQR) completed (Short or Long Form)

IN ADDITION FOR COMMERCIAL PROPERTIES ONLY:

- ___ 14. Title of drawing, including name and address of applicant and person responsible for preparation of drawing; stamped by a registered NY State engineer or architect.
- ___ 15. North arrow, scale and date.
- ___ 16. Location of any outdoor storage and/or dumpster with type of screening to be used.
- ___ 17. Truck loading areas showing points of entry and exit from the site.
- ___ 18. Parking facilities including size, arrangement and number of parking areas and surface treatment.
- ___ 19. Pedestrian access if any; public and private pedestrian walkways required in the Town and Village of Arcade available through the Zoning Officer.)
- ___ 20. Location and proposed development of all open space and buffer areas, including existing vegetation cover.
- ___ 21. Location and design of any and all outdoor lighting facilities.
- ___ 22. General landscaping and/or screening plan with planting schedule.
- ___ 23. Snow storage areas.
- ___ 24. Location of fire lanes and hydrants.
- ___ 25. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- ___ 26. Location and design of all energy distribution facilities, including electrical, gas and solar energy; any easements and deed restrictions.
- ___ 27. An estimated project construction schedule.
- ___ 28. Record of application for, and approval status, of all necessary permits from State or County agencies or officials.
- ___ 29. Map or aerial identifying adjacent parcels and land usages.