

**ZONING BOARD OF APPEALS  
TOWN AND VILLAGE OF ARCADE  
Village Office - 17 Church Street, Arcade, New York 14009  
Town Office – 15 Liberty Street, Arcade, New York 14009  
Village Office       585 492-1111  
Town Office         585 492-4685**

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At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, March 16, 2015, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:**     Jeff Snyder, Paul Sanders, Doug Eigenbrod

**MEMBERS ABSENT:**     Lee Ameis

**OTHERS PRESENT:**     ZEO George Spears, Jeremy Lons, George Ling, Sandra Dutton

The meeting was called to order at 7:11 P.M. by Chairman Snyder followed by introductions of Board Members, Secretary and ZEO.

**APPROVAL OF MINUTES:**

**MOTION** by Doug Eigenbrod, seconded by Paul Sanders and unanimously carried, to accept the Minutes of February 16, 2015.

**PUBLIC HEARING FOR AREA VARIANCE APPLICATION, SBL NO. 173.-1-45.2, SUBMITTED BY JEREMY LONS, FOR PROPERTY LOCATED AT 1289 GENESEE ROAD, REQUESTING THE ADDITION OF A LEAN-TO ON THE BACK OF THE EXISTING BUILDING THAT IS NOT IN COMPLIANCE WITH THE SIDE YARD SETBACK FROM THE A&A RAILROAD TRACKS/PROPERTY.**

The Chairman read the application and the Criteria for Area Variance which was completed by the applicant. It was noted:

1. The lean-tos have already been added as the applicant received a Certificate of Zoning Compliance from the previous ZEO, Marv Zielonka, and as a result a Building Permit was issued by the Wyo. Co. Building Department.
2. When the side yard setback issue was discovered, the applicant complied with the cease work order and proceeded to file the necessary paper work.
3. Minimum required side yard setback is 25 ft. Setback from the railroad property for the rear lean-to is 12 ft. 6 inches. The non-conforming building itself existed before zoning was established.

**MOTION** to open the Public Hearing for Area Variance Application, SBL No. 173.-1-45.2, submitted by Jeremy Lons, made by Paul Sanders, seconded by Doug Eigenbrod and unanimously carried.

1. The Chairman asked Mr. Lons if he had anything to add. He did not.
2. George Ling, General Manager of the A & A Railroad, was present representing the A & A Board. He stated that the railroad had absolutely no problem with the non-conforming setback and totally supported the project. The A & A Board feels that this project and the future phases of the project will be an asset to the railroad.
3. It was established that the train travels at a maximum of 12 mph and the speed of the train is not an issue for pedestrians using the existing crushed limestone driveway over the tracks to the apple orchard. The applicant stated that the driveway is listed as an approved crossing by the DOT.
4. The Board stated that since the applicant had received the proper permits to begin with and no one from the public is against this, the variance should be approved.

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

**MOTION** by Paul Sanders, seconded by Doug Eigenbrod and unanimously carried, to close the Public Hearing.

**MOTION** by Doug Eigenbrod, seconded by Paul Sanders and unanimously carried to approve Area Variance Application, SBL No. 173.-1-45.2, submitted by Jeremy Lons, for property located at 1289 Genesee Road, requesting the addition of a lean-to on the back of the existing building that is not in compliance with the side yard setback from the A & A Railroad tracks/property.

**Board Members' Reasons:**

Jeff Snyder – Voted yes – What the applicant is doing is an asset to the property. There was an oversight in issuing the permits in which he had no control and he believed he was good to proceed. When asked to stop with any further work he did so and submitted the appropriate paper work.

Doug Eigenbrod – Voted yes – The applicant has done everything asked of him since the oversight was discovered and I commend him for his cooperation. When completed, the project will be an asset to the community.

Paul Sanders – Voted yes - The applicant's paper work is all in order for both the Town and County and this project will be good for the community.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 7:27 P.M. upon **motion** by Doug Eigenbrod, 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, April 20, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary