

**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**

At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, July 15, 2019 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

PRESENT:

Jeff Snyder, Lee Ameis, Mike Sonner Jr, Tim Sonner

ABSENT: Doug Eigenbrod,

OTHERS PRESENT:

Michelle Karpinski, John Hastings, Linda DiPalma, Lisa Voigt, John Voigt, Dan Meyers

The Chairman opened the meeting at 7:03 P.M.

APPROVAL OF MINUTES:

MOTION by Mike Sonner, seconded by Lee Ameis and it was unanimously carried, to accept the minutes of the meeting of June 17, 2019.

PUBLIC HEARING FOR AREA VARIANCE APPLICATION, SBL NO. 163.-1-17, SUBMITTED BY JASON HASTINGS, REQUESTING TO ADD A 26 x 22 ADDITION TO THE FRONT OF HIS HOUSE, NOT IN COMPLIANCE WITH TOWN ZONING LAW 404 AG-REQUEST A FRONT YARD SETBACK OF 25'. THE PROPERTY IS AT 6462 JAVE LAKE RD, ARCADE, NY.

The Chairman went over questions 1-5 on the application.

MOTION by Lee Ameis, seconded by Mike Sonner and it was unanimously carried, to open the Public Hearing at 7:07 pm.

No one had any objections.

MOTION by Tim Sonner, seconded by Mike Sonner and it was unanimously carried, to close the Public Hearing at 7:11 pm.

Discussion was about the how close the addition would be to the ditch in the road but after discussion everyone agreed it was sufficient.

MOTION by Lee Ameis, seconded by Mike Sonner and it was unanimously carried to approve the Area Variance Application because the concern of the snow in front of the house has been addressed, SBL No. 163.-1-17 , submitted by Jason Hastings, requesting to add a 26x22 addition to the front of his house not in compliance with Town Zoning Law-404 Ag-Request a front year setback of 25'. The property is at 6462 Java Lake Rd, Arcade, NY. The

Board Members' Reason

Jeff Snyder voted Yes-because of the way of the lot and the hill behind the house and after a conversation with the Wyoming County Building Inspector that is the only feasible location for the addition.

Lee Ameis voted Yes-due to the concern of snow in front of the house being addressed and no other place for the addition.

Mike Sonner Jr voted Yes-only financially reasonable location for a much needed addition.

Tim Sonner voted Yes-only logical place for the addition without creating any problem elsewhere.

PUBLIC HEARING FOR AREA VARIANCE APPLICATION, SBL NO. 193.-2-10, SUBMITTED BY WILLIAM SWAIN, REQUESTING A GARAGE ADDITION, NOT IN COMPLIANCE WITH TOWN ZONING LAW 407-LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL-REQUESTS A SIDE YARD SETBACK OF 35' to 24'. THE PROPERTY IS AT 7972 ROUTE 98, ARCADE, NY.

The Chairman went over questions 1-5 on the application.

MOTION by Tim Sonner, seconded by Mike Sonner and it was unanimously carried, to open the Public Hearing at 7:24 pm.

Discussion between the neighbors at 7974 Rt. 98 and the Board, they have no opposition to the addition as long as he only uses the existing concrete and stays within the perimeter of that concrete.

MOTION by Mike Sonner, seconded by Lee Ameis and it was unanimously carried, to close the Public Hearing at 7:32 pm.

MOTION by Mike Sonner, seconded by Lee Ameis and it was unanimously carried to approve the Area Variance Application with a stipulation it would be placed within the existing concrete with no additional concrete added, SBL No. 193.-2-10, submitted by William Swain, requesting a garage addition, not in compliance with Town Zoning Law 407-Light Industrial/Highway Commercial-request a side yard setback of 35' to 24'. The property is located at 7972 Route 98, Arcade, NY.

Board Members' Reason

Jeff Snyder voted Yes-due to the size of the lot being so narrow, the only way to achieve his addition is coming off to the side and staying within the perimeter of the existing concrete.

Lee Ameis voted Yes-the addition is centrally located on his lot and approve the addition as long as it is no bigger than the 12x25.

Mike Sonner Jr voted Yes-as long as stays the 12x25 on the existing concrete.

Tim Sonner voted Yes-follows the 12x25 and doesn't interfere with the neighbors and only place to put the addition.

AREA VARIANCE APPLICATION, SBL NO. 183.14-1-66.11, SUBMITTED BY NICK GEORGE, REQUESTING PERMISSION FOR A POOL, NOT IN COMPLIANCE WITH THE VILLAGE ZONING LAW 412-R2 DISTRICT: LOW DENSITY RESIDENTIAL (WITH PUBLIC SEWERS)-REQUESTS A 3' SETBACK ON LEFT SIDE. THE PROPERTY IS LOCATED AT 101 LIBERTY ST, ARCADE, NY.

The Board with Chris Lexer reviewed questions #1- 5 of Criteria of Area Variance and discussed.

The Short Environmental Assessment Form was reviewed-both Part #1 that was done by the applicant and Part#2 that the Board completes.

MOTION by Mike Sonner, seconded by Lee Ameis and unanimously carried, to accept the complete Area Variance Application, SBL No. 183.14-1-66.11, submitted by Nick George, requesting permission for a pool, not in compliance with the Village Zoning Law 412-R2 District: Low Density Residential (with public sewers)-requests a 3' setback on left side. The property is located at 101 Liberty St, Arcade, NY.

Chairman Snyder asked Secretary Karpinski to schedule to hold a Public Hearing for Monday, August 19, 2019 at 7:00 pm. This Variance will also be referred to Wyoming County Planning Board meeting on August 5, 2019 meeting for their comments.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:57 P.M. upon **motion** by Lee Ameis, seconded by Mike Sonner 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, August 19, 2019 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Michelle Karpinski
Secretary

Wyoming County Planning Board REFERRAL RESPONSE FORM

For referrals as required in accordance with NYS General Municipal Law Article 12B, Section 239-l and m

Location of Proposed Action: 7972 Rt 98, T/Arcade



E-MAILED
to Bobbi
7/16/19

Applicant: W. Swain

Type of Proposed Action (separate form completed for each action):

- Area Variances
- Use Variance
- Site Plan
- Special Use Permit
- Other:
- New Zoning Ordinance/Local Law
- New/Amend Comprehensive Plan
- Amend Zoning Text/Map

WCPB Recommendation on this Action

The WCPB took the following action at their meeting on July 1, 2019 with respect to this referral:

- Approval with Comments
- Disapproval w/comments
- None
- No

recommendation; proposed action has no significant negative county-wide or inter-community impacts

COMMENTS: The proposed action is for a proposed 12' x 25' addition to existing garage

1. There appear to be no significant county-wide negative impacts related to this proposed project.
2. The Town is commended for submitted a complete application including all SEQR
3. Survey map was provided.
4. An Area Variance Application has been included in the Referral.
5. A list of the neighbors surrounding the property.
6. All local County and State permits must be obtained and submitted prior to approval and must meet local, County and NY State Building Codes.

Report of Final Action:

Within 30 days after final action, **the referring body is required to file a report of its final action** with the Wyoming County Planning Board. If such action is contrary to a WCPB recommendation of modification or disapproval, this report should include the reasons for such contrary action.

Note: Please provide this report of final action below on the PINK response form and mail or deliver to:

Wyoming County Planning & Development, 36 Center St, Suite C, Warsaw, NY 14569

On July 15, 2019 (date), the Arcade Zoning Board (Board Name) took the following final action on the above proposed action previously referred to the WCPB.

- Approval
- Modification
- Disapproval

with stipulation of no bigger than 12x25 over existing concrete.

Report by: Michelle Kaufman Date: 7/15/19