

**ZONING BOARD OF APPEALS
TOWN AND VILLAGE OF ARCADE
17 Church Street, Arcade, New York 14009
(585) 492-1111**

At a meeting of the Zoning Board of Appeals of the Town and Village of Arcade held on Monday, May 21, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: None

OTHERS PRESENT: Floyd Braun, Gene and Marg Gertis, Shirley Burch, Tom Flint, John Schenne, Michelle Schmidt, Glen Cooper, Brian and Janet Holts

Chairman Snyder called the meeting to order 7:00 P.M.

APPROVAL OF MINUTES:

MOTION by Doug Eigenbrod, seconded by Lee Ameis and unanimously carried, to approve the Minutes of the meeting of April 16, 2007 with the following correction: Bottom of page 1 the word of "lost" changed to "lots."

Chairman Snyder explained the procedure for the Public Hearings. He stated that the Board needs to balance the needs of the applicant with the effect on the community.

PUBLIC HEARING FOR AREA VARIANCE APPLICATION, SBL NO. 182.1-30-1, SUBMITTED BY PIONEER CHRISTIAN FELLOWSHIP CHURCH, REQUESTING CONSTRUCTION OF AN ADDITION TO AN EXISTING BUILDING LOCATED AT 303 RTE. 39 WEST, NOT IN COMPLIANCE WITH SET BACK:

The Chairman read the application (see April 2007 Minutes). The Board reviewed the comments from the Wyoming County Planning Board (see Attachment A).

Chairman Snyder opened the Public Hearing and asked for comments and questions from the public.

In discussion:

1. Mr. Braun showed the plot layout to those present in the audience.
2. Mrs. Burch stated that she felt the Church parking lot was partly on her property and she

asked if the parking lot was being enlarged.

- a. Mr. Braun stated that nothing was being done to the parking lot.
 - b. The Board showed Mrs. Burch the plot layout indicating the placement of the addition was not near her property.
 - c. The Board reviewed the survey of the Church property and told Mrs. Burch that the disputed property line should be addressed with the Church.
 - d. Mr. Braun stated he would look into the situation with the placement of the property stakes. The Church does not want to be inadvertently on Mrs. Burch's property.
3. The Chairman asked if there were any other comments or questions from the public. There were none.

Chairman Snyder closed the Public Hearing.

Chairman Snyder stated that the Arcade Planning Board had no comments and recommended approval of the variance.

MOTION by Paul Sanders, seconded by Gordon Cramer, and unanimously carried to approve Area Variance Application, SBL No. 182.1-30-1, submitted by Pioneer Christian Fellowship Church, requesting construction of an addition to an existing building located at 303 Rte. 39 West, not in compliance with setback.

Board Member's Reasons:

Paul Sanders – Voted yes. The addition will not be hindering anyone, the foundation already exists and the addition is just being used for storage.

Gordon Cramer – Voted yes. I see no problem with this request.

Jeff Snyder – Voted yes. I agree with the use of the existing foundation. Cold Springs can not use their strip of land for anything but equipment. The addition is back far enough on the property so there will be no impact on other area properties.

Doug Eigenbrod – Voted yes. The addition will not impact other properties and Cold Springs' use of their land is basically a driveway. Using the existing foundation will save the Church both time and money.

Lee Ameis – Voted yes. There will be no negative impact on the characteristic of the neighborhood. Cold Springs can not use their property for anything other than a driveway for trucks.

The Secretary informed Mr. Braun that the Site Plan Application for the addition will be placed on the Planning Board agenda for the meeting of June 13, 2007.

PUBLIC HEARING FOR AREA VARIANCE APPLICATION, PERMIT NO. 1883-ZBA, SUBMITTED BY KOIKE ARONSON, INC., REQUESTING ADDITION TO AN EXISTING MANUFACTURING PLANT AT 635 WEST MAIN STREET, NOT IN COMPLIANCE WITH SECTION 430(7) MINIMUM SIDE YARD DIMENSION TO RESIDENTIAL LOT:

The Chairman read the application (see April 2007 Minutes). The Board reviewed the comments from the Wyoming County Planning Board (see Attachment B).

The Chairman opened the Public Hearing and asked for comments and questions from the public.

In discussion:

1. Mr. and Mrs. Holts stated that it was their property that bordered the addition and that they had no problem with it.
2. Mr. Cooper (North Street resident) asked if Koike Aronson was building on the north side of the railroad tracks. Mr. Flint stated they were not. Mr. Cooper then stated that he had no problem with the addition. He also asked if the corn field on the north side of the railroad tracks was owned by Koike Aronson and Mr. Flint stated that it was.
3. The Board asked the status of the traffic light on Route 39. Mr. Flint stated he had received verification from the DOT that the light will be changed to a 4-way and has also received permission from the owner of Tops. Koike Aronson will use the traffic light as their entrance and exit making for safer traffic patterns. The DOT will develop a plan to close some of the other driveways into the existing parking lot.
4. Mr. and Mrs. Gertis, property owners on the east side, stated they had no problem with the addition.
5. Chairman Snyder stated that the Arcade Planning Board recommends a vegetative buffer be planted along the property line between the house and manufacturing plant. Mr. Flint agreed to the buffer and stated Mr. Schenne would incorporate it into the plan.
6. The Chairman asked if there were any other questions or comments from the public. There were none.

Chairman Snyder closed the Public Hearing.

MOTION by Paul Sanders, seconded by Gordon Cramer, and unanimously carried to approve Area Variance Application, Permit No. 1883-ZBA submitted by Koike Aronson, requesting addition to an existing manufacturing plant located at 635 West Main Street, not in compliance with Section 430(7) minimum side yard dimension to non-conforming residential lot, with the condition that a vegetative buffer be planted along the property line.

Board Member's Reasons:

Jeff Snyder – Voted yes. The expansion is in the best interest of the Town and Village and we should do what we can to expedite industry expansion. There will be no change

to the neighborhood characteristic and the plan is well thought out.

Doug Eigenbrod – Voted yes. The house is non-conforming in the zoning district and the owners have no objections. No change to the neighborhood will occur.

Lee Ameis – Voted yes. Aronson's are maintaining the character of the area and with the vegetative buffer the benefits outweigh any impact on the residential property.

Paul Sanders – Voted yes. Expansion of the industry is good for Arcade. Everyone is in agreement and the expansion will mean additional jobs for the area.

Gordon Cramer – Voted yes. I agree with the other Board members.

Mr. Flint and the Secretary reviewed the plans and applications and found everything to be in order for Site Plan Review at the next Planning Board meeting scheduled for June 13, 2007.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 7:31 P.M. upon **motion** by Jeff Snyder, seconded by Doug Eigenbrod and unanimously carried. The next regular meeting of the Zoning Board of Appeals of the Town and Village of Arcade is scheduled for Monday, June 18, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary