

The regular meeting of the Village of Arcade (VOA) Board of Trustees, Wyoming County, New York was held on Tuesday, February 7, 2023, at 7:00 pm there were:

PRESENT

Mayor Donna Schiener, Trustee Lisa Byers, Trustee Andrew Koerner, Trustee Eric Szucs, Superintendent of Public Works Andrew Bartz, Clerk/Treasurer Jennifer Kraft, Police Chief Matt Krist, Deputy Clerk/Treasurer Michelle Karpinski.

ABSENT

Trustee Elwyn Roll,

ALSO PRESENT

James Stokes, MEUA, Mike Lyons, IEEP, Larry Kilburn, Kay Kilburn, Chris Lexer, ZEO, Rich Kosmerl, Cindy and Wendall Sampson, Maya Borer, Jace Drennan, Jeff Mason, Mike McElheny, April Weixlmann, Karen Daly, Samantha Mayer, Trent Harrison

PLEDGE OF ALLEGIANCE

Mayor Schiener opened the meeting with the Pledge of Allegiance.

MEUA PRESENTATION

James Stokes, Executive Director, New York Municipal Electric Utility Association (MEUA), attended the meeting to present an award for appreciation to former SPW Larry Kilburn for all of his time and dedication to the MEUA. Larry has served on NYMPA, MEUA, and numerous other committees. Mr. Stokes went on to say, "He made my transition into this position easier, he is a fine representative of his community." In recognition a plaque was given which read "In recognition of extraordinary and dedicated service the New York State Municipal Electric Utility Association recognizes, honors and expresses its thanks to Larry Kilburn for his professionalism and selfless dedication to the MEUA, its missions and its members and he will be greatly missed by all who have known and worked with him."

Mike Lyons, Independent Energy Efficiency Program (IEEP), a sister organization to the MEUA. The VOA has been a member since the inception of the program in 2001. The Village has Invested \$3,000,000 in IEEP funds back to their customers via the appliance rebate programs, insulation projects, both commercial and residential, LED lights commercial and the LED bulb give a way along with other programs. The VOA gets an A+ for participation due to Larry's leadership and support of the programs. Mike Lyons thanked him and said "I will miss him."

PUBLIC HEARING LOCAL LAW CHAPTER 69 PROPERTY TAX CAP

Motion by Trustee Koerner and seconded by Trustee Byers to open the public hearing at 7:07 pm to discuss the adoption of Chapter 69 Property Tax Cap Override.

Mayor Schiener opened the public hearing to hear comments from citizens regarding the proposed Chapter 69, Property Tax Cap Override. The Mayor explained that the allowable growth factor (tax cap) for fiscal year 2023-24 is 2.0%.

Wendall Sampson thanked the Board for their service. Wendall stated he had discussed the tax cap with various residents and found many were not interested in the cap. Many were also not interested in paying for additional services. Surprisingly, many taxpayers were not aware of the implications of the tax cap. He gave the Mayor a list of questions for her to answer. After discussion with the Board Wendall felt he had a better understanding, and he did not need the Mayor to answer any other questions.

There being no further comments or concerns, the public hearing was closed per a motion by Trustee Koerner and seconded by Trustee Szucs at 7:22 pm.

ADOPT LOCAL LAW CHAPTER 69 PROPERTY TAX CAP OVERRIDE

Motion by Trustee Koerner and seconded by Trustee Byers to adopt local law Chapter 69, Property Tax Cap Override as presented for the 2023-24 fiscal year.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

APPROVE MINUTES

Motion by Trustee Byers and seconded by Trustee Koerner, the minutes from the regular meeting held on January 17, 2023, be approved as presented by Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

APPROVE MINUTES

Motion by Trustee Szucs and seconded by Trustee Koerner, the minutes from the budget work session held on January 24, 2023, be approved as presented by Clerk/Treasurer Kraft.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

PIONEER JUNIOR PANTHER FOOTBALL

Trent Harrison thanked the Board for the use of the park. He believes the numbers will increase this year, and he appreciates all of the community’s support. The league is looking for a temporary shelter in the park for the teams to use during the football season only, after the season it will be removed. Trent is thinking that a 10x10 shed would suffice. Jace Drennan and Trustee Byers will work on this with Trent and come up with a plan.

AUTHORIZE COLLEGE INTERNSHIP

Chief Krist has requested authorization to allow Logan Filipiak, a Medaille College student, to intern with the Village police department. The internship will consist of 90 hours, to be completed by May 1, 2023. The intern will ride with any officer on duty during the hours he is available and will remain in the vehicle at all times.

Motion by Trustee Szucs and seconded by Trustee Koerner to authorize Logan Filipiak an internship with the Village police department.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

ZONING

The Village Board requested the Planning Board review the zoning district that is currently the Emkay site, in relation to the Comprehensive Plan and future development. Rich Kosmerl, Planning Board, sent a letter to the Village Board with observations and recommendations (see attached). Currently the site in question is zoned light industrial (LI). The IDA owns the property, it was three parcels but have been combined into one. Whatever district is created the whole parcel will be involved. The Brownfield cleanup will begin this spring, and the demolition will begin early this summer. Only part of the Brownfield cleanup is done, then the property must be purchased by a developer and they will have to finish the cleanup. Many different types of re-development have been discussed; we need to re-district sooner than later. There are other properties we need to look at as well. Governor Hochul is going to pass a law that requires municipalities to build a certain amount of housing in a certain amount of time. This development would help the Village towards the Governor’s goal. Rich Kosmerl stated that the goal is 1% over the current residences over three years. In the last 25 years the Village has done well with residential, but it has mostly been subsidized. There is a shortage of available land, but the real issue is that it is not cost effective for developers. Rich recommended the Board work with the IDA for future development in housing, they can help to make it cost effective. Mille Fab location has one year to rebuild as a commercial sight. After that year, it could be rezoned residential, again, perhaps the IDA could assist with that property.

Per the current Comprehensive Plan, dated 1996 and updated in 2014, the Emkay could potentially be rezoned as residential in the future. Zoning can change when the market warrants, and now is the time. The Strategic Business Plan confirms this. We can zone it generically; spot zoning would be zoning to the needs/ideas of a developer. Chris Lexer suggested re-zoning this as an R5, which would need to be created, you can have everything that is in all the other R districts, but you can include mixed use. Rich Kosmerl suggested some of the zoning requirements may be too stringent; he recommended the Board review setbacks, building heights, review the requirements in each of the districts, see what needs to be changed. Planned unit development can be done in LI district. The Village does not have a mixed-use district, perhaps that is a possibility. There is a process to create a new zoning district and it could take close to six months. Chris Lexer recommended a consultant that would expedite the process.

Motion by Trustee Byers and seconded by Trustee Szucs to send this re-zoning issue back to the Planning Board so that they, with the help of a consultant, will develop a recommendation for the zoning of this property and perhaps other properties in the VOA.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:								
	4	Yes	0	No	0	Abstain	1	Absent
RESULTS		X	PASS				FAIL	

PROJECT UPDATES

SPW Bartz updated the Board on the departments:

Streets and Parks

The Local Highway Inventory report was submitted to the NY State
 The No Parking Signs that were faded have been removed from West Main Street
 NYS DOT Snow and Ice contract has been updated and renewed, awaiting the Mayor's signature

Electric Dept

Lights have been removed from the tall pine tree in the Village Park
 Crews are tree trimming the right of way on West Yorkshire Road
 Station Crews have finished replacing the Multifunction Panel meters at the Freedom Substation with the station engineer
 The emergency generator at the Rt 98 Electric/Water garage is all installed and ready for Caterpillar to come for the initial startup on March 6, 2023.

Water Dept

They are replacing the check valve at Church Street well house
 Continue to work on Lead/Copper Audit (Eastside and Main)
 Working on well house maintenance

WWTP

Employee Joel Sheehe has signed up for Wastewater Operator exam on February 21, 2023
 Kubota tractor sold for \$9,100 on Auctions International

2022-23 SNOW & ICE AGREEMENT ADJUSTMENT

Motion by Trustee Koerner and seconded by Trustee Byers to accept the following resolution:

RESOLUTION

WHEREAS, the Village of Arcade entered into an Agreement in 2019, No. D014860 entitled "Municipal Snow and Ice Agreement" between the New York State Department of Transportation (NYSDOT) and the Village of Arcade (VOA), for a five year term, and

WHEREAS, the NYS DOT is required to adjust the estimated expenditure in years 2 through 5 of the contract, and

WHEREAS, the agreement amends the estimated expenditure for the 2022/2023 season by adding funding to adjust the Estimated Expenditure to account for increase in labor, materials, equipment and/or overall costs, per the terms in Paragraph 9 and 10 in the original Agreement, and

WHEREAS, this amendment results in an increase in cost of \$1,532.38.

NOW, THEREFORE, Be It Resolved, that the Mayor of the VOA be hereby authorized to sign the Agreement/Adjustment Calculation Worksheet and the Supplemental Agreement No. 2 to Contract No. D014860. The motion was passed upon the following vote:

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS				FAIL			

AUTHORIZATION MAYOR TO SIGN WORKSITE SPONSOR AGREEMENT WYOMING COUNTY

Motion by Trustee Szucs and seconded by Trustee Byers to authorize Mayor Schiener to sign

the Worksite Experience Agreement with Wyoming County with an effective date of January 1, 2023, through December 31, 2023.

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

DISCUSS MAIN STREET TARGET AREA GRANT ADMINISTRATION

The Main Street Target Area grant has funding included for grant administration. This is complex grant, and the Mayor has discussed the administration with Rick Hauser, InSite Architecture, as his firm wrote the grant for the Village. InSite, along with LaBella would be available to administer the grant. The total cost would be \$33,375 of which \$23,625 will be grant proceeds. The remainder would be paid by the Village.

AUTHORIZATION MAYOR TO SIGN PAYMENT REQUEST TAP GRANT

Motion by Trustee Beyer and seconded by Trustee Koerner to authorize the Mayor to sign payment request #13 by CPL for work on the TAP grant; the request is in the amount of \$9,177.25.

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

DISCUSS QUOTE WAYFINDING EQUIPMENT

Chris Lexer will review zoning law to see if there will be any zoning issues installing the wayfinding signs. Trustee Szucs will try to get two other quotes for the wayfinding equipment.

AUTHORIZATION TO DESTROY COURT RECORDS

Motion by Trustee Koerner and seconded by Trustee Szucs to authorize Clerk Treasurer Kraft to destroy court records in accordance with NYS LGS-1:

DESCRIPTION	RETENTION	BOX #
Misdemeanor records scanned into Courtroom Program 1 Box	No longer needed	

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:									
	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS									
	X	PASS					FAIL		

CANCELLATION OF DEBT

Motion by Trustee Koerner and seconded by Trustee Beyer to authorize the cancellation of the following debt:

NAME	ACCOUNT NUMBER	AMOUNT	REASON
James Frascchetti	05-30100-05	\$ 43.08	Deceased
TOTAL		\$ 43.08	

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

FY 2022-23 BUDGET AMENDMENT

Motion by Trustee Szucs and seconded by Trustee Beyer, the FY 2022-23 budget be amended as a donation was received from United Church of Christ Congregational Church in the amount of \$1,032 which is to be used for Beautification. See Attached.

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

AUTHORIZE MAYOR TO SIGN GRANT AGREEMENT ARTS COUNCIL WYOMING COUNTY

Motion by Trustee Szucs and seconded by Trustee Koerner to authorize the Mayor to sign the grant agreement between the Village of Arcade and the Arts Council of Wyoming County. The grant amount is \$5,000.

The motion was passed upon the following vote:

VOTE									
Mayor Donna Schiener	X	Yes		No		Abstain		Absent	
Trustee Lisa Byers	X	Yes		No		Abstain		Absent	
Trustee Andy Koerner	X	Yes		No		Abstain		Absent	
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent	
Trustee Eric Szucs	X	Yes		No		Abstain		Absent	
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent	
RESULTS	X	PASS					FAIL		

AUDIT BILLS

Motion by Trustee Koerner and seconded by Trustee Beyers, the Village bills be audited and paid in the amount of \$400,998.56 and that the Clerk be authorized to transfer funds from the money market accounts to the checking accounts to cover such bills.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll		Yes		No		Abstain	X	Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:	4	Yes	0	No	0	Abstain	1	Absent
RESULTS	X	PASS				FAIL		

EXECUTIVE SESSION

Motion by Trustee Koerner and seconded by Trustee Szucs, the Board enter into executive session to discuss the following topic(s) at 8:53 pm:

- Sale or acquisition of property

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll	X	Yes		No		Abstain		Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS				FAIL		

Motion by Trustee Szucs and seconded by Trustee Koerner, the Board exit executive session at 9:39 pm.

The motion was passed upon the following vote:

VOTE								
Mayor Donna Schiener	X	Yes		No		Abstain		Absent
Trustee Lisa Byers	X	Yes		No		Abstain		Absent
Trustee Andy Koerner	X	Yes		No		Abstain		Absent
Trustee Elwyn Roll	X	Yes		No		Abstain		Absent
Trustee Eric Szucs	X	Yes		No		Abstain		Absent
VOTE TOTAL:	5	Yes	0	No	0	Abstain	0	Absent
RESULTS	X	PASS				FAIL		

REPORTS RECEIVED

The following reports were received, reviewed, and placed on file:

- None.

ADJOURN

There being no further business to come before the Board the meeting duly adjourned at 9:39 pm upon motion by Trustee Byers and seconded by Trustee Szucs.

Clerk/Treasurer

January 25, 2023

To: Mayor Schiener and Superintendent Bartz, Trustee Koerner, Trustee Roll, Trustee Szucs,
Trustee Byers of the Village of Arcade Board
Chris Lexer-Zoning Officer
Jim Pierce-IDA
17 Church St.
Arcade, Ny 14009

Supervisor Berwanger and Council Members, Kathryn Landahl, Patricia Palmerton, Steve Miller,
Bonnie Jachim of the Arcade Town Board
Don Roberts-Zoning Officer
7340 Route 98
Arcade, NY 14009

Subject: Housing Development and Zoning

Dear Community Leaders,

We all are aware that the site of the Borden's plant in the Village will be undergoing a remediation project in the not-too-distant future. This leads to the question of what use can be made of the property after that project is complete. As the property is owned by a sub entity of the County IDA, it is expected that the IDA will be involved in trying to find tenants for the property. When that happens by zoning law, the "Developer" would submit a plan to the Zoning Officer who would then refer it to the Planning Board for approval

The current site situation in regard to zoning:

The plot of land is bordered by North Street on its Northern edge with single unit residential homes on the other side of the street. It is bound by Church Street on its East, again with residential properties beyond the street. On the Western side it is bounded by land zoned as R3 (allowing single or multifamily residences). On the South it is bordered by Cattaraugus Creek with the Pioneer Elementary School beyond that.

That portion of land is approximately 15 acres in size and is currently zoned as Light Industrial (LI). That zoning designation allows uses such as light manufacturing, small shops, repair shops, public use, and other similar activities. That zoning also allows the implementation of a Planned Unit Light Industrial Development (per section 508 of the Village Zoning), which would allow multiple businesses to be located on the site.

Basically, with the removal of the Borden's plant the rest of the area that is near or local to the site is residential, overlooking the Elementary School to the downtown Village area.

Potential Outcomes:

As currently zoned a developer has two options, install a single purpose manufacturing/commercial business on the land. Apply for a Planned Unit light Industrial approval with multiple businesses with internally developed streets (possibly constructed to be able to be taken over by the Village).

The Planning Board also researched the Comprehensive Plan of the Village and Town of Arcade. The plan was first published in 1996 and last updated in May 2014. The following information was found that could relate to the future development of the site.

The Comprehensive Plan (CP) in Chapter 3 outlined a handful of Village wide Opportunities and Constraints:

Commercial – the plan references development in the Village both downtown and on West Main St. Over the years much development has been done on West Main St including mini plazas, shops, etc. and the development seems consistent with the CP. Downtown, has received attention with Main Street Development Grants (which have affected both business storefronts and residential apartment improvements) and there has been another Main Street Grant awarded recently. The types of stores downtown have changed over the 26 years since the CP was developed, generally to businesses that can survive with the limited parking available. In the Town Route 98 North of the Village has also seen industrial growth and recently the opening of Dollar General on Route 98 South was opened.

Residential - The CP in general notes the need for development in the Village of sufficient housing stock that Arcade residents can afford. It notes that infrastructure deployment may be necessary and would be expensive and perhaps limiting without some type of grant support. The CP also notes the need for additional housing development in the Town, notes that conflict with farming may exist but may lessen as farming becomes more cost pressured.

Chapter 3 also contains some engineering analysis on ground composition and environmental issues in several plots of land that could be considered for development. Any Developer proposing a new project should be encouraged to review those preliminary engineering studies which would inform any applications to conditions on the land.

Chapter 4 of the Comprehensive Plan includes specific Goals and Objectives to implement over time:

B.4-6 on Page 4-4 addresses Agricultural and Agri-Business goals. Primarily applies in the Town.

This section basically encourages working to support farming where possible. In regard to residential, development is encouraged to be subdivision types of developments but incorporating effective separation between farm areas and new residential areas. No such activity has succeeded so far. Individual home construction has continued on various roads in the Town.

C.3-9 starting on Page 4-5 addresses Village Downtown Goals

This area includes several items including sidewalk improvements that the Village has worked on over 15 years most recently downtown, upgrading storefronts and facades (Main St Grants implemented), and other co-operative efforts by the various merchants and the Village.

C.10-15 starting on page 4-8 addresses West Main St development goals.

This section covers traffic management, encouraging business placement without adding curb cuts, landscaping, etc. Some success has been achieved with the mini mall with Utz tire, Tim Horton's within the Tops Plaza etc.

C.16-17 starting on page 4-10 addresses A&A Goals

This mostly encourages supporting the A&A and business tied in with that. Some limited activity has occurred with coffee shops, popcorn shop etc., that support the tourism industry.

C.14-20 starting on page 4-10 addresses Industrial Development.

These items talk to supporting business development in appropriate areas. There has been success in this area. It also envisions that it might be necessary to consider the use of Village &/or Town funds to extend roads and utilities into new developments. This has occurred cooperatively with developers on West Main St, to this point but in hindsight an earlier application of this method might have saved a housing development on North Cramer a few years ago if it had been applied.

D.1 – 4 starting on p4-11 addresses Neighborhood Preservation and Housing

This calls for a diversity and balance of housing types both in the Village and in the Town. It calls for a wide range of types such as single-family homes, apartments, subdivisions, residential lots using interior land designs, affordable housing, etc.

Affordable housing has had several developments installed over the years including on Douglas Drive, Creekside Lane, Sherman Dr and Northridge Dr.

Some single-family homes continue to be built in the Town on county roads, most of which are beginning to hem in access to large tracts of vacant land especially South of Genesee Rd, but that lane still is mostly in use for crop production.

Within the Village there has been little development of residences. The three large attempts that were made all failed: 1) A 5-7 development on East Main St north of the houses across from Clough St, 2) Conversion of the former Yo-Yo factory to apartments, 3) Annexing land from the Town north of Cramer St and building a subdivision of single-family homes failed when village water pipe constraints pushed the project over budget. Here is where perhaps the Village could have bonded the extra cost of the piping and enabled the development to go forward. Note: both the Village and Town Boards approved the annexation of that land, but when the project failed, those notices did not get posted to the State, so the annexation was never enacted.

Chapter 6 of the Comprehensive Plan: Plan Implementation, Adoption and Maintenance

This section lists actions and ranks them as Immediate, Short Term, Medium Term and Ongoing. They cover actions by both the Town and Village to pursue. Reading through them you will identify many that have been done and some that have not.

In terms of anticipated Land Use changes p 6-14 shows 13 unique plots of land in the Village designated for consideration of changes in zoning "When Market conditions warrant". Pages 6-16 & 6-17 lists all 13 parcels and often call out statements such as "When market conditions warrant, rezoning to allow multi-family development would be appropriate" Similar statements are made for other zoning categories such as R3B etc. These entries in the CP shows the Village Board is empowered to rezone for these purposes whenever it decides it is appropriate.

In particular the Borden's site is shown as Plot #9, the Comprehensive Plan in Chapter 6 envisions changing zoning in this area from LI to residential single- or two-family homes, R3. Residential Planned Unit developments are also possible in R3 areas.

Similarly, on p6-15, there are identified 4 plots of land in the Town, where the CP considers possible anticipated zoning changes consistent with the CP. Details on those 4 areas are described on p6-18.

Note: Pages 6-14 to 6-18 have been attached to this letter for your convenience.

Governor Hochul's State of the State Address of January 10, 2023

During the Governor's address she announced a new Policy proposal that would require every Town and Village in the State to achieve a 1% growth in residential units within 3 years. She mentioned potential incentives and penalties if the municipalities did not meet this goal. Details will have to be worked out in the coming months, but this does indicate that the Village and Town of Arcade may be required to meet such a requirement in the not distant future. The Boards of the Municipalities should consider the impact on the area by such a standard and decide if it warrants beginning pre-emptive action now.

Where does all this lead (i.e., Conclusion and requests to the Municipal Boards):

Village

- 1) The upcoming reclamation and possibility for re-use of the Borden plant site identified as Plot #9, should be looked at by the Village Board to decide on whether they want to continue designating that as an LI zoning district or whether they wish to change it to what the Comprehensive Plan recommends is "Residential", R3. This would allow single or multifamily homes and Residential Planned Unit Developments. They of course could also choose other zoning designations if desired.
- 2) The site identified as Plot #10, includes the land formerly occupied by the Village Electric and Water Departments as well as the factory recently burned down just off Park St. If the owner of the factory decides not to rebuild the factory, the Village should also consider this plot of land and decide if it wants to change its current zoning designation from its current state, LI to what the Comprehensive Plan recommends as "Medium Density, R3", or something else. If the owner wants to rebuild perhaps the Village would work with him to find ways to encourage him to do so in one of the more open business areas on West St. Perhaps IDA or other incentives could

help that come true. But nonetheless if the owner wants to execute his “grandfather” rights on that parcel the Village could still consider rezoning just the former utilities building site by itself and it would seem that would add a site for 2 or 3 new residences on its own.

- 3) The Village Board should also review all 13 plots and decide if any zoning updates should be done at this time. Any zoning changes are fully within the power of the Village Board and should be considered and if desired follow the standard procedures for revising a law with public hearings, etc.
- 4) However, given the history of almost no market rate residential development on available land in the Village over the last 26 years, the Village Board should consider why that might be. With more people working in the Village than living in it by a good margin, it is likely not a shortage of demand. That indicates that the current available land or zoning requirements or infrastructure costs are not consistent with encouraging development. In parallel with the Governor’s proposed State Policy, it might be wise to review the residential zoning standards to see if they should be updated to improve the economic favorability of building within the zones such as to be more attractive to developers. Areas that would have the most impact would be setbacks, heights, density maximum limits, Village infrastructure standards etc. Also, financial incentives could be considered by the Village itself regarding infrastructure cost sharing, or at least in partnership with the County IDA. Finally, the Village could consider whether a totally new Zoning District enabling “Mixed Use” (i.e., residential, and commercial intermixed) might be of use, given their recent proliferation in the general WNY area.. If the Village wishes to pursue changes such as these in the zoning requirements, the Planning Board should be tasked and funded to lead the consideration and development of what changes might be advantageous and then bring them in draft form back to the Village Board for final consideration and approval
- 5) See Town note #2 below. Village involvement may also be needed as outlined.

Town

- 1) The Town Board could review all 4 of its plots identified on p6-15 & proposed zoning changes on p 6-18 and decide if it wants to take that action at any time in the near future.
- 2) Town Plot #4 sits on the Northern Boundary of the Village and in part appears to be contiguous with Village Plot #8 found on P 6-14. If the Town Board has any intentions of encouraging residential on this Town plot #4 as the Comprehensive Plan anticipates they may wish to work with the Village on some unification of use with Village Plot #8.
- 3) Similar to the Village, the Town should consider whether any of the residential zoning districts need to be updated to encourage financially viable development projects and involve the Planning Board if any need to be considered for updates.

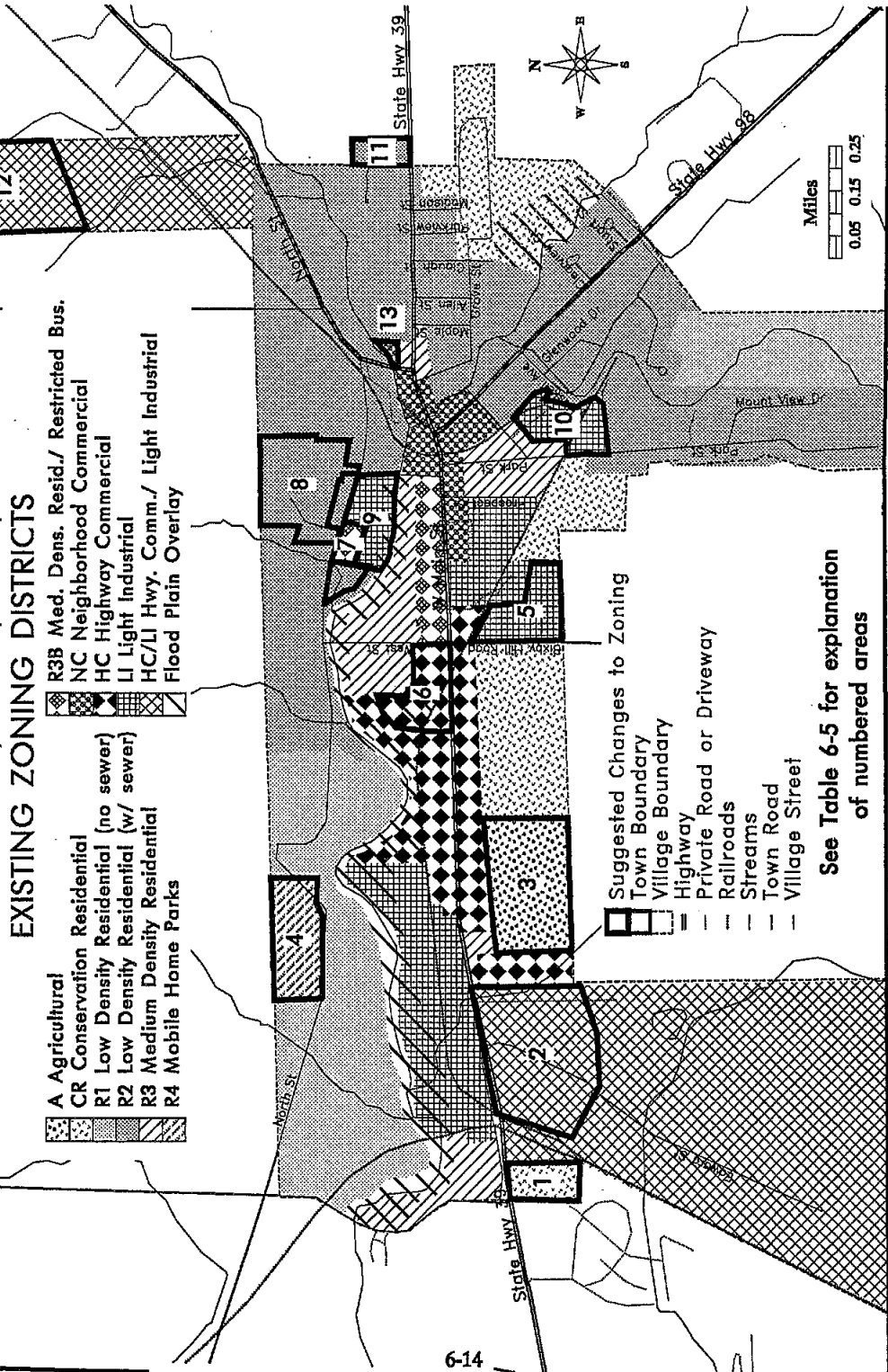
Thank you for taking the time to consider these items. The Planning Board is available to answer any questions you may have.

Regards,

Sent by Resolution 1/25/2023 of the
Planning Board of the Village and Town of Arcade
17 Church St
Arcade, NY 14009

Figure 6 - 1

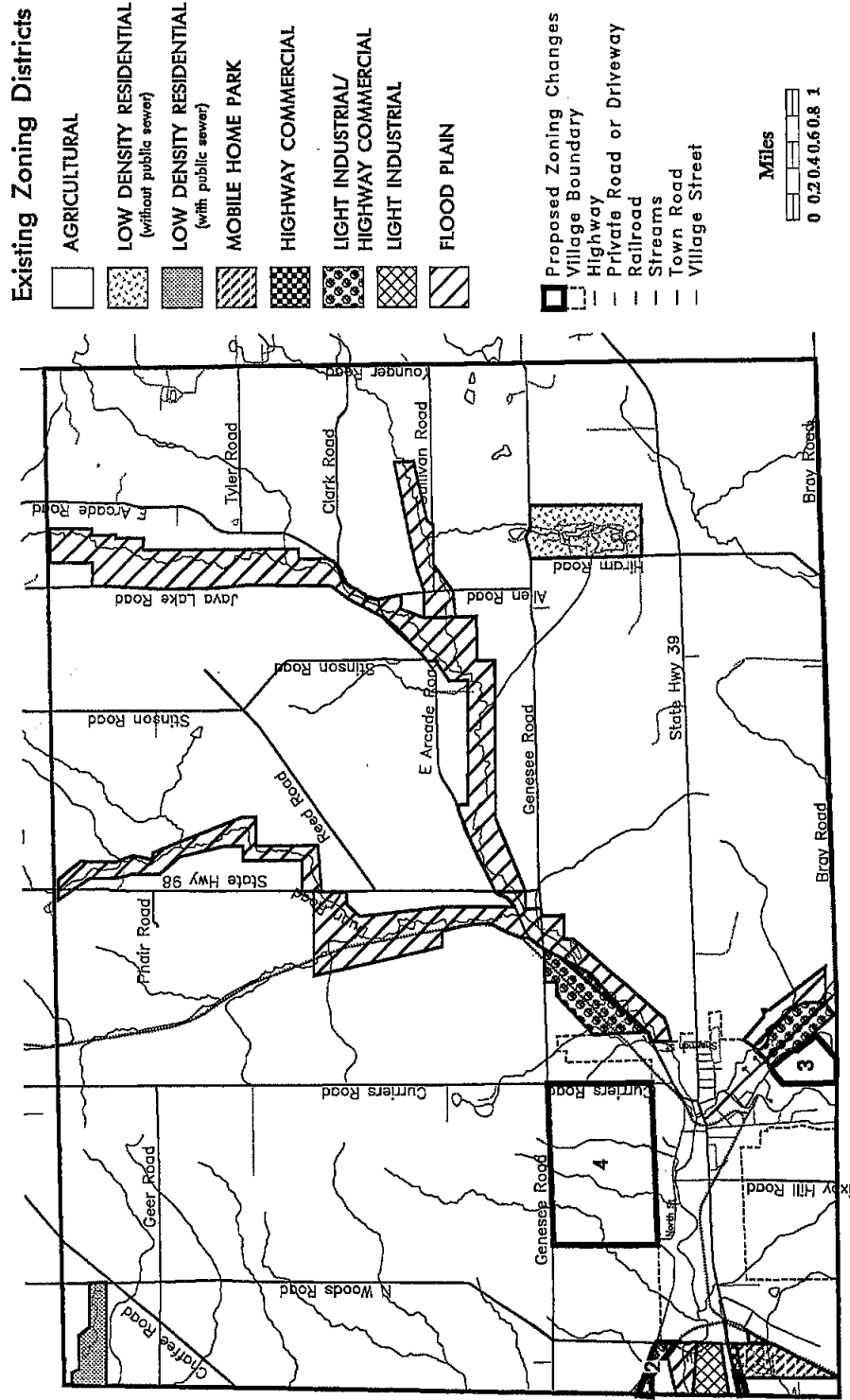
Proposed Changes to Zoning Districts - Village of Arcade (to ensure consistency with Comprehensive Plan)



6-14

Figure 6 - 2

Proposed Changes to Zoning Districts - Town of Arcade (to ensure consistency with Comprehensive Plan)



6-15

Stuart I. Brown Associates, Inc. 12/04/18

SOURCE: Town of Arcade Zoning Map, adopted 1990

Implementation, Adoption, and Maintenance

Table 6-5

**POTENTIAL ZONING CHANGES
NEEDED TO ENSURE CONSISTENCY WITH COMPREHENSIVE PLAN**

Village of Arcade

1. Current Zoning: Agricultural
 Future Land Use Category: Highway Commercial

Land should be rezoned to Commercial, as market conditions warrant.
2. Current Zoning: Highway Commercial/ Light Industrial
 Future Land Use Category: Commercial

This area has been developed with Commercial Uses. Either a Commercial zone or the current combination district would be appropriate.
3. Current Zoning: Agricultural
 Future Land Use Category: Multi-Family Residential

When market conditions warrant, rezoning to allow multi-family residential development would be appropriate.
4. Current Zoning: Mobile Home Park
 Future Land Use Category: Single Family Residential

Other means to provide for mobile home park development should be considered.
5. Current Zoning: Industrial
 Future Land Use Category: Conservation - Steep Slopes (Overlay)

The "Conservation - Steep Slope" category recommends design standards that are "overlaid" onto existing use regulations. Industrial or other proposed development on this site needs to accommodate and protect the fragile slopes.
6. Current Zoning: Highway Commercial
 Future Land Use Category: Residential/ Limited Business

This area should be rezoned to R3B - Medium Density Residential/ Restricted Business

Implementation, Adoption, and Maintenance

- 7. Current Zoning: Medium Density Residential/ Restricted Business
 Future Land Use Category: Residential: 1 - 2 Family

 This area should be rezoned to a residential zoning district, in the long term. Existing businesses in this area are encouraged to continue for as long as they are economically feasible.

- 8. Current Zoning: R2-Low Density Residential
 Future Land Use Category: Multi-Family Residential

 As market conditions warrant, this land may be rezoned for multi-family development.

- 9. Current Zoning: Light Industrial
 Future Land Use Category: Residential: 1 - 2 Family

- 10. Current Zoning: Light Industrial
 Future Land Use Category: Medium Density Residential

 Residential development represents the community's long-term preference for these areas (9 and 10). However, it is also the community's desire to support and encourage existing industries. Industrial use may continue in this area provided that adequate buffers are incorporated into site design to protect neighboring residences.

- 11. Current Zoning: R2-Low Density Residential
 Future Land Use Category: Multi-Family Residential

 As market conditions warrant, this land could be rezoned for multi-family development.

- 12. Current Zoning: Light Industrial
 Future Land Use Category: Agricultural/ Rural Residential

 As this land has little potential for future industrial use, it could be rezoned for residential use.

- 13. Current Zoning: Neighborhood Business
 Future Land Use Category: Residential: 1 - 2 Family

 As the parcels in this area are used for residences, this area should be rezoned to a residential classification to eliminate their non-conforming status.

Implementation, Adoption, and Maintenance

Table 6-6

**POTENTIAL ZONING CHANGES
NEEDED TO ENSURE CONSISTENCY WITH COMPREHENSIVE PLAN**

Town of Arcade

1. Current Zoning: Highway Commercial
 Future Land Use Category: Agricultural/ Rural Residential

This area should be rezoned to a residential zoning district.
2. Current Zoning: Light Industrial/ Highway Commercial
 Future Land Use Category: Agricultural/ Rural Residential

At such time as mining and equipment sales are no longer occurring on this site, this area should be rezoned for residential use.
3. Current Zoning: Agricultural
 Future Land Use Category: Single Family Residential

When market conditions warrant and water and sewer lines can be extended, this area should be zoned for more intensive residential development. Adequate buffers should be incorporated into the design of the residential development, in order to reduce the potential for conflicts with adjoining industrial or commercial uses to the east of this area.
4. Current Zoning: Agriculture
 Future Land Use Category: Single Family Residential

When market conditions warrant and water and sewer lines can be extended, this area should be zoned for additional residential development.

2-09-2023 3:31 PM

BUDGET ADJUSTMENT REGISTER

PAGE: 1

PACKET: 00485-BUDGET AMEND 01/24/2023

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE

Budget Adj. # 001047							
001 4-2705-0100	2/07/2023	BUDGET AMEND GIFT	1,032.00	0.00	2,260.00	3,292.00-	0.00
		GIFTS & DONATIONS					
001 5-7550-400-4690	2/07/2023	BUDGET AMEND GIFT	1,032.00	15,000.00	300.00	16,332.00	6,592.56
		MATERIALS/SUPPLIES/MAINT					
		DEPT: CELEBRATIONS					
		PACKET NOTES:					
		GIFT RECEIVED FROM UNITED CHURCH OF CHRIST CONGREGATIONAL					
		FOR BEAUTIFICATION. JMK					
		TOTAL NO. ADJUSTMENTS--REVENUE:			1	1,032.00	
		TOTAL NO. ADJUSTMENTS--EXPENSE:			1	1,032.00	
		TOTAL IN PACKET--				<u>2,064.00</u>	

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

VENDOR	AMOUNT	VENDOR	AMOUNT
ACTIVE IT DESIGN, LLC	\$ 782.50	MATTHEW BENDER & CO INC.	\$ 69.35
ADVANCE STORES COMPANY, INC	\$ 13.02	MONROE TRACTOR & IMP CO INC	\$ 2,062.79
AFLAC NEW YORK	\$ 1,336.80	NATIONAL FUEL	\$ 4,161.13
ARCADE AREA CHAMBER OF COMMERC	\$ 75.00	NEW YORK POWER AUTHORITY	\$ 170,564.72
ARCADE LUMBER & MILLWORK	\$ 420.69	NEW YORK STATE DEFERRED COMPEN	\$ 4,741.59
ARCADE LUMBER & MILLWORK	\$ 50.93	NOCO ENERGY CORP	\$ 5,665.35
ARCADE POSTMASTER	\$ 2,194.72	NYS & LOCAL RETIRE SYSTEM	\$ 5,306.59
ARCADE POSTMASTER	\$ 278.40	NYS CHILD SPRT PROCESSING	\$ 500.46
AT & T MOBILITY LLC	\$ 66.48	NYS INCOME TAX	\$ 4,549.44
ATTICA ACE HARDWARE	\$ 61.98	NYS SALES TAX	\$ 11,406.43
C & G ELECTRICAL SUPPLY	\$ 18.50	NYSAMCC INC	\$ 60.00
CHARTER COMMUNICATIONS HOLDING	\$ 229.98	OFFICE OF STATE COMPTROLLER	\$ 3,664.25
CINTAS CORPORATION #782	\$ 342.21	PINSKY LAW GROUP PLLC	\$ 3,304.00
CLARK PATTERSON LEE	\$ 250.00	PREVITY'S AUTO WRECKING INC	\$ 690.00
CONNOR, FRANCIS S.	\$ 658.00	RENAISSANCE LIFE & HEALTH INSU	\$ 247.02
COUNTRY LINE ELECTRICAL DISTRI	\$ 58,032.00	RICHARD-CIN SIGNS & SAFETY SUP	\$ 165.30
CSEA	\$ 849.04	SHEEHE, JOEL	\$ 112.00
CSEA BENEFIT UNIT	\$ 1,437.70	SHELTERPOINT LIFE INSURANCE CO	\$ 122.25
CSEA POLICE UNIT	\$ 196.86	SHELTERPOINT LIFE INSURANCE CO	\$ 324.00
DE LAGE LANDEN FINANCIAL SERVI	\$ 99.00	SOUTER, ROBERT A	\$ 295.00
DP FLORES INC	\$ 174.00	SS DIESEL & AUTO LLC	\$ 1,552.32
E.J. PRESCOTT, INC	\$ 4,402.98	STUART C IRBY CO	\$ 164.06
FIVE STAR EQUIPMENT INC	\$ 1,177.18	TOMPKINS INSURANCE AGENCIES IN	\$ 509.00
FLEET MAINTENANCE INC	\$ 5,341.89	TOWN OF SARDINIA	\$ 1,377.48
GALLS PARENT HOLDINGS LLC	\$ 33.79	TRACTOR SUPPLY CREDIT PLAN	\$ 297.91
GENESEE TRANSPORTATION COUNCIL	\$ 7,000.00	VERIZON	\$ 140.97
GENUINE PARTS COMPANY	\$ 251.44	VERIZON WIRELESS	\$ 785.78
GRAINGER	\$ 111.36	VILLAGE OF ARCADE	\$ 270.00
GUTHRIE HELI-ARC INC	\$ 820.72	VILLAGE OF ARCADE	\$ 529.16
HIGHMARK WESTERN & NORTHEASTER	\$ 35,736.58	WARD & KUTZUBA PLLC	\$ 3,106.00
IN. SITE: ARCHITECTURE, LLP	\$ 4,228.75	WARD & KUTZUBA PLLC	\$ 350.00
IRS - FEDERAL PAYROLL TAX PAYME	\$ 25,383.76	WASTE MANAGEMENT OF NEW YORK L	\$ 10,369.56
KEY BANK	\$ 1,103.24	WASTE MANAGEMENT OF NEW YORK L	\$ 8,308.80
KEY BANK	\$ 199.00	WEF MEMBERSHIP	\$ 210.00
MAPLE GROVE COATINGS	\$ 55.75	WYOMING COUNTY DEPT OF HEALTH	\$ 64.00
MAPLE GROVE ENTERPRISES	\$ 1,460.00	YOUNG, RYAN	\$ 77.60
COLUMN TOTAL	\$ 154,874.25	COLUMN TOTAL	\$ 246,124.31
		GRAND TOTAL	\$ 400,998.56