

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

At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, September 12, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Paul Bijhouwer, Don Suttell, Andy Schnitzler,
Dan Meyers and Mark Schultz

MEMBERS ABSENT: None

OTHERS PRESENT: Rich Kosmerl, George Hezel, Alan Bliss, Marty Mucher
Paul Burkett, Glenn Cooper, Hugh Ely, Jim McGarvey,
Anita Stewart, Margaret Morgan, Robert Vollmer

The meeting was called to order by Paul Bijhouwer at 7:05 P.M.

APPROVAL OF MINUTES:

MOTION by Don Suttell, seconded by Andy Schnitzler and carried 3 yes votes to 2 abstentions, to accept the minutes of the meeting of August 8, 2007 with the following corrections:

1. OTHERS PRESENT – Mary Mucher changed to Marty Mucher
2. Page 3, No. 9 – The Board indicated the requirement relating to sidewalks might be overkill and needs to be reexamined. Six-foot sidewalks on both sides of the street would add considerable cost to the project.
3. Page 4, first line – should read 70% to 75%, not 25% to 30%.

Paul Bijhouwer and Mark Schultz abstained as they were not present at the meeting.

During the course of mentioning of sidewalks, Paul Burkett stated that the sidewalks recently replaced on Liberty Street were widened to meet code. The Board stated that input from the Supt. of Public Works is needed.

PRELIMINARY SITE PLAN REVIEW, PERMIT NO. 1925-SPR, SUBMITTED BY WYOMING COUNTY COMMUNITY ACTION, REQUESTING PHASE II OF THE NORTHRIDGE PROJECT CONSISTING OF 20 RENTAL UNITS OF AFFORDABLE HOUSING IN TEN DUPLEXES:

Chairman Bijhouwer stated:

1. Both Planned Unit Development and Sub-division regulations are applicable to this project.

2. Both the Planning Board and the Village Board have approval authority and will hold separate public hearings.
3. The Chairman also addressed the audience, asking everyone to reserve their comments until the public hearings. Tonight's meeting was to address the preliminary site plan details only.

Alan Bliss, Marty Mucher, George Hezel and architect Robert Vollmer were present to explain the preliminary site plan representing Wyoming County Community Action. Final engineering drawings are not yet complete. Hopefully they will be ready for the November meeting.

The architect presented a preliminary drawing and in discussion:

1. The hammerhead now in the road will be removed and the road will be looped around back to North Street. Two lots will be on the east side of road. These will be one story one and two bedroom duplex units. The west side will consist of an additional five one story units and three two story units. Stepped roofs will be incorporated as in Phase I.
2. The playground area to be constructed was indicated as well as two stormwater collection areas.
3. The plan for grading and slopes is not yet completed. The Board indicated that a significant amount of cutting and filling will need to be done for the roadway in the area of the loop to meet the appropriate grade. They requested a detailed contour plan and addressed the need for permits from the DEC and possibly the Army Corps of Engineers.
4. Mr. Vollmer stated that this 5.7 acre parcel for Phase II has no wetlands. The entire parcel was surveyed before Phase I began. The wetland area is on the Phase I parcel and is green space. The Board indicated an area on the drawing that appeared to be a stream. Mr. Vollmer stated it was not a stream but a lawn swale that was created during Phase I.
5. Final sale of the duplexes after the initial 15 years was discussed. Under Phase I it was stated that a Homeowners type association would be formed. The Board asked if some of the property each duplex sits on would be deeded. Does the land need to be legally subdivided? Mr. Hezel explained there are a number of ways the final sale to private owners could be structured such as master lease. A company may buy the entire property, divide and sublease per property. The Board stated that if each lot is eventually sold to individuals, a subdivision plat would need to be filed with the County. If it becomes a Co-op arrangement it would not be considered a subdivision.
6. The Board stated that the concept for Phase I was addressed to be a Homeowner's Association arrangement after 15 years. Normally the Board would require legal

instruments stating such and they had not seen them for Phase I. They asked that they be provided for Phase II. It has been explicit in statements from Wyoming County Community Action that properties will be eventually sold. Mr. Bliss stated that it has been on record in the Village for two years for Phase I. The Chairman asked Mayor Kosmerl if the documents had been reviewed by the Village attorney. The Mayor stated that he would have to have the Village Clerk pull the package and review it as he does not recall. For Phase II the Village needs to address this. The Chairman referred to Page 35, Article 500, Section 502 of Village Zoning Law.

7. When asked how the development was funded, Mr. Vollmer stated it was funded by the State as a single parcel of land.
8. Original plans were to develop additional land north of the present development that lies within the Town of Arcade. Wyo. County Community Action had a purchase agreement contingent upon annexation. Since the Town and Village have decided against that annexation, Wyo. Co. Community Action did not purchase the parcel.
9. The property could be developed with private wells and septic systems according to the State; however Wyo. Co. Community Action has not discussed the possibility.

The Board addressed issues that have been raised in the context of the Village of Arcade. It is not the Planning Board's intent to express an opinion but to bring them to attention.

1. The adequacy of water pressure, sewer capacity and adequacy of roads. The Board asked the applicant to work closely with the Supt. of Public Works and to provide documentation that hydrant water pressure is adequate.
2. The Board asked for an explanation of the discontinuation of the PILOT agreement (Payment in Lieu of Taxes) that had been entered into with the Village for Phase I. Both the Mayor and Mr. Hezel gave explanations. The State did not renew PILOT, but instead instituted a procedure to have the property assessed at its economic value. The tax yielded as a result was lower than the PILOT agreement. Wyo. County Community Action has paid a Community Impact Fee of \$2500 to supplement the tax, which is above the taxes that have been levied under the new statute. Hugh Ely stated that he disagrees with the statement that the Village has now received more. Paul Burkett noted that the impact fee is not mandatory and the applicant is not obligated to pay it every year.
3. The Board stated that this is an issue that should be carefully addressed. The actual numbers need to be presented. Addressing this issue for Phase II is a priority. The opportunity is now present to develop a new legal agreement to the satisfaction of both the applicant and the Village regarding revenues to the Village to compensate for tax abatements. It is also appropriate that the applicant provide a letter from the tax collector of Village of Arcade that all taxes to date have been paid.

In further discussion of the preliminary plan presented:

1. The Board reviewed the requirements for Planned Unit Residential Development. The property meets the needs for this designation. Zoning is R – residential. The Board reviewed the definitions of multi-family and townhouses. Neither is applicable.
2. It was explained that the lot lines on the drawing are to demonstrate that they will fit and are not actual designations of individual property lots. The Board agreed that they are useful to indicate required side yard setbacks. Actual dimensions of lots with the footage between buildings should be added. The smallest of the lots is approximately 13,500 square feet.
3. Mr. Vollmer stated that driveway dimensions, sidewalks, trees and shrubs would also be indicated on the final drawing.
4. Mr. Vollmer stated this will not be a Subdivision and a recordable plat will not be provided.
5. Total acreage for Phase II is approximately 5.7 acres. Phase I consists of approximately 12 acres.
6. Twenty percent of the development is required for common, open space. Three to four acres is indicated on the drawing. Phase I includes approximately three acres that is wetland and not able to be developed, thus constitutes green space.
7. The Board requested a drawing showing the entire unified development.
8. The Board asked that the applicant refer to Section 505 of local zoning to make sure minimum front yard is 35 feet.
9. Since this is not a complete application at this time, SEQR was not addressed nor was Lead Agency established.
10. The Board stated that it appears all requirements of a Planned Unit Development are being addressed.

**ZBA REQUESTS RECOMMENDATION AND COMMENTS REGARDING
AREA VARIANCE APPLICATION, PERMIT NO. 1919-V, SUBMITTED BY SS
PETER AND PAUL CHURCH, REQUESTING DIVISION OF PROPERTY
LOCATED AT 431 WEST MAIN STREET, NOT IN COMPLIANCE WITH
SECTION 413 (3), MINIMUM LOT SIZE:**

Chairman Bijhouwer, Don Suttell, Mark Schultz and Andy Schnitzler all stated they were members of this parish. If all were recused there would not be a quorum to vote.

The Board reviewed the application, minutes of the Zoning Board of Appeals meeting and the Wyoming County Planning Board recommendation and comments.

The Secretary presented a letter received on September 10, 2007 from Rev. Czeslaw stating the lot with house at 431 West Main Street would be increased in size not to exceed 11,000 square feet and the remainder into a single lot owned by The New St. Mary's Parish at 417 West Main Street. These changes are as per recommendation of the Zoning Board of Appeals at their meeting of August 20, 2007.

Recommendation and Comments:

1. The Planning Board agrees with the ZBA that the lot proposed to be kept by the Church should be incorporated into the deeded land owned by the Church into one lot.
2. The Planning Board agrees with the ZBA that the Supt. of Public Works should be asked to assess drainage issues.
3. Keeping in mind that the garage on the property is an accessory building as per Section 413 of Village Zoning Law and if it is not being torn down it needs to be 10 feet from the new property line, the Board determined the following options:
 - a. If the garage is to be sold with the house property with 10 feet of setback from the north property line, the approximate depth of the lot would be 190 feet and widened by 4 feet.
 - b. If the garage is to be included on the lot kept by the Church with 10 feet of setback from the south property line, the approximate depth of the house lot would be 155 feet and widened by 17 feet.
 - c. Tear down the garage and establish property lines to the agreement of applicant and ZBA.

ZBA REQUESTS RECOMMENDATION AND COMMENTS REGARDING AREA VARIANCE APPLICATION, PERMIT NO. 1912-AV-1, SUBMITTED BY THE NEW ST. MARY'S PARISH, REQUESTING A SIGN NOT IN COMPLIANCE WITH SECTION 805-R-3B, REGARDING SIZE AND SETBACK, LOCATED AT 417 WEST MAIN STREET:

The Board reviewed the application, minutes of the Zoning Board of Appeals meeting and the Wyoming County Planning Board recommendation and comments.

The Secretary presented a letter received on September 10, 2007 from Rev. Czeslaw stating the size of the sign would be changed to 5 feet high by 8 feet wide and would be placed 20 feet from the curbstone. An updated picture of the sign was also submitted. These changes are as per recommendation of the Zoning Board of Appeals at their meeting of August 20, 2007.

Recommendation and Comments:

The Planning Board recommends approval of the variance with the changes submitted by the applicant and with the condition that any lighting meets the Village Lighting Standard.

IN OTHER BUSINESS:

SITE PLAN REVIEW, PERMIT NO. 1928 SPR, SUBMITTED BY SS PETER AND PAUL CHURCH, REQUESTING A 15' X 16' ADDITION TO AN EXISTING STORAGE BUILDING AT SS PETER AND PAUL CEMETERY, LOCATED ON WEST MAIN STREET:

In discussion:

1. The addition will be a pole barn-type structure used to store maintenance equipment used at the cemetery.
2. Uses permitted by right in HC include storage sheds as accessory uses so the existing storage shed is permitted.
3. Needed from applicant:
 - a. More detailed picture/explanation of exterior construction of shed to include type of siding, roofing, etc.
 - b. More detailed plot diagram to include setbacks, property dimensions, etc.
 - c. A survey or copy of tax map of property
4. SEQR was determined to be a Type II under Section 617.5 (C) 7 and not subject to further review.
5. The property is located on a State highway and needs to be reviewed by the Wyoming County Planning Board.

MOTION by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried, to accept Site Plan Review, Permit No. 1928 SPR, submitted by SS Peter and Paul Church, requesting a 15' x 16' addition to an existing storage building at SS Peter and Paul Cemetery located on West Main Street, contingent upon the following being submitted by September 18, 2007:

1. Survey or tax map of property;
2. More detailed plot diagram;
3. More detailed picture/explanation of exterior construction.

Further, the Secretary was directed to forward the application to the Wyoming County Planning Board for recommendation and comments. It was determined to be a Type II Action under SEQR Section 617.5 (C) 7 and not subject to further review.

ROUTE 39 BILLBOARD:

The Secretary reported that the Zoning Enforcement Officer has researched the billboard located on Route 39 East, presently advertising Java Tractor Supply. It is a paid billboard owned by the Lamar Company and was in existence before zoning was in place. As a result it is grandfathered. If it should ever be taken down it can not be replaced.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 9:21 P.M. upon motion by Andy Schnitzler, seconded by Don Suttell and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, October 10, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary