

**PLANNING BOARD  
TOWN AND VILLAGE OF ARCADE  
17 Church Street, Arcade, New York 14009  
Village Office      (585) 492-1111  
Town Office        (585) 492-4685**

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At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, August 13, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Paul Bijhouwer, Don Suttell, Tom Mason, Andy Schnitzler and Dan Meyers.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Pat Ebert, Jim Pierce, Marty Mucher, Alan Bliss, Robert Vollmer and Larry Kilburn

The meeting was called to order at 7:10 P.M. by Chairman Bijhouwer.

**APPROVAL OF MINUTES:**

**MOTION** by Andy Schnitzler, seconded by Dan Meyers and carried three yes votes with two abstentions, to accept the minutes of the meeting of July 9, 2008. Don Suttell and Tom Mason abstained as they were not present at that meeting.

**MOTION** by Don Suttell, seconded by Tom Mason and carried three yes votes with two abstentions, to accept the minutes of the meeting of June 11, 2008. Paul Bijhouwer and Andy Schnitzler abstained as they were not present at that meeting.

**PROJECT SUMMARY FROM THE KROG AGENCY/ARCADE BUSINESS PARK:**

The Chairman read a letter from Eric Dadd, Counsel, dated August 8, 2008 (see Attachment A). In essence it stated that the Krog Corp. has permission from the Wyoming County Industrial Development Agency to begin site work on the Arcade Industrial Park premises before officially taking title. It further stated that if the Town of Arcade does not accept the road, the IDA will

grant an easement over the road parcel for legal access to the site. Pat Ebert stated this letter was acceptable to the Krog Corp. The IDA submitted a copy of the Purchase and Sale Agreement (see Attachment B). The Board stated that these documents resolve the issue of site control and access.

As noted in the minutes of June 11, 2008, Tim Webber of Clark Patterson Lee had submitted an email detailing the discharging of the retention pond, which had also been a contingency to the Site Plan Approval.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried, that all contingencies placed on the Site Plan approval at the April 9, 2008 meeting, have been met by the Krog Corp. and site work may begin upon receipt of their building permit.

**ZBA REQUESTS RECOMMENDATION AND COMMENT ON AREA VARIANCE APPLICATION, PERMIT NO. 1951-AV, SUBMITTED BY KOIKE ARONSON, REQUESTING TWO SIGNS PRESENTLY INSTALLED ON THE OUTSIDE OF BULDINGS LOCATED AT 635 WEST MAIN STREET, EXCEEDING MAXIMUM SIGN SIZE ALLOWED AND MAXIMUM AGGREGATE OF 100 SQ. FT.:**

No one was present representing the applicant. The Board reviewed the minutes of the ZBA meeting of July 21, 2008 and the report from the Wyoming County Planning Board. The WCPB had no recommendation. Their comments were:

1. "Proposed variance may not have an adverse impact on the neighborhood/district or be of any health or safety detriment to the neighborhood.
2. The alleged condition of non-conformance was certainly self-created.
3. Can the applicant achieve and pursue its objective by some other feasible alternative or method?"

In discussion:

1. The Board reviewed the application and pictures.
2. The ZBA determined this to be an Unlisted Action under SEQR. As such, parts 2 and 3 of SEQR need to be completed by the ZBA.
3. Reviewing the answers to the questions on the application, the Board stated that they are very light. They should be answered in more detail.
  - a. Question #1: The answer given is not the question. Could the applicant achieve the objective with smaller signage that is within Local Zoning Law? Whether the sign itself is actually needed is the question.

- b. Question #2: Again, the question has not been answered. The WCPB answered the question in No. 1 above.
- c. Question 4: The visual environment should be addressed making an argument that relates to it.
- d. Question #5: The problem has been self-created.

In further discussion the Board stated:

1. Signage in the Village has been a continual issue. The Secretary stated that the Village Board is aware of that and the issue will be addressed as the Local Zoning Law is revised. The Board directed the Secretary to send a memo to the Village Board suggesting that flexibility be built into the updated sign ordinance. Perhaps signage applications should require a Special Permit and be submitted to the Planning Board BEFORE a sign is erected. For huge facilities such as this with special needs, flexibility may need to be built into the sign ordinance. If this were in the regulation it would give businesses an avenue they can pursue without formal complaint being issued and then having to pursue a variance.
2. This is one of the more important businesses in the community and it is appropriate for it to be visible. It is not out of character with the neighborhood setting.
3. Considering the size and setback of the building and signs, the Board is inclined to recommend approval of the variance. The building and signs are set back and not at ground level at the property line.
4. The signs on the building break up the monotony of the very large, plain metal structure.

The Secretary was instructed to forward the above comments to the Zoning Board of Appeals.

**SITE PLAN REVIEW, PERMIT NO. 1965-SP, AND SPECIAL PERMIT NO. 1965-SUP, SUBMITTED BY WYOMING COUNTY COMMUNITY ACTION, INC., REQUESTING PHASE II OF NORTHRIDGE HOMES, LOCATED ON NORTH STREET JUST WEST OF NORTHRIDGE DRIVE:**

The proposed Northridge Homes Phase II will provide for 18 affordable rental units of one, two and three bedroom apartments. The units will be structurally consistent with the design found in Phase I of Northridge Homes.

Robert Vollmer and Marty Mucher presented the Board with engineering drawings and the following information:

1. It is their belief that any existing issues regarding Phase I have been addressed with the Village. Presently, original trenches are being enclosed in conjunction with the Village with Northridge providing the materials and the Village doing the labor.
2. This will be private property with a driveway to the west of the existing Northridge Drive and will not require any changes in zoning or variances. There will not be a public roadway. Sewer and water will be connected into Phase I.
3. This parcel is 5.2 acres and within the Village. Approximately 2 acres will be developed.
4. There will be three apartment buildings, a community center and garages. There will be ground level, one-story handicapped assessable units. Others will be two-story. Also included will be a fenced playground.
5. Exterior will be in mellow tones, possibly two shades of green. Buildings will be built on level pads and will not be stepped as in Phase I.
6. These are not subsidized apartments. There is a very narrow window of income requirement with a one bedroom unit requiring a minimum income of approximately \$15,000 per year, and a three bedroom unit approximately \$24,000. Income level increases with the number of people living in the unit. If income levels increase after moving in, the occupant can remain. Independent market studies within a 5-mile radius have been completed indicating the need for more one and two-bedroom units especially, and handicapped assessable units.
7. Reserve accounts to provide for maintenance for the next 30 years was explained.
8. Driveway grade, two storm water collection areas, underground storm drains and swaling were discussed. Since the building of Phase I they have learned of the underground springs in the area and will construct swales behind the buildings to help combat this problem. Retention ponds will be fenced.
9. Landscaping will include pines throughout the property, heavily at the back and front. NYS now requires use of all native trees and bushes.
10. Submission to NYS has already taken place and approval for funding has been granted. Ground breaking can take place upon completion of the approval process.
11. When Phase I was built NYS mandated minimum size and so those units are now oversized as compared with the proposed units in Phase II. NYS now mandates maximum size.
12. There will be a minimum of pole lighting with most lighting on the buildings and being night-shielded.
13. Enclosed, screened dumpster is indicated on the plans.

The Board reviewed all drawings and in discussion stated:

1. This does require a Special Use Permit as required for multi-family units in R3. Special Use Permits require a Public Hearing
2. A survey needs to be submitted as soon as the developer has this parcel divided and it is completed. The applicant stated that per IRS requirements the sole owner will be Wyo. Co. Community Action.
3. Proof of ownership needs to be submitted. The applicant stated that NYS also requires this.
4. The storm water report needs to be submitted. The applicant stated that SPDES has not yet been applied for, but will submit the report when it is completed.
5. SEQR needs to be completed and the Board requests the long form even though it is not required. Preliminary determination is an Unlisted Action, not requiring coordinated review. The Board anticipates being the Lead Agency if the Village Board is in agreement. The applicant will be making their presentation to the Village next week.
6. Plans indicate that sidewalks do not connect to North Street. The Board indicated a walkway and place for children to wait for the bus should be provided.
7. Final grading plan with well defined contours needs to be submitted when completed.
8. Since the property is on a municipal boundary, the Board directed the Secretary to forward the applications to the Wyoming County Planning Board.

Additional discussion took place regarding the proposed garages which are shown as not being enclosed.

1. Village Zoning Law does not provide a definition of a “garage”.
2. Page 11, No. 85 of Village Zoning Law defines a “structure” as anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.
3. Page 20, Section 413 – R3 District: Medium Density Residential under No. 2 Uses Permitted by Special Permit states “multi-family residences with private garages provided for a minimum of 50% of the units”.
4. The State requires garages for 100% of units or none at all. The State does not provide funding for the garages unless the developer can provide the resources for their construction. Then the State MAY consider funding. Thus, the garages add to the cost for the developer.
5. The applicant characterizes what is indicated on the plans as a garage. The Board noted

equally, that it could be known as a carport. Given that there is no definition in Village Zoning Law, it is appropriate to ask for an opinion from the Village board. Would this qualify and meet the requirement written in zoning that was adopted by the Village Board? Does this meet the intent of the Village Board?

Discussion took place regarding the completed Phase I:

1. The Board inquired as to the occupancy and turnover of Phase I in the last 2 ½ years. The applicant stated that the complex has been full since it's inception and there are 18-20 families on the waiting list. Of the original 24 families, 11 or 12 still remain.
2. The Board inquired as to where occupants are employed...in or out of the area. Mr. Mucher replied that he would provide that information, as well as exact figures for the above question, at the next meeting.
3. Mr. Mucher also stated that of the 24 families in Phase I housing all but two were part of the Pioneer School district in their previous residence.

The Board stated that they have a responsibility in the community to help meet the needs of community members and there is a scarcity of housing in this price range. There has been industrial job growth in Arcade and the Board feels that Phase I has been meeting that need. From market studies it appears that the need continues.

Since additional information is needed, the Board cannot accept this as a complete application at this time. However, the Board will proceed with forwarding the application to the County and establishing the Public Hearing. The applicant stated that the additional information will be forwarded as soon as possible.

### **REVIEW OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR TRI-COUNTY BUSINESS PARK, TOWN OF SARDINIA:**

Due to the lateness of the hour, the Board tabled the review.

The Board instructed the Secretary to request additional hard copies of the impact statement as members were having difficulty access the disks that were provided.

### **FREE TRAINING SESSIONS FOR PLANNING AND ZONING BOARD MEMBERS:**

The Secretary provided members with information regarding free upcoming training sessions that would satisfy the yearly requirements for such.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 10:02 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, September 10, 2008 at 7:00 P.M. in the Village Office, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter

Secretary