

**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, June 10, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Katie Domes, Ken Fisher, Greg Schneider and Doug Ronan

The meeting was called to order at 7:06 P.M. by Chairman Bijhouwer.

**APPROVAL OF MINUTES:**

**MOTION** by Andy Schnitzler, seconded by Don Suttell, and unanimously carried, to accept the Minutes of the meeting of January 14, 2009.

**REQUEST BY ARCADE ZONING BOARD OF APPEALS FOR RECOMMENDATION AND COMMENT ON AREA VARIANCE APPLICATION, PERMIT NO. 1981AV, SUBMITTED BY KATIE DOMES, REQUESTING SIGNAGE NOT IN COMPLIANCE WITH SECTION 805 (3) OF LOCAL LAW – EXCEEDS MAXIMUM ALLOWABLE SIGNAGE OF 200 SQ. FEET FOR CORNER LOT - AT BUSINESS LOCATED AT 281 MAIN STREET.**

In discussion:

1. The Board reviewed the application and the Minutes of the May ZBA meeting.
2. The Wyoming County Planning Board recommends approval.
3. This is the old Howlett buiding, presently Downtown Domes business. It has three sides facing the public. The applicant intends to change existing signs to reflect the new business.
4. There is no provision in Village Local Law for signage on three sides, only on two sides.
5. The Board stated that the criteria on the application have been met.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried to recommend to the ZBA approval of Area Variance Application, Permit No. 1981AV, submitted by Katie Domes, requesting signage not in compliance with Section 805 (3) of Village Local Law at business located at 281 Main Street.

**PRELIMINARY SITE PLAN REVIEW PERMIT NO. 1412, SUBMITTED BY KEN FISHER, REQUESTING RENOVATION OF AN EXISTING THREE-STORY STEEL AND MASONRY FACTORY INTO A MULTI-FAMILY APARTMENT BUILDING LOCATED AT 31 WATER STREET:**

Greg Schneider of Aurora Architectural presented the conceptual plans to convert the former Hummingbird Toy Factory into upscale loft apartments to be known as Hummingbird Lofts. He stated:

1. This 4.15 acre parcel is presently zoned Light Industrial and would need to be changed to R3 or some other accommodation made in Village Local Law for the project to proceed.
2. The site is in a flood plain overlay district so the 1<sup>st</sup> floor level cannot be used for apartments. Indoor parking and storage is planned for the ground level as well as access to the other levels. An elevator shaft exists and an elevator may eventually be installed.
3. Fourteen one-, two-, and three-bedroom loft-style, non-restrictive, high-end apartments with approximately 10 foot finished ceilings are planned with seven on the 2<sup>nd</sup> floor and seven on the third. All would have outdoor balconies.
4. Zoning law requires that there be indoor parking for 50% of the units. The plan calls for 14 indoor parking spaces (100%) plus outdoor parking to accommodate another vehicle per unit and guest parking.
5. They will not be adding to the footprint of the building.
6. Much of the existing pavement will be removed and changed into green space, thus there will be no addition to runoff. Drainage is already in place with two catch basins that flow into the creek.
7. The new green space will include picnic and recreational areas overlooking the creek.
8. A minimum of two handicap assessable units will be on the 2<sup>nd</sup> floor and accessible from the back parking area which is almost level with the 2<sup>nd</sup> floor
9. It is planned to meet many of the requirements for a green building. The structure will be made energy efficient with insulation also being installed on the outside of the building, as well as inside, as part of the exterior repair and residing. Total electric is proposed.
10. Mr. Fisher will not complete purchase of the site unless both the Planning Board and the Village Board indicate that this project will be allowed.
11. Mr. Fisher asked if the zoning is changed to R3 will a Special Permit still be required and the Board indicated yes, as it is required for a multi-family development and a Public Hearing is required.

In Board discussion:

1. The Board expressed their excitement with this proposal and indicated the need for high-end apartments in the Village. They stated it is a doable project pending the necessary changes to zoning by the Village Board, which the Planning Board recommends.
2. Either the Zoning District could be changed from Light Industrial to R3 or zoning could be amended to include multi-family residences with private garages for 50% of units as a Use Permitted By Right or use by Special Permit in the LI District.
  - a. The Board referred to the Comprehensive Plan which indicates future use of this area to be changed to Single Family Residential.
  - b. It was also noted that Local Law does not indicate apartment buildings being allowed in the NC district on Main Street and there are many apartments above businesses in existence at this time.
3. Traffic impact may need to be addressed as the driveway is off Route 98 on a curve and next to the intersection of North Street.
4. The Site Plan will need to be forwarded to the Wyoming County Planning Board as the site is within 500 feet of a State Highway.
5. The applicant was instructed to contact the Village Clerk in the morning and ask to be put on the Village Board agenda for next week's meeting.
6. The following was requested of the applicant for the next Planning Board meeting of July 8<sup>th</sup>:
  - a. Part I of long form SEQR as this site is adjacent to the A & A Railroad which is a National Historic Site and will be a Type I Action under Section 617.4 (B) 9. The applicant was instructed to indicate all approvals required as this will be a coordinated review with the Board seeking Lead Agency.
  - b. Topography map.
  - c. Contact the DEC regarding the reduction in runoff from pre-development to post-development to make sure a stormwater pond will not be needed, and whether the new SPDES permit still has water quality measures that need to be incorporated. Provide response from the DEC and a Storm Water report showing no increase in the storm water runoff and address any water quality requirements.
  - d. Provide elevations and façade information as the Board will need to address the historic preservation issue. It was suggested the applicant contact Village Historian Jeff Mason for possible ideas for the façade, original pictures of the building, etc.

Again, the Board expressed their pleasure in the proposed plan and told the applicant that they look forward to continuing with the application at the next meeting.

**WYOMING COUNTY IDA REQUESTS LEAD AGENCY DESIGNATION FOR THE REALIGNMENT OF THE A & A RAILROAD TRACKS LOCATED BEHIND KOIKE ARONSON ON WEST MAIN STREET:**

The Wyo. Co. Industrial Development Agency is proposing to realign a length of the existing Arcade and Attica Railroad in the Village of Arcade. Koike Aronson currently owns property on both the north and south sides of the railroad, limiting expansion of their facilities. This project will realign approx. 2,200 linear feet of rail, ties and ballast. The new alignment will be approx. 200 feet to the north of the existing rail. The railroad right of way will be adjusted along with the realignment to maintain the current sixty-six (66) foot right of way.

The Board reviewed the documents, maps and Environmental Assessment Form and agreed that the Wyo. Co. IDA be designated as the Lead Agency.

They directed the Secretary to forward the following comments to Tim Webber of Clark Patterson Lee:

“Given the fact that nearly a half mile of track is to be relocated for this National Historic Site, we have arrived at the following conclusions for your consideration:

1. A positive declaration is warranted and an Environmental Impact Statement should be completed.
2. The hazardous waste sites in the vicinity should be identified. There is also the possibility of other existing environmental issues on the existing track bed due to the extended period of use by the railroad. There is no way of knowing what types of materials could have spilled within the right of way. Also, there is the potential of hazardous material from the railroad ties to be removed.
3. It appears that a small area at the east end of the project could be within the 100 year flood plain. There is a need to insure that it is not.
4. If federal money is approved for this project, the National Environmental Policy Act needs to be addressed.”

**REQUEST BY THE VILLAGE BOARD TO BEGIN REVIEW OF PROPOSED UPDATED VILLAGE LOCAL ZONING LAW:**

The Board began review of the proposed changes to Village Zoning Law and made the following comments and recommendations:

1. The word processing search feature should be used to insure that any definitions given are actually used in the body of the Zoning Law. There is no purpose to include definitions that are not referred to in it.
2. Under Definition Section:

- a. No. 36 - Home Occupation and Home Business should be Separate definitions with more clarifications. How do they differ? It also states “shall allow construction...” Does this mean backhoes could be parked in people’s yards?
- b. No. 51 – Modular Homes – Delete the words “the only” and everything after the words “NYS Building Codes.”
- c. No. 59 – Personal Home Office – With the word “computer” this could restrict people. What about a person using their phone for a call center? This definition appears silly and inadequate. It should be more general and broad in terms.
- d. Marv has added Personal Services. What will the definition be?
- e. No. 68 – Residential, Multi Family – The word should be “Residence” as in No. 66 and 67. The term residential refers to a zoning district.
- f. No. 72 – Semi-Public – Semi-Public what? Is this semi-public uses? What do the words “Also open space” mean? On any undeveloped lot? Should be more strict.

At this point the Board decided it was too difficult to work with only one colored copy of the proposed changes, additions and deletions. The Board requests of the Village Board that electronic copies be sent, such as a PDF file. The colored copy was given to Andy Schnitzler as he does not have internet access.

Further review of the proposed updated Village Zoning Law was tabled.

**IN OTHER BUSINESS:**

- 1. Besides requesting the electronic copies referenced above, the Secretary was directed to inquire of the Village Office/Village Board the following:
  - a. Is there a gavel available?
  - b. Is there a copy of Robert’s Rules of Order for the Chairmen to borrow?
  - c. Six colored copies, please, of the latest Village Zoning Map. This request has been made before. The Board is working with a black and white copy that is 20 years old. It is barely legible and changes have been made.
  
- 2. The Secretary reported that the ZEO has been approached by someone considering to purchase the old Pant-ease factory on Rule Drive to use for classic car restorations. Zoning allows this as a Use By Right. No changes will be done to the outside of the building, just repairs to the roof and exterior painting. The ZEO informed the person that he would need to contact the Wyoming Co. Building Department because of automobile painting and fire suppression requirements. The ZEO believes a Site Plan Review is not necessary. A Certificate of Zoning Compliance is all that is required. The ZEO asks for the Planning Board’s direction.

The Board reviewed regulations and concurs with the ZEO that a Site Plan is not required .

**ADJOURNMENT:**

There being no further business brought before the Board, the Chairman adjourned the meeting at 9:45 P.M. The next regular meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, July 8, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary