

**PLANNING BOARD  
TOWN AND VILLAGE OF ARCADE  
17 Church Street, Arcade, New York 14009  
Village Office (585) 492-1111  
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At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, November 11, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Paul Bijhouwer, Don Suttell, Andy Schnitzler and Rich Kosmerl

**MEMBERS ABSENT:** Tom Mason

**OTHERS PRESENT:** Doug Ronan, Brian and Sue Strauss

The meeting was called to order at 7:03 P.M. by Chairman Bijhouwer.

**APPROVAL OF MINUTES:**

**MOTION** by Don Suttell, seconded by Andy Schnitzler and carried 3 yes votes to one abstention, to approve the minutes of the meeting of September 9, 2009. Rich Kosmerl abstained as he was not a member of the Board at that time.

The minutes of the meeting of October 14, 2009 were tabled as a quorum from that meeting was not present. It was noted that Rich Kosmerl should not have been identified as an alternate in the October minutes.

**ZONING BOARD OF APPEALS REQUESTS RECOMMENDATION AND COMMENT ON AREA VARIANCE APPLICATION, SBL NO. 193.-2-2, SUBMITTED BY BRIAN STRAUSS, REQUESTING ADDITION TO AN EXISTING GARAGE NOT IN COMPLIANCE WITH SIDE YARD AND REAR YARD SETBACKS AT 231 LIBERTY STREET, TOWN OF ARCADE:**

The Board reviewed the application, Criteria for Area Variance and the minutes of the October ZBA meeting. It was noted that item No. 3 under discussion in the ZBA minutes is incorrect. Building is allowed in a flood plain, however there are restrictions.

The Board reviewed the recommendation and comments from the Wyoming County Planning Board (see Attachment A). The WCPB recommended approval.

In discussion:

1. The existing garage has a three foot side yard setback. The proposed addition will

- continue on that line. The proposed addition will have a three foot rear yard setback.
2. The addition will be 24 ft. by 20 ft.
  3. The existing garage has gutters and down spouts which discharge to the back of the property. The proposed addition will be a continuation with conductor pipe angled away from the building. The property to the rear, an open field, is in a flood plain and although building is allowed it would have restrictions.
  4. The applicant stated that it is gravel ground with good drainage. He has never had standing water. However, if a problem should occur he would install a dry well.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried, to recommend to the Zoning Board of Appeals approval of Area Variance Application, SBL No. 193.-2-2 since the size of the property and placement of the buildings were in existence before zoning went into effect and the proposed addition to the garage will not have a negative effect to the neighborhood.

**THE BOARD OF TRUSTEES OF THE VILLAGE OF ARCADE REQUESTS RECOMMENDATION AND COMMENT ON PROPOSED REZONING OF LANDS CURRENTLY OWNED BY YANSICK LUMBER COMPANY AT 697 WEST MAIN STREET FROM LIGHT INDUSTRIAL TO HIGHWAY COMMERCIAL/LIGHT INDUSTRIAL:**

The Board reviewed the letter from Mr. Yansick and the proposed Local Law which would amend the zoning map of the Village of Arcade (see Attachments B and C). The Comprehensive Plan was reviewed as well as Local Zoning Law as to what is allowed in an LI District and an HC/LI District and a lengthy discussion ensued.

**MOTION** by Paul Bijhouwer, seconded by Rich Kosmerl and unanimously carried, to have the Secretary forward the following recommendation and comments to the Arcade Village Board of Trustees regarding proposed rezoning of lands currently owned by Yansick Lumber Company at 697 West Main Street from Light Industrial to Highway Commercial/Light Industrial:

1. This parcel is part of the Empire Zone. The Village Board should seek recommendation and comment from the Wyoming County Empire Zone Board.
2. This parcel is on a State highway and the Village Board should seek recommendation and comment from the Wyoming County Planning Board.
3. The Village Board should seek recommendation and comment from the Wyoming County Industrial Development Agency.
4. The Planning Board inquires as to who commissioned the study by Clark Patterson Lee referred to in Mr. Yansick's letter and requests a copy of the study.
5. The Village Board should review what is allowed in each of the districts. If the change were made, what types of businesses would be deleted and/or added. Car washes,

agricultural implement dealers, among others are not allowed in both LI and HC/LI. Would this be acceptable to rule out such businesses?

6. This parcel has access to both highway and rail transportation allowing for a large volume of raw material to be moved. The importance of the rail line for shipping is very significant for industrial uses.
7. If changed to allow commercial usage, the possibility of shallow strip mall development comes into play which could cause a significant portion of land at the rear of the property from being developed. There is very little land left in the Village for industrial development at this time.
8. The Comprehensive Plan should be the main guiding principal in the absence of a specific proposal for the use of the parcel. The Village Board should not be considering changing that plan.
9. The question is whether or not it would be more beneficial in the long term to have an industrial use or a commercial use. As no specific use is outlined by Mr. Yansick at this time, the Planning Board recommends waiting until a plan is in place and the traffic plan approved and implemented for the west end of the Village. The Village might be better served to wait until there is a specific proposal for this property so that the merits of such proposal could be weighed versus what would be given up in potential future industrial use.

#### **REVIEW OF PROPOSED CHANGES TO VILLAGE LOCAL ZONING LAW:**

After review, the Planning Board directed the Secretary to forward the following comments to the Arcade Village Board:

1. Pg. 45, Section 805 SIGNS, No. 1 – Regarding the ZEO’s comment if this means the Village Board will now be approving all signs, the Planning Board feels this will only be giving them the authority to remove signs if unsafe. This point should be clarified.
2. Pg. 46, G – Recommend adding the following to the 3<sup>rd</sup> line after “the view of traffic at road intersections and at ingress or egress points to a property.” Also, something should be added giving consideration not only to drivers of passenger cars but also those sitting higher in vehicles such as semi trucks. It was noted by Board Member Andy Schnitzler that the trees planted on East Main Street immediately to the left of the intersection with Rte. 98 are now blocking his sight line when sitting in his dump truck. The Village Board should forward this information to Larry Kilburn.
3. A setback allowing for complete line of sight should be added.
4. Pg. 48, A. Temporary Sign – A definition of a temporary promotion should be added. As it is written it would not be very enforceable.
5. Pg. 48, D. Advertising Signs (Billboards) – Regarding the ZEO’s comment regarding allowing 200 sq. feet as a maximum sign, the Planning Board decided to have it remain at 100 sq. feet. The Special Use Permit will allow them to make a decision on a case-by-case basis for anything larger taking all things into consideration.
6. Pg. 49, G. Sandwich Board Signs – Allowing only 4 such signs at a time in the distance

between Water Street and the west end of the Village does not seem enough for the number of businesses. The Planning Board suggests establishing 2 districts; a "Downtown" district extending from Water Street to West Street, and a "West End" district extending from West Street to the west end of the Village. Each district would be permitted 4 signs each at any given time.

7. The ZEO should be given the ability to issue a citation on the first occurrence of not having a sign permit and to include a fine. If a fine has to be paid it would deter further occurrences.
8. Pg. 50, No. 7 - Regarding the ZEO's comment to add additional signage for stores that back the Municipal Parking Lot, the Planning Board agrees and highly recommends it. Buildings that have 3 sides facing the public in the downtown area, i.e. Domes Downtown) should also be allowed additional signage. This situation was recently a variance issue.

During discussion of Sandwich Board signs and a way in which to have fewer of them along Main Street in the downtown area, the following ideas were discussed:

1. On the bump out at the railroad crossing, place a "You Are Here" map, similar to those displayed in shopping malls, which would show all the businesses in the downtown area. This would be very beneficial to tourists riding the A & A and could eliminate some of the sandwich board signs. The Board understands that businesses want to attract attention and with signs on the front of the buildings only people cannot look up and down the sidewalk to see what is available.
2. Another suggestion would be to number the businesses on the "You Are Here" map and have train tracks painted on the sidewalks with "stops" along the way with the numbers corresponding to the businesses.

#### **IN OTHER BUSINESS:**

The Chairman informed the Board that they had neglected to complete the Negative Declaration for Hummingbird Lofts and was made aware of the oversight approximately three weeks ago. The Chairman and Secretary completed it and forwarded it to the appropriate agencies as well as included it with the final application on file in the Village Office.

#### **ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 9:14 P.M. upon **motion** by Don Suttell, seconded by Rich Kosmerl and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, December 9, 2009 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,  
Holly L. Almeter  
Secretary

November 11, 2009

Planning Board

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