

**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 13, 2012 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

**MEMBERS ABSENT:** Paul Bijhouwer, Aaron Felber

**OTHERS PRESENT:** Chris Lexer, ZEO for Village of Arcade (seated at 7:05 P.M.)

The meeting was called to order at 7:00 P.M. by Acting Chairman Rich Kosmerl.

**APPROVAL OF MINUTES:**

**MOTION** by Don Suttell, seconded by Andy Schnitzler and unanimously carried to accept the Minutes of the meeting of May 9, 2012.

**REPORTS FROM SECRETARY:**

1. The Secretary reported that she contacted the Wyoming County Planning Board regarding their comments pertaining to exterior lighting and screening of rooftop mechanicals in conjunction with the Koike Aronson Site Plan. The Wyoming Co. Planner informed her that the comment was made just to make sure that the Arcade Planning Board had reviewed the items.
  
2. The Secretary distributed the Final EIS for the Tri-County Business Park in Sardinia. She noted that the Final EIS was accepted by the Sardinia Planning Board on May 16, 2012. The letter from Steven Tanner of Clark Patterson Lee gave a date of June 6, 2012 for any additional finding statements to be submitted, which has already passed.

The Acting Chairman asked Board Members to review the Final EIS and bring any concerns to the next meeting.

## **WELCOME:**

The Board welcomed the new ZEO for the Village of Arcade and introductions were made.

In discussion:

1. The ZEO and Board reviewed the roles and duties of both the Village ZEO and the Planning Board.
  - a. The Planning Board is in charge of the Master Plan and makes recommendations to the Village Board for any changes to zoning. In turn, any changes the Village Board wishes to make to zoning must come before the Planning Board for recommendation and comment.
  - b. All commercial Site Plans must come before the Planning Board with the exception of interior work only.
  - c. Residential Site Plans do not come before the Planning Board unless a variance is needed in which case the ZBA will ask the Planning Board for recommendation and comment.
2. The ZEO stated that he was in the process of reviewing the Village Zoning Law and would be bringing to the attention of the Village Board and Planning Board any wording that was confusing, contradictory or not in compliance with NYS codes. A public hearing will be scheduled in September to deal with any changes that are deemed necessary.
3. The Board and ZEO reviewed the Village Zoning map and discussed the Planning Board's recommendation to change the zoning district on the south side of Route 39 from the corner of Prospect Street to Prestolite.
  - a. They clarified with the ZEO that their recommendation was not for any property on Prospect Street.
  - b. The ZEO stated that this change would be part of the public hearing in September. During the review of the zoning map the Board requested that the Secretary once again ask the Village Board for a larger map with street names to be included.
  - c. The Planning Board is not responsible for any enforcement of codes. That is the responsibility of the ZEO.

## **REVIEW OF VILLAGE OF ARCADE ZONING LAW, SECTIONS 801, 711 AND 710:**

In discussion:

### **SECTION 801 – PRIVATE SWIMMING POOLS AS AN ACCESORY USE**

1. NYS requires all pools deeper than 2 feet to be fenced. This needs to be changed from the 3 feet in Village law. State law takes precedent.
2. Both the ZEO and the Board feel that the requirement for fencing for pools capable of holding more than 1,000 gallons should be removed. It is possible for a pool under 2 feet deep to hold more than 1,000 gallons and requiring fencing would be excessive. The Board requested that the Secretary send a recommendation to the Town Board to also remove this requirement.

#### SECTION 711 – PROPERTY MAINTENANCE

1. The ZEO stated he had brought this section to the attention of the Village Board. He believes only NYS certified building inspectors can enforce property maintenance and he was hired by the Village as ZEO only, not a building inspector. It is under the jurisdiction of the Wyo. Co. Building inspector who informed the ZEO that it would be impossible for him to add that to his work load.
2. The ZEO reported that the Village Board is having their attorney look into this matter for clarification. If the attorney finds that the Village ZEO cannot legally enforce property maintenance the Village would have to establish their own code.
3. The Board agrees that the Village should confer with the attorney regarding Section 711 and all references to it in the Table of Contents and throughout the zoning document.

#### SECTION 710 – FENCES

1. In reviewing this section both the ZEO and Planning Board concur that the last paragraph creates conflict with the first paragraph. The Village Board should clarify the language especially regarding front yard fences.

The Board requested the Secretary forward all recommendations to the Village Board.

The Board thanked the ZEO for his due diligence and said they look forward to working with him.

#### **ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 8:19 P.M. upon **motion** by Don Suttell, seconded by Andy Schnitzler and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, July 11, 2012 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary