

**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, July 9, 2014 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Rich Kosmerl, Don Suttell, Andy Schnitzler, Aaron Felber

**MEMBERS ABSENT:** Paul Bijhouwer

**OTHERS PRESENT:** Jin Hong Liu

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 carried three yes votes to one abstention, to accept the minutes of the meeting of June 11, 2014. Aaron Felber abstained as he was not present at the meeting.

**SPECIAL USE PERMIT APPLICATION, PERMIT NO. 2228, SUBMITTED BY JIN HUNG LIU,  
REQUESTING USE OF BUILDING AT 265-269 MAIN (FORMER HOWLETT STORE) FOR BILLIARDS  
PARLOR AND THE SERVING OF BEER:**

1. The Acting Chairman read the recommendation and comments from the Wyoming County Planning Board (see Attachment A).
2. The Board reminded the applicant that all non-essential lighting must be turned off when the business is closed as per Village Law Section 817.4 E.
3. The Acting Chairman asked if the Board had any additional questions or comments. There were none.
4. The Secretary stated that ZEO Lexer reported that everything was in order with the applicant's sign permit.

**MOTION** by Andy Schnitzler, seconded by Don Suttell and unanimously carried, to grant the Special Use Permit No. 2228, submitted by Jin Hung Liu, requesting use of building at 265-269 Main Street(former Howlett store) for billiards parlor and the eventual serving of beer.

The applicant was given his signed copy of the approved Special Use Permit and the Board wished him good luck with his endeavor.

**WORK SESSION – DEVELOPMENT OF ZONING LAWS FOR ENERGY DEVELOPMENT: ROAD USE LAWS/ROAD USE AGREEMENTS:**

In discussion:

1. The Board stated that after the Road Use Law is completed for the Town, they will recommend that the Village also adopt the law.
2. The law should indicate repairs to roads be made during the project if necessary and not just at the completion of the project. The establishment of an escrow account would enable this to be done.
3. The Board reviewed Wyoming County Local Law No. 6 – Year 2011 which provides for the permitting and regulation of vehicles exceeding the weight and dimensional limits set forth under New York State Law and regulating the travel of said vehicles in the County.
4. The Board reviewed several Road Use and Preservation Laws from other towns in NYS.
5. The Board developed a first draft of a Road Use Law for the Town of Arcade which the secretary will prepare for the next meeting.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 8:03 P.M. upon **motion** by Rich Kosmerl, 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, August 13, 2014 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary

Jennifer

Attachment A

WCPB Review #

Pl. Bd. July 9, 2014

14-24

Wyoming County Planning Board REFERRAL RESPONSE FORM

For referrals as required in accordance with NYS General Municipal Law Article 12B, Section 239-l and m

Location of Proposed Action: 265-269 Main Street, Village of Arcade

Applicant: Jin Hong Liu

Type of Proposed Action (separate form completed for each action): Request for a Special Use Permit to operate a billiards parlor with the potential for eventually serving beer in a renovated building on Main Street in the Neighborhood Commercial (NC) District.

- Area Variance Area Variance Site Plan Special Use Permit Other: New Zoning Ordinance/Local Law New/Amend Comprehensive Plan Amend Zoning Text/Map

WCPB Recommendation on this Action

The WCPB took the following action at their meeting on July 7, 2014 with respect to this referral:

- Approval with Comments Disapproval w/comments None No recommendation;

proposed action has no significant negative county-wide or inter-community impacts

Comments: The proposed action is a request for a Special Use Permit to allow the operation of a billiards parlor in a pre-existing Main Street building. The use is an as-of-right use in the District subject to a Special Use Permit being issued by the Village.

- 1. A basic floor plan was submitted by the Village and Applicant with this referral. 2. The property is zoned Neighborhood Commercial (NC). 3. There appear to be no significant county-wide negative impacts related to this proposed project.

Site Plan

- 1. A rudimentary not-to-scale floor plan drawing was provided. The drawing does not have a north arrow. 2. No exterior building changes are proposed. 3. The retail/food and beverage areas of the building should be identified on the floor plan. 4. Any new signage must be designed and constructed to meet Village of Arcade zoning requirements; flashing, video or other visually distracting signs should not be permitted especially along Main Street (NYS Route 39). 5. Parking will be addressed using the public parking lot behind the building. 6. The Village should ensure that the structure meets all County Environmental Heath and Fire & Building Codes requirements prior to issuing a building permit. 7. There do not appear to be any other issues of significance related to the Site Plan Check List. 8. A record of application for and approval status of all necessary permits from State and/or County agencies or officials must be provided by the Applicant. 9. A New York State SEQR Short Environmental Assessment Form has been submitted. 10. Section 239-m of general municipal law requires referring bodies to file a report of the final action it has taken regarding the referral made to the WC Planning Board. This report must be sent to the WCPB within thirty days after final action.

Report of Final Action:

Within 30 days after final action, the referring body is required to file a report of its final action with the Wyoming County Planning Board. If such action is contrary to a WCPB recommendation of modification or disapproval, this report should include the reasons for such contrary action.

Note: Please provide this report of final action below on the PINK response form and mail or deliver to: Wyoming County Planning & Development, 6470 Route 20A, Suite 4, Perry, NY 14530-9796

On (date), the (Board Name)