

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

At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, April 8, 2015 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: Jeremy Lons; Doug Ronan; George Spears, Town ZEO; Chris Lexer, Village ZEO

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

APPROVAL OF MINUTES:

MOTION by Andy Schnitzler, seconded by Don Suttell and carried three yes votes to one abstention, to accept the minutes of the meeting of January 14, 2015. Aaron Felber abstained as he was not present at that meeting.

SITE PLAN REVIEW, SBL NO. 173.1-145.2, SUBMITTED BY JEREMY LONS, REQUESTING MODIFICATION OF EXISTING STRUCTURE TO BE USED FOR COMMERCIAL GIFT SHOP and SITE REMEDIATION ON PROPERTY LOCATED AT 1289 GENESEE ROAD:

The applicant submitted the following items as requested by the Board and they have been placed in the file:

1. Approved variance by the Zoning Board of Appeals;
2. Waiver from SHPO;
3. Response from Army Corps of Engineers regarding wetlands;
4. Updated parking diagram including handicapped parking.

The Board concluded that all items for the Site Plan have now been completed.

MOTION made by Andy Schnitzler, seconded by Don Suttell and unanimously carried, to approve Site Plan SBL No. 173.1-145.2, submitted by Jeremy Lons, requesting modification of existing structure to be used for commercial gift shop, site remediation and development of apple orchard on property located at 1289 Genesee Road.

REVIEW OF DRAFT ROAD USE LAW FOR THE TOWN OF ARCADE:

The Board reviewed the suggested changes made by the Town Board and Town Highway Superintendent and amended the draft.

The Secretary was directed to make the changes and send the draft back to the Town Board with the following direction:

1. The draft needs to be reviewed by the attorney and the insurance company for the Town;
2. If additional changes are made, please return the draft to the Planning Board to update the master copy;
3. If no changes are needed, the Town Board can then forward it to the Wyo. Co. Planning Board for recommendations and comments;
4. When the Town Board is satisfied with the proposed law, they can proceed with a Public Hearing;
5. Inform the Town Board that this Board will now begin development of Zoning Laws for Energy Development.

VILLAGE BOARD REQUESTS RECOMMENDATION AND COMMENT ON CHANGES TO ZONING LAW: ADDITION TO SECTION 805 – SIGNS and CHANGES TO SECTION 710 – FENCES:

The Board discussed the proposed changes to Signs and Fences with the Village Zoning Enforcement Officer, Chris Lexer.

The Planning Board is in complete agreement regarding the addition to the Sign Law for Electronic Digital readout signs.

Regarding the proposed changes to Section 710-Fences:

1. The Board agrees that the following should be removed:
“...unless mutual agreement is obtained from adjacent property owner(s). Such mutual agreement shall include a written maintenance agreement for the fence and the ground within one (1) foot of the fence.”
 - a. Issues can arise over time between the two property owners. At some time one might want the fence removed while the other wants it to remain. Feuds can occur between neighbors.
 - b. Resale of a property could be hindered if a proposed buyer does not want to abide by the written fence agreement.
2. Regarding the front yard setback being determined by the ZEO:
 - a. The Board feels that although the present ZEO is comfortable with making the decisions a future ZEO may not.
 - b. If the ZEO makes different determinations for property owners it could be opening the Village to law suits. A pre-determined setback in the law would prevent this and treat all property owners equally.

- c. The Board recommends deleting the following proposed wording:
“Front yard setback shall be determined by the location of the property (sidewalks or no sidewalk; utility locations) to be determined at submission of zoning application to Zoning Officer.”
- d. The Board recommends the following wording to replace the above:
“Front yard setback shall be no less than ten (10) feet from the inside edge of an existing sidewalk or 17 feet from a road without a sidewalk. Fencing created out of plantings need to be maintained to stay within the setback dimensions.”

These measurements will allow for both road and sidewalk plowing in the winter. The 17 feet where there are presently no sidewalks will allow for future sidewalks and tree lawns to be established. The 10 feet is also consistent with Town law.

- e. The Board is in agreement with the other additions to the Fence law.

IN OTHER BUSINESS:

In preparation for developing Zoning Laws for Energy Development, members will review the Town of Bennington law regarding Wind Energy before the next meeting and then will discuss if this law is sufficient to be used as a model. It was also noted that the Town Zoning Law does contain a section regarding windmills and gas and oil wells. The Board will need to be consistent with those existing laws.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 8:22 P.M. upon **motion** by Don Suttell, seconded by 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, May 13, 2015 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter, Secretary