

**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, June 10, 2015 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

MEMBERS ABSENT: Aaron Felber

OTHERS PRESENT: Doug Ronan; Jennifer SAIA; Mike Saia, Jr.; Dan Cass, Jr., Don Roberts, Town ZEO

The meeting was called to order at 7:00 P.M. by Acting Chairman Rich Kosmerl. The Board was introduced to the new Town ZEO, Don Roberts.

APPROVAL OF MINUTES:

MOTION by Andy Schnitzler, seconded by Don Suttell and unanimously carried, to accept the Minutes of April 8, 2015.

Chairman Bijhouwer was seated at 7:03 P.M.

MOTION by Rich Kosmerl, seconded by Don Suttell and unanimously carried, to accept the Minutes of May 13, 2015. Andy Schnitzler abstained as he was not present at that meeting.

ZONING BOARD OF APPEALS REQUESTS RECOMMENDATION AND COMMENT ON AREA VARIANCE APPLICATION, SBL NO. 185.-1-22, SUBMITTED BY SAIA COMMUNICATIONS, REQUESTING REPLACEMENT OF AN EXISTING TOWER WITH A 260 FT. TOWER AND INCREASE ROAD SETBACK APPROXIMATELY 270 FEET FROM THE ROAD, LOCATED AT 1996 STATE ROUTE 39 EAST:

The Board:

1. Reviewed the application and all paper work submitted by the applicant and all paperwork completed by the ZBA including the checklist and SEQR;
2. Reviewed the Town Laws applicable to Area Variances;
3. Commented that an existing tower will be replaced with one that is further back from Route 39 and will be safer as the fall zone will not be within the road boundary;
4. Commented that it might be appropriate for the applicant to obtain an easement from the adjacent property owner (in addition to the already submitted letter of consent), which could prevent future complications in home building and protect the applicant. This is

only an observation by the Planning Board and does not hinder the application for a Variance.

5. Read the recommendation and comments from the Wyoming Co. Planning Board. That Board recommended approval.

ARCADE TOWN BOARD REQUESTS RECOMMENDATION AND COMMENT ON THE ABOVE FOR A SPECIAL USE PERMIT:

The Board:

1. Reviewed Section 603 (Special Permits);
2. Stated that the project is in keeping with usage in an Agricultural Zoning District as and a tower already exists. The reconstruction is in harmony with the property and the existing tower will be removed upon completion of new tower.
3. Again, the Board reiterated number four above and it is not required for the permit.

MOTION by Paul Bijhouwer, seconded by Don Suttell and unanimously carried, to recommend to the Zoning Board of Appeals the approval of the Area Variance and to the Town Board the approval of the Special Use Permit for SAIA Communications with the pertinent comments above.

ARCADE TOWN BOARD REQUESTS RECOMMENDATION AND COMMENT ON SPECIAL USE PERMIT APPLICATION, SBL NO. 173.-1-38, SUBMITTED BY DANIEL CASS, REQUESTING A SPECIAL USE PERMIT FOR A HOME-BASED BUSINESS LOCATED AT 1086 GENESEE ROAD:

In discussion:

1. The applicant must have municipal approval in order to apply for a Dealer's license enabling him to buy and sell vehicles.
2. He will be using an existing garage and there will be no changes to the structure or the property.
3. The building could hold up to 6 cars but most likely only 2 or 3 at a time will be on the premises. Nothing will be outside.
4. The applicant is not asking for a repair shop. He will not be doing mechanical work. Occasionally a small amount of cosmetics will be done.
5. The Board reviewed Section 603 (Special Permits). The law is specific that nothing can be outside.
6. Made note that SEQR must be completed by the Town Board as that Board is responsible for Special Use Permit approval.
7. The ZEO stated that Special Use Permits are reviewed annually to insure compliance. He explained that the activity is very limited in terms of intensity of activity and number of vehicles.

MOTION by Rich Kosmerl, seconded by Andy Schnitzler and unanimously carried, to recommend approval to the Town Board of Special Use Permit, SBL No. 173.-1-38, submitted by Daniel Cass, Jr., requesting a Home Based Business.

DRAFT OF ENERGY DEVELOPMENT LAWS PREPARED BY RICH KOSMERL:

1. Copies of the draft were distributed to Board members and the ZEO.
2. Rich Kosmerl explained the additions, deletions and changes he made.
3. Board members will review the draft and be prepared at the next meeting to discuss additions, deletions and changes. It is hoped that a draft will be ready to present to the Town Board by September.

IN OTHER BUSINESS:

1. Road Use Law Update - The Secretary reported a small change in wording by the Attorney for the Town and that the Town Board will hold a Public Hearing on Monday, July 13, 2015.
2. The Board asked the ZEO to explain the procedures and laws governing the inspection of existing buildings. The ZEO explained there are State Zoning Laws requiring inspection on a regular basis. Inspection procedures are in place. He checks on buildings and if required notifies owners of any problems. When necessary a building or area may be taped off and barricaded. When necessary a structural engineer is employed.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 8:00 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 8, 2015 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary

Attachment A
ZBA Minutes
6-15-2015

TO: Arcade Town Board
FROM: Arcade Planning Board
DATE: June 11, 2015
RE: Special Use Permit for SAIA Communications
Special Use Permit for Dan Cass, Jr.

At the meeting of June 10, 2015, per your request, the Planning Board reviewed Special Use Permit Application, SBL No. 185.-1-22, submitted by SAIA COMMUNICATIONS, requesting replacement of an existing tower with a 260 ft. tower and increase road setback approximately 270 feet from the road, located at 1996 State Route 39 East.

The Planning Board recommends approval, pending the approval of the Area Variance by the ZBA, with the following comments:

1. The existing tower will be replaced with one that is further back from Route 39 and will be safer as the fall zone will not be within the road boundary;
2. It might be appropriate for the applicant to obtain an easement from the adjacent property owner (in addition to the already submitted letter of consent), which could prevent complications in any future home building and to protect the applicant. This is only an observation by the Planning Board and is not required for the Special Use Permit.

PLEASE NOTE: At the ZBA meeting of June 15, 2015, they stated that an easement is not possible in this situation and advised the applicant of such.

At the same meeting, the Planning Board also reviewed Special Use Permit Application, SBL No. 173.-1-38, submitted by Daniel Cass, requesting a Special Use Permit for a home-based business located at 1086 Genesee Road.

The Planning Board recommends approval with the following comments:

1. The applicant must have municipal approval (Town Board) in order to apply for a Dealer's license enabling him to buy and sell vehicles.
2. He will be using an existing garage and there will be no changes to the structure or the property. Nothing will be outside.
3. The applicant is not asking for a repair shop. He will not be doing mechanical work. Occasionally a small amount of cosmetics will be done.
4. Made note that SEQR must be completed by the Town Board as that Board is responsible for Special Use Permit approval.
5. The ZEO stated that Special Use Permits are reviewed annually to insure compliance. He explained that the activity is very limited in terms of intensity of activity and number of vehicles.

Respectfully,
Holly L. Almeter, Secretary

Exhibit A
ZBA Minutes
6-15-2015

May 21st, 2015

ZIELENIESKI FARMS, INC.
Daniel Zielenieski/President
7722 Hiram Road
Arcade, NY 14009

Reference: Replacement tower on Route 39, Arcade, NY

To who it may concern;

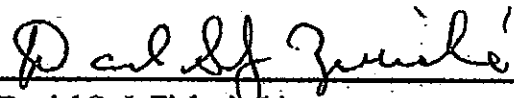
I Daniel Zielenieski of 7722 Hiram Rd, Arcade, NY give my acknowledgement of Saia Communications intent to replace an existing 200' tower with a 260' tower on property owned by Saia Communications.

I further acknowledge that Saia Communications' intent to locate the replacement tower with a setback that is north of Route 39 approximately 270'. I own the adjacent property bounded approximately 60' to east, 60' west and 87' north of the proposed new tower replacement.

As the adjacent property owner bounded by 3 adjacent areas in which the fall zone exceeds the property owned by Saia Communications, I give my permission as the adjacent landowner in this radial fall zone, permission to construct a 260' replacement tower.

It is understood the existing 200' tower will be removed shortly after the new replacement tower is constructed.

Sincerely,



Daniel S. J. Zielenieski
President
ZIELENIESKI FARMS, INC.

Cc. Saia Communications-file