

**PLANNING BOARD  
TOWN AND VILLAGE OF ARCADE  
17 Church Street, Arcade, New York 14009  
(585) 492-1111**

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At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, January 10, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Paul Bijhouwer, Donald Suttell, Andy Schnitzler, Mark Schultz, and Daniel Meyers

**OTHERS PRESENT:** Floyd Brauen, David Trent, Susan M. King, Tim Webber, Larry Kilburn, Paul Burkett, Rich Kosmerl, Mitchell Bourget, Shawn Slattery, Todd Krotz  
(See Attachment A – illegible handwriting)

The meeting was called to order at 7:05 P.M. by Chairman Bijhouwer.

**APPROVAL OF MINUTES:**

**MOTION** by Don Suttell, seconded by Andy Schnitzler, and unanimously carried, to accept the minutes of the meeting of December 13, 2006. Dan Meyers abstained as he was not present at the December meeting.

**SITE PLAN REVIEW, SBL NO. 182.1-30.1, SUBMITTED BY PIONEER CHRISTAIN FELLOWSHIP CHURCH, REQUESTING CONSTRUCTION OF A TWO-STORY STORAGE ROOM ADDITION TO AN EXISTING BUILDING AT 303 RTE. 39W:**

The Board reviewed the 1975 survey submitted by the applicant to determine side yard and back yard setbacks and reviewed the comments submitted by the Wyoming County Planning Board.

**MOTION** to approve Site Plan Review, SBL No. 182.-1-30.1 with the conditions identified below prior to the February 14, 2007 meeting by Paul Bijhouwer, seconded by Dan Meyers and unanimously carried.

- Applicant needs to provide documentation of ownership (legal record of property transfer) of additional land to the East beyond what is shown on the 1975 survey.
- Applicant needs to provide an updated and accurate plot diagram.

**SITE PLAN REVIEW, SBL NO. 183.1-1-15, SUBMITTED BY WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY, REQUESTING PHASE I SITE INFRASTRUCTURE FOR ARCADE BUSINESS PARK LOCATED AT RTE.98N:**

**MOTION** to approve Site Plan Review, SBL No. 183.1-1-15 by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried.

Tim Webber provided the following:

1. A copy of the NYS Dept. of Environmental Conservation Notice of Intent regarding Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES).
2. The SEQRA Lead Agency Coordination Request forms from all involved agencies except the Town of Arcade, that the involved agencies had no objections to the Arcade Planning Board assuming Lead Agency status for this action. Although no written consent was received from the Town of Arcade, verbal consent was received.
3. A copy of a letter from the NYS DEC, Division of Fish, Wildlife and Marine Resources (See Attachment B)
4. Distributed a conceptual map of the Tri-County Business Park to the Board.

Chairman Bijhouwer referred to a letter to Honorable A. Douglas Berwanger, Town of Arcade, from Steven J. Doleski, Regional Permit Administrator, NYSDEC, "Designation of SEQR Lead Agency Arcade Business Park, Rte. 98, Town of Arcade, Wyoming county, dated January 3, 2007. Chairman Bijhouwer disagreed with the sentence, "the construction of buildings and parking lots is not included, which leaves the Town open to SEQR segmentation." Chairman Bijhouwer noted that the Planning Board is addressing all future impacts of this project to the extent possible by assuming worst case/full build-out conditions for the site. Engineering documents such as the stormwater management plan have been prepared considering full build-out as well. Therefore, SEQR segmentation should not be an issue.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler, and unanimously carried, that the Arcade Planning Board assume Lead Agency responsibility for this project and that having reviewed Part II of the Full Environmental Assessment Form that project will not result in any large or important impacts; therefore, will not have significant impact on

the environment and a Negative Declaration will be prepared. In addition, the Site Plan for this project be approved on the following conditions:

- Applicant makes any changes to the Site Plan that are required by the State Historic Preservation Office to meet their approvals and pending the results of the archaeological study Phase IA and IB that are underway.
- Applicant makes any changes to the Site Plan that is required by the US Fish and Wildlife Service.

Tim Webber will draft the Negative Declaration on behalf of the Planning Board and will submit a draft copy to Chairman Bijhouwer and the Town of Arcade for review and comments.

**SITE PLAN REVIEW, PERMIT NO. 1873-SP, SUBMITTED BY BLUE SEAL FEEDS, INC. REQUESTING CONSTRUCTION OF A 60,000 SQ. FT. PRE-ENGINEERED WAREHOUSE AT 50 WILLIAMS STREET:**

Chairman Bijhouwer read the Secretary's Addition to Minutes: On Tuesday, December 19, 2006, Chairman Bijhouwer spoke with Mr. David Denk of the NYSDEC. The Blue Seal Site Plan does have to be a Type I Action under SEQR, but does not need coordinated review since no other agencies have discretionary approval over the project. The SPDES General Construction Stormwater Permit and the Wyoming County building Permit are "ministerial" actions that are automatically granted if the applicant complies with their conditions. Therefore, coordination is not required with the NYSDEC or Wyoming County. Chairman Bijhouwer also spoke with the State Historic Preservation Office (SHPO) regarding the limits of the designated historic section of the A & A Railroad. SHPO provided documentation (attached) of the limits of the "designated" section as delineated on the application to the National Register. This designation does extend to the Blue Seal property, so the Blue Seal project must be considered substantially contiguous to a National Register listed site, making it Type I under SEQR.

The Chairman made the point that the letter that Mr. Schenne provided was misleading and incorrect. Mr. Schenne claimed surprise that Mr. Denk had not been in agreement with him on the SEQR issue. The Chairman felt this was questionable conduct on the part of Mr. Schenne.

**MOTION** by Paul Bijhouwer, seconded by Mark Schultz, and unanimously carried; the previous action taken on this matter is not valid. It has been determined that this is a Type I action under SEQR according to paragraphs 617.4b, 6iv, and 617.4b9.

**MOTION** by Don Suttell, seconded by Dan Meyers and unanimously carried to approve Site Plan Review, Permit No. 1873-SP contingent on the receipt of the Notice of Intent for SPDES.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler, and unanimously carried, having reviewed this project and review Part I and completed Part II of the Full Environmental Assessment Form, the Village of Arcade Planning Board acting as Lead Agency for coordinated review with no other agencies to coordinate with will not result in large impacts and a Negative Declaration will be prepared by Chairman Bijhouwer..

**ARCADE VILLAGE BOARD REQUESTS REVIEW AND RECOMMENDATION ON THE FULL ENVIRONMENTAL ASSESSMENT FORM (EAF) SUBMITTED BY ARCADIA DEVELOPMENT GROUP:**

Per request by the Village Board, the Planning Board reviewed Part II of the EAF and provided comments. David Trent also briefed the Board on this project.

In discussion:

To be added....

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 11:45pm upon **motion** by Don Suttell, seconded by Mark Schultz, and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, February 14, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Pam Beiersdorf for  
Holly L. Almeter  
Secretary