

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

At a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, February 14, 2007 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Paul Bijhouwer, Mark Schultz, Dan Meyers

MEMBERS ABSENT: Don Suttell, Andy Schnitzler

OTHERS PRESENT: Floyd Brauen

The meeting was called to order at 7:10 P.M. by Chairman Bijhouwer.

APPROVAL OF MINUTES:

Approval of the Minutes of the meeting of January 10, 2007 was tabled pending additional information.

SITE PLAN, SBL NO. 182.-1-30.1, PIONEER CHRISTIAN FELLOWSHIP:

Mr. Floyd Brauen submitted the updated plot diagram as per the Board's request.

In discussion:

1. Mr. Brauen indicated that in researching the piece of property in question, he found that the church does not own the property. As a result the addition to the existing building will not be in compliance with the setback by two feet.
2. The church will be using an existing foundation for the addition, thus can not make it smaller to be in compliance.
3. The Board instructed Mr. Brauen to apply for an Area Variance with the Zoning Board of Appeals.
4. The Board informed Mr. Brauen that the Site Plan approval will have to be suspended pending a variance approval.

MOTION by Paul Bijhouwer, seconded by Dan Meyers, and unanimously carried, to suspend Site Plan approval, SBL No. 182.-1-30.1 submitted by Pioneer Christian Fellowship, pending resolution of request for an area variance due to non-compliance of setback.

REVIEW OF LETTER FROM VILLAGE BOARD REGARDING ZONING COMPLIANCE OF THE COLOUR BARRE:

The Board reviewed the letter from the Village Board regarding the steps taken by the ZEO in determining that the beauty shop, The Colour Barre, is not in violation of local zoning (see Attachment A). The Village Board indicated they are satisfied and the item shall be considered closed.

The Planning Board agreed that it is a reasonable line of logic. It is the sense of the Board, however, that Village zoning should be amended to include this use explicitly, to avoid future public controversy, debate and misunderstanding. The Secretary was directed to notified the Village Board of such.

REQUEST BY TOWN BOARD TO REVIEW PROPOSED UPDATED TOWN ZONING LAW:

Since both town resident representatives of the Planning Board were absent, this item was tabled. The Secretary was directed to mail copies of the proposed changes in Town Zoning Law to Don Suttell and Andy Schnitzler. All members will review the changes before the next meeting and make a recommendation to the Town Board at the March meeting.

SEORA LEAD AGENCY COORDINATION REQUEST BY TOWN OF SARDINIA PLANNING BOARD FOR PROPOSED TRI-COUNTY BUSINESS PARK:

The Board reviewed information received from the Sardinia Planning Board for a proposed business park to be constructed on approximately 201 acres, including a SEQRA Coordination letter (see Attachment B) and conceptual drawings.

1. The proposed project will be bounded on the west by Rte. 16, the east by the Conrail line, the south by Catt. Creek and the north by Schutt/Howe Road.
2. Approximately 15-20% of the project is within the Town of Arcade, thus the Arcade Planning Board must approve that portion of the project and this is the reason the Board is considered an involved agency.
3. Phase I of the proposed project will consist of roadways, stormwater management and utility infrastructure. Future phases will include buildings and parking lots.
4. The Board noted that Larry Kilburn and the Village of Arcade will be involved as water/sewer systems from both Yorkshire and Arcade will be used. They questioned

whether Arcade can legally provide water/sewer across the Town and County line. If so, how will the project prevent cross connection between the two water systems?

5. The Secretary was directed to check with both the Village and Town Boards as to their receipt of the SEQRA Coordination letter and to emphasize that those Boards need to respond by February 20th.
6. The Board determined that this project would cause significant impacts and a number of concerns need to be addressed.

MOTION by Paul Bijhouwer, seconded by Mark Schultz, and unanimously carried, that the Arcade Planning Board has no objection to the Town of Sardinia Planning Board assuming Lead Agency status for the proposed Tri-County Business Park, with the following comments being attached to the return form:

1. It is unclear from our current zoning map what the actual zoning district is, however there does not appear to be any LI/HC district in the proposed area. It is in fact a flood plain overlay district which is not noted on the Environmental Assessment Form. The applicant should seek clarification from the Town of Arcade as to what the underlying district is zoned. It appears to be Agricultural. Maximum lot coverage for Ag districts in the Town of Arcade is 15%, not the 50% indicated. The documents we reviewed also refer to a Wyoming County Ag. District #6. Wyoming County has completed a redistricting and said Ag District no longer exists.
2. This project has the potential to induce additional traffic on Hurdville Road from vehicles traveling westbound on Rte. 39 that decide to take Hurdville Road to the Howe/Schutt Rd. entrance to the project site, rather than traveling out to Rte. 16. The Norfolk Southern Railroad overpass on Hurdville Road is only one lane in width and has extremely limited sight distance due to the curve in the road. Therefore, this project has the potential to lead to hazardous traffic conditions. The project applicant should address this hazard in any traffic studies performed and propose measures to address them if found to exist.
3. You should be aware that the Town of Arcade is in the process of updating Local Zoning Law and a new Lighting Standard will be going into effect. The applicant will need to comply with the provisions of the new zoning. It is anticipated the new zoning will go into effect in the next 2-3 months.
4. Item No. 2 of the Environmental Assessment Form states that there are no wetlands on the property. The Arcade Planning Board questions this given the proximity to Cattaraugus Creek.
5. We have reviewed the letter from the DEC to Mr. Miller dated February 5 and concur

with the DEC's position that this project should require a Positive Declaration and preparation of an Environmental Impact Statement.

6. The Arcade Planning Board desires to maintain an active role in project review as this project goes forward. It is our intent to provide detailed comments on all documents.

COMPLETION OF NEGATIVE DECLARATION FOR BLUE SEAL PROJECT:

MOTION by Mark Schultz, seconded by Dan Meyers, and unanimously carried, that the Board directs Chairman Bijhouwer to complete the Negative Declaration for the previously approved Blue Seal Site plan at home and forward it to the Secretary.

IN OTHER BUSINESS:

The Board had previously asked the Secretary to research who was the Lead Agency for SEQRA coordination for the Northridge Homes project. She reported that the Arcade Village Board acted as Lead Agency.

AJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 9:04 P.M. upon motion by Mark Schultz, seconded by Paul Bijhouwer, and unanimously carried. The next meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, March 14, 2007, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary