

**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, April 11, 2007 at 7:00 P.M. in the Village Office, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Paul Bijhouwer, Andy Schnitzler, Don Suttell and Daniel Meyers

**MEMBERS ABSENT:** Mark Schultz

**OTHERS PRESENT:** David Trent and Susan King  
Rich Kosmerl, Mayor

Chairman Bijhouwer called the meeting to order at 7:00 P.M.

**APPROVAL OF MINUTES:**

**MOTION** by Don Suttell, seconded by Andy Schnitzler and unanimously carried, to approve the minutes of the meeting of March 14, 2007.

The minutes of the meeting of February 14, 2007 were tabled as a quorum from that meeting was not present.

**PRELIMINARY INFORMATION PRESENTATION FOR ARCADIA  
SUBDIVISION ON NORTH STREET, BY DAVID TRENT:**

David Trent submitted a copy of the Subdivision Application, Preliminary Plot Plan and Final Full Environmental Assessment form to the Board. Payment has not yet been made to the Village for the Subdivision Application. Mr. Trent was instructed to finalize payment with the Village Clerk.

SEQR Discussion:

1. Chairman Bijhouwer asked Mr. Trent his impression of the SEQR type and Mr. Trent stated he believed it to be a Type I.
2. The Chairman stated he had major misgivings on how SEQR had been handled and was not certain if the Village's action was legally defensible.
3. The resolution in the Minutes of the Village Board meeting determined the preliminary classification as Unlisted. The actual text of the Negative Declaration indicates a Type I action.
4. A Type I action requires coordinated review and the EAF checklist of other agencies

involved include the Planning Board, Zoning Board, County Health Department and the DEC.

5. Because formal coordination letters were not sent out, the annexation of the property may be legally challengeable.
6. Mayor Rich Kosmerl stated that letters will be sent. He also stated he would be in contact with the Village lawyer and the DEC to insure the proper steps are taken.
7. The Mayor informed the Board that the Negative Declaration has been published in the Environmental Bulletin. However, it was erroneously published under Catt. County instead of Wyoming County.
8. The Mayor stated that the Village attorney is in the process of the rezoning issues for the newly annexed land and the change from R1 to R2 in the Village.

#### Public Hearing Discussion:

1. The Town and Village held a joint public hearing in December regarding the annexation, at which time there was no public comment.
2. In a previous conversation between the ZEO and Chairman Bijhouwer, the ZEO expressed surprise that there was no public comment. During the public hearing for the Northridge project last year there was much public comment, especially concerning drainage issues on North Street by resident Mr. Cooper.
3. Mr. Trent informed the Board that he spoke extensively with Mr. Cooper at the Senior Citizens Group meeting and assured him that any problems he (Mr. Cooper) had would be addressed. Mr. Trent does not want any problems with the neighbors or litigation.

#### In discussion of the Preliminary Plot Plan:

1. Mr. Trent stated the subdivision application at this time will cover just Phase I. The environmental review does capture the full build out, however. Phase I consists of approx. 3.5 acres.
2. Phase I consists of 12 lots, all with driveways entering either North Street or Cramer drive directly. Mr. Trent stated he is aware that the preliminary plan will change as the subdivision proceeds. How lots sell will tell him if demand is for larger or smaller lots for future phases.
3. Dimensions of driveways have not yet been determined, however Mr. Trent imagines they will accommodate at least 4 vehicles, two side-by-side and two deep. The Board indicated that perhaps a common parking area be included for parking of additional vehicles to accommodate those having parties, etc. Mr. Trent stated that could be a consideration for the public park area in Phase III.
4. The Board indicated it would be appropriate to put together a plan for the whole project, giving the current best picture of the conception and general placement and size of the park area.
5. Mr. Trent stated that he had a verbal agreement with the previous Mayor that sidewalks would be built on one side of the streets and be 4 feet wide instead of the 6 feet indicated in the Subdivision regulations. He stated that he believes 6 feet is overkill in a residential area and would increase the cost of the lots/homes.
6. As Phase II begins, Mr. Trent will confer with the school district as to bus stop placements within the subdivision and provide for such an area so that students are not

- congregating on the corner of someone's lawn.
7. The Board reviewed the regulations for side yard setbacks and stated the intent was to have a total of 18 feet with not less than 6 feet on one side. The plans indicated the 18 feet will be split, 9 feet per side.
  8. The maximum density of the property could incorporate 201 homes; however the lots will be well over the minimum size. There will be no more than 87 when all phases are completed, as is listed on the EAF.
  9. There will be an integrated Stormwater Management Plan for the whole development and it will be completed on a phase by phase basis. Susan King informed the Board that discharge goes to a 4<sup>th</sup> order stream and does not require storage by retention pond. However, she is looking at an area behind lots 10 through 12 for placement of a retention pond. Water quality needs to be provided for, thus the need for retention ponds.
    - a. In discussing the discharge from a culvert, to piped ditch and then into the creek, Chairman Bijhouwer stated that in his thinking the point of discharge is where it leaves the property and perhaps this is not a 4<sup>th</sup> order stream. Susan King provided the Chairman with the telephone number (716 851-7070) of Bill Smythe at the DEC with whom she had dealt regarding this issue. The Chairman will contact him.
    - b. The Board stated that they need to prove that the stormwater generated by the subdivision will not exceed capacity of the Village owned infrastructure of the culvert and pipe. It may be sufficient for Phase I but not the additional phases of the project.
    - c. Mayor Kosmerl stated that water runoff is the most significant Village issue and it must be done properly.
    - d. Ms. King stated they want to maintain the existing topography as much as possible and homes will be designed to fit the slope. Sand filters will be installed at the base of the slope used to treat water runoff for each lot in Phase I. It will act like a French drain only using sand instead of stone. Visually it will be lawn.
    - e. The present deep ditch will be culverted and look esthetically pleasing as lawn.
  10. The wetland area is .31 acre and can not be disturbed. The Board asked Ms. King to address the wetland area on the plans and how it may be integrated. The Board also requested her to provide the actual contours of the entire property.
  11. Home foundations will be prefab basements that are pre-insulated. The entire inside and outside of basement will be drain tiled and hydrostatic membrane will be placed on the outside of basement walls to shed water away from the basement. Mr. Trent is aware of the high water table in the area, especially in the spring. When asked if part of basements will be exposed due to the hillside topography, Mr. Trent stated that will be determined by the grade of each lot. He has walked the land and it is not that steep. If "cut-ins" occur he is aware of the necessity of erosion control along driveways.
  12. The DEC has indicated this is not within an archeological area and the Board was provided with the information indicating this (see Attachment A).
  13. Ms. King provided the Board with documentation from Fine Line Technical Services regarding wetlands (see Attachment B) and Wyoming Co. Soil and Water

Conservation District regarding deletion of property from Ag District #1 (see Attachment C).

14. Chairman Bijhouwer pointed out the need for storm water pollution prevention plans for each phase during construction. Both Mr. Trent and Ms. King concurred.

In conclusion:

1. The Chairman requested that Mr. Trent and the Village be in close communication with him and the ZEO regarding the further developments of the SEQR.
2. Mr. Trent will submit the formal application with the requested changes and additions for the next Planning Board meeting to be held on May 9<sup>th</sup>. Ms. King stated she would have the information submitted by May 1<sup>st</sup>.
3. After the Planning Board gives its approval of the preliminary plat for Phase I it then moves back to the Village Board.
4. Chairman Bijhouwer indicated he would review the Subdivision Regulations in preparation for the next meeting to insure proper steps are followed.

### **IN OTHER BUSINESS:**

Mayor Kosmerl informed the Board that the Village Board has approved two different training sessions that members of the Planning Board and the Zoning Board of Appeals may attend in fulfillment of the New York State Law now in effect for all Board members.

The Planning Board indicated that items of interest included:

- SEQR
- Storm water regulations
- Role of Planning Boards

They also mentioned the possibility of having GCC coordinate a training session to be held in the evening that would include Board members from all area towns and villages. Mayor Kosmerl stated he would investigate that.

### **ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 9:15 P.M. upon **motion** by Paul Bijhouwer, seconded by Dan Meyers and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, May 9, 2007, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary