

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

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At the regular meeting of the Planning Board of the Town and Village of Arcade was held on Wednesday, July 9, 2008, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Paul Bijhouwer, Andy Schnitzler and Dan Meyers

**MEMBERS ABSENT:** Don Suttell and Tom Mason

**OTHERS PRESENT:** Danielle Kopinski

The meeting was called to order by Chairman Bijhouwer at 7:03 P.M.

**APPROVAL OF MINUTES:**

Approval of the minutes of the meeting of June 11, 2008 was tabled as a quorum from that meeting was not present.

**ZONING BOARD OF APPEALS REQUESTS RECOMMENDATION AND COMMENT ON INTERPRETATION OF SECTION 806 – OPERATION – OF VILLAGE ZONING LAW, SUBMITTED BY DANIELLE KOPINSKI:**

The Board reviewed the Interpretation Application, the applicant's letter and the minutes of the ZBA meeting of June 16, 2008.

In reviewing Section 806 of Village Local Zoning Law, the Board stated:

1. Section 806 is entitled PERFORMANCE AND DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES.
2. Besides Operation, regulations in this section include Fire and Explosive Hazards; Radioactivity or Electrical Disturbances or Electronic Disturbances; Smoke; Smoke, Ash, dust, Fume, Vapor, Gases and Other Forms of Air Pollution; Liquid and Solid Wastes; Noise and Vibration; Glare; Odor; among others.
3. It would appear that the primary focus of this area might be more for industrial and intensive commercial uses rather than a small food service operation. It would appear that the intent of the paragraph in Section 806 regarding Operation would apply to indoor manufacturing and not intended to imply restriction of a walk-up food service window.

In further discussion:

1. The width of the side-walk was addressed.
2. It appears the side walk is wide enough to accommodate a line of customers and still allow the passage of pedestrians.
3. Such a food service window would be a welcome addition to Main Street and the “walkability” desired by the Village.
4. The Board stated that the Village Board should be advised to address this issue during their update of Village Zoning Law. The Secretary stated that she had already spoken with Paul Burkett who is working on the update as per the request of the ZBA.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried to make the following recommendation and comments to the Zoning Board of Appeals regarding Interpretation of Section 806 – Operation: The Planning Board does not consider the planned use of a slider window for food service to be subject to restriction. It is not the primary operation of the business and it is our belief that the intent of the paragraph regarding Operation is directed more at industrial or intensive commercial uses rather than a small food service. It is the Planning Board’s opinion and recommendation that the service window be allowed.

**REVIEW OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR TRI-COUNTY BUSINESS PARK, TOWN OF SARDINIA:**

The Chairman read the letters from the Chairman of the Sardinia Planning Board and Tim Webber of Clark Patterson Lee.

The Board began review of the Draft Generic Environmental Impact Statement but stated:

1. The Impact Statement was submitted with insufficient time to review it by the July 19<sup>th</sup> deadline. Regulation and procedure is to submit materials 10 days prior to the scheduled meeting in order to be included on the agenda. We did not receive the materials in a timely manner to be included on the June agenda and one copy is insufficient to allow individual Board members to review the material
2. Due to the amount of material to be reviewed in this very complex matter, the Arcade Planning Board requests that additional copies be sent to individual Board members and the Secretary enabling them to have the necessary time to review it for the meeting of August 13<sup>th</sup>. It would be preferable to have this material by July 18<sup>th</sup>.
3. In order to expedite the timely delivery of the notebooks, the Board instructed the Secretary to notify the Sardinia Planning Board to send them to the home addresses, and further, to notify them of the Arcade Planning Board’s intent of

responding by August 18, 2008 if materials are received by July 18<sup>th</sup>. Otherwise, the Board will not be able to address the Impact Statement until the September meeting.

In discussion:

1. The Board reviewed the recommendations they made to the Sardinia Planning Board in February of 2007. The Board will need to determine if those recommendations and any future recommendations are adequately addressed. If they are not, the Board believes they can require a supplemental impact statement to address issues not covered in the original.
2. The Arcade Planning Board has to grant approvals independently of Sardinia for the portion of the project within the Town of Arcade, according to SEQR. Site Plan is checked in the material, but not Subdivision. This would indicate that the property owner will be leasing parcels. The Board needs to identify what they feel needs to be studied for our area and should be looking at implications that would spill over, such as traffic flow and water and sewage.
3. The Board read the letter from the DEC included with the materials and noted that many required items have not yet been submitted to the DEC.
4. The Board requested the Secretary to inquire if the Village Board and the Town Board have reviewed these materials and responded as both those Boards are also Involved Agencies. The Secretary reported that the Village Board has reviewed the material and obtained a copy of the letter they sent to Sardinia in response, which had not been copied to the Arcade Planning Board. The Secretary will inquire of the Town Board and report at the August meeting. The need for communication between the Village, Town and Planning Boards was emphasized.
5. The Board would like to know where copies of the Impact Statement have been placed for public review. Arcade Library? Village and Town Offices? Has the public been notified?
6. Whether or not Public Hearings are required, the Board feels they should be held and held jointly between Sardinia and Arcade.
7. The Board feels that as this project progresses, special joint meetings should be conducted with both the Sardinia and Arcade Planning Boards, Sardinia Town Board and the Village and Town of Arcade Boards.
8. Although the property to be included in the project is in the Town of Arcade, it is imperative that the Board make recommendations to the Village as to the impact on Village infrastructure and the extension of that infrastructure.
9. The flood plain was discussed and the drainage issues that are already present.
10. Has the Sardinia Planning Board hired an independent consultant to review this package on behalf of all the affected communities? It would be instrumental in identifying what is missing and needs to be addressed and prudent to do so to

assist in the review of this highly complex project. The Board believes that by law the Lead Agency has the right to do this and to charge the applicant.

11. Chairman Bijhouwer stated that as an alternate to the Wyoming County Planning Board he does not believe that they have received copies of the Draft Generic Impact Statement for review and comment. Given that the project spans two counties it has inter-county impacts. He instructed the Secretary to include in the letter to the Sardinia Planning Board that they should contact the Secretary of the WCPB to find out how many copies they would like and to forward them as soon as possible with request for recommendation and comment.

**IN OTHER BUSINESS:**

Closure of Unimart:

When the Unimart was originally built it should not have been allowed to install gasoline tanks as regulations state they can not be within 500 feet of a school. The Board directed the secretary to notify the Village Board that the law regarding this issue be looked into if the property is sold or leased and whether it can still be used for a gas station.

**ADJOURNMENT:**

There being no further business brought before the Board the meeting adjourned at 9:04 upon motion by Dan Meyers, seconded by Andy Schnitzler and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade will be held on Wednesday, August 13, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary