

**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, October 8, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

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

**MEMBERS ABSENT:** Don Suttell

**OTHERS PRESENT:** Alan Bliss, Marty Mucher, Denny Heimburg, Robert Vollmer, George Hezel and Paul Burkett

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

**APPROVAL OF MINUTES:**

**MOTION** by Dan Meyers, seconded by Andy Schnitzler and carried three yes votes to one abstention, to accept the minutes of the meeting of September 10, 2008. Paul Bijhouwer abstained as he was not present at that meeting.

**PRELIMINARY SITE PLAN REVIEW, PERMIT NO. 1965-SP, SUBMITTED BY WYOMING COUNTY COMMUNITY ACTION, REQUESTING BUILDING OF PHASE II OF NORTHRIDGE HOMES LOCATED ON NORTH STREET:**

The Board reviewed the following items submitted by the applicant:

1. Proof of Property Ownership: Contract reviewed. It was stated that the property has not changed hands yet but the money availability is in place. It is contingent upon Site Plan and Special Use Permit approvals from this Board.
2. Property Survey:
  - a. The Board asked what the “proposed disposal: area means? Mr. Vollmer stated it is to store topsoil during construction, however it is no longer applicable since there will be no construction in the Town. It will all remain on the Village site.

- b. The wetland area on survey is outside the construction area and will not be disturbed.
3. Occupancy and turnover rates to date for Phase I: Mr. Mucher stated that the report had been completed but inadvertently left out of the packet. He will email it to the Secretary tomorrow.
4. Stormwater Prevention Plan (SPDES). Paperwork has been completed and will be submitted to the State at the appropriate time. Chairman Bijhouwer stated he will review the report in more depth before the next meeting.
  - a. Mr. Vollmer explained his calculations.
  - b. The Board stated that some narrative that describes the stormwater calculations is needed. To be included – how is it generally being managed and a map showing drainage subareas for developed condition that corresponds with the naming system in the calculations.
  - c. Add more detail into the modeling of the retention ponds and back up on the pond calculations.
  - d. Also needed are a flow chart showing the schematics, how the system functions, what flows in, how it flows out and peak inflows and outflows.
  - e. Include an excerpt of soils map.
5. Final grading plan.
6. Lighting Plan: Mr. Vollmer stated that the County was referring to shielded lighting for night sky. He explained what is now indicated on the plans and that it meets the requirements of Village of Arcade Lighting Standards.
7. Fencing around detention ponds is now included, however the detail has not yet been added.
8. Signage and location of fire hydrants: Signage for identification of the property requires a separate permit. The Board asked that the placement of the sign be shown on the plans. Two fire hydrants are shown on Detail page L-8.
9. Plantings and planting schedule is shown on L-7. Mr. Vollmer stated that except for the Blue Spruce, all will be native plants. He believes the State regulations do not exclude non-native species, but he will check to make sure.
10. Location of electric distribution is shown on L-6. There will be no gas.
11. Type of construction materials: A mixture of vertical and horizontal vinyl siding, architectural asphalt roof shingles, steel insulated doors and double hung windows.
12. Turn around concerns:
  - a. Mr. Vollmer stated he did not make changes after the County expressed concerns that the size of one of them may not be adequate. They suggested it be reviewed. A three-point turn can be completed on one of the turn arounds, but not the other. The Board requested the applicant to send an additional full-size copy of L-2 and directed the Secretary to forward it to the Arcade Fire Department for comment and recommendation.
  - b. Parking spaces were discussed. Mr. Vollmer stated that Village regulations

call for parking slots to be 18 feet long and the plans indicate they will be 20 feet. When questioned if adequate room is planned for snow build up, Mr. Mucher stated that snow will be removed from the property as necessity dictates.

13. Size, type, material and slope of sanitary and storm pipes: Details shown on L-9
  - a. The Board stated that it will be up to the Village and owner of the project whether or not there should be easements for the first two manholes shown on the plans.
  - b. If this is to be a fully private sewer, it needs to be totally within the property boundaries. Reconfiguration of one manhole and part of water line may need to be done.
  - c. Regarding the sewer line that runs parallel to North Street, it is recommended that the applicant confer with Larry Kilburn, Supt. of Public Works, and the Village Board. It may be appropriate for it to be built as public infrastructure so that it could be extended to the west in the future in conjunction with the David Trent project. It would be silly to have both a public and a private system.
14. Catch basins, overflows and trench drain: More detail is needed regarding the inverts and rims in the storm water detention system. Slopes are not indicated.
15. Incomplete drainage showing slow undeveloped drainage: Mr. Vollmer stated the plans were not dark enough to be read by the County. It was complete.
16. SEQR Full Environmental Assessment Form – Although not legally required for this project the Board asked that it be completed by the applicant. In review, the following changes need to be made:
  - a. Page 3, No. 2, Approximate Acreage, Meadow or Brushland (Non-agricultural), after completion should be 2.7 acres. Roads, buildings and other paved surfaces should be 2.5 acres.
  - b. Page 5, B. Project Description, 1) b. should be 2.5 and 1) c. should be 2.7 acres.
  - c. Page 5, B. Project Description 1) f. should be 36, not 25.
  - d. Page 6, No. 16 should be Yes. No. 16) b. should be Yes and 16) d. should be No.
  - e. Page 8 - VOA Dept. of Public Works should be added to Other Local Agencies and, Division of Housing and Community Renewal should be added to State Agencies and marked Yes.
  - f. Page 8 – C) 1 – Site Plan should be marked.

The Board also requested the following regarding SEQR:

- a. Backup data as to how the figures on Pg. 5, B) g. were computed.
- b. On page 6 the estimation of waste generated needs to be completed.

In summary, the Board requires the following additional information from the applicant:

1. Occupancy and employment report.
2. Show where signage will be on the property.
3. Detail on fencing around detention pond.
4. Large copy of L-2 for secretary to send to Fire Dept.
5. More detail on design of storm sewer system.
6. Two additional copies of the packet.
7. Details needed for temporary sediment basins, top soil stockpile, and sediment controls done around that. Check NYS Blue Book for sediment basins – temporary control, and add to detail sheet.
8. Show grades for detention pond.
9. To read more easily, please use lighter weight or dashes for proposed contours in the one-foot contour areas.
10. Add rip rap to the key and specify what material is being used.
11. Detail of overflow construction.
12. Size of other infiltration bed.
13. Meet with Larry Kilburn regarding the portion of water and sewer lines along North Street. It would make more sense to be constructed as public infrastructure. It should be compatible for continuation to the David Trent project. The size and capacity of sewer and water lines would need to be approved by Larry Kilburn and go through the Wyoming County Health Dept. as well. Also, easement issue should be discussed.

The Chairman explained the timeline of acceptance and approval of the Site Plan and the Special Use Permit. The Site Plan cannot be accepted as complete until the above information is complete and until a determination is received from the Zoning Board of Appeals as to the definition of a garage. According to Village Local Zoning Law, the Public Hearing for the Special Use Permit cannot be scheduled until the Site Plan has been accepted as complete and approved. The Site Plan will also need to be resubmitted to the Wyoming County Planning Board unless a letter is received from the Chairman stating it is not necessary.

**REQUEST FROM ZONING BOARD OF APPEALS FOR RECOMMENDATION AND COMMENT ON PERMIT NO. 1965-INTERPRETATION VARIANCE, SUBMITTED BY WYOMING COUNTY COMMUNITY ACTION IN CONJUNCTION WITH PHASE II NORTHRIDGE PROJECT, REQUESTING INTERPRETATION OF THE DEFINITION OF A GARAGE:**

In discussion:

1. Village Trustee Paul Burkett stated that the Village Board is presently working on revisions to Local Village Zoning Law. When it is completed it will state that any

definition not included in Zoning Law will be interpreted using the latest edition of Webster's Dictionary or the encyclopedia.

- a. Webster's distinguishes a carport as open.
2. Mr. Hezel read from the Building Code of New York, General Section 406, Subsection **406-2-1 Classification**, "Parking garages shall be classified as either open, as defined in Section 406.3, or enclosed...".
3. In reading the entirety of the referenced section above, the Board stated it is referring to parking garage structures, usually of multi-levels, in conjunction with hotels, hospitals, etc.
  - a. The Board believes Section **406.1 Private garages and carports** is more appropriate to this project and does provide some definition.
  - b. "Section 406.1.3 states "carports shall be open on at least two sides."
  - c. The Board believes a reasonable interpretation is that if a structure that is open on at least two sides is the definition of a carport then it clearly applies to a structure open on all four sides as proposed in the Northridge Phase II project.
  - d. The intent of this definition is that garages have more stringent requirements. For the Board's purposes, this definition is not a perfect fit, but on the other hand the proposed structure falls within the definition of a carport.
  - e. The Board reviewed definitions from two sources. On its face, the best description of the proposed structure is a carport.
4. Mr. Vollmer stated that multi-housing falls under commercial in State Building Code. In another section, one and two-family residences have another definition. We could put up two end panels and half-walls to partially enclose the third side.
5. Mr. Burkett disagreed, stating a half-panel is not an enclosure. The intent of the law is a full wall. The Board agreed.
6. Mr. Hezel stated that the Board needs to be generous because garage is not defined.

The Board concluded:

1. We cannot consider the hardship of the developer to save money in defining what constitutes a garage.
2. This is the only place in Village Local Zoning Law where it states garages must be built. We urge the Village Board to make the new language absolutely crystal clear as to whether the required garages in multi-housing must be completely enclosed. The law must be specific.
3. The Zoning Board of Appeals should refer to dictionary definitions, review the State Building Code and use their own common sense. They should consider whether

definitions include structures that might otherwise be defined as a carport and that resolves the matter at hand. The Board's gut reaction is that the proposed structure is a carport, not a garage. The word carport has been in usage for over 50 years. The word garage is used in the regulations, not the word carport. There is a pretty clear distinction.

**REVIEW OF LETTER RECEIVED FROM TOWN OF ARCADE SUPERVISOR REGARDING THE DRAFT GENERIC IMPACT STATEMENT FOR THE TRI-COUNTY BUSINESS PARK, LOCATED IN THE TOWN OF SARDINIA:**

1. Supervisor Berwanger's letter stated that the Arcade Town Board has a negative response to the construction site access drive on Hurdville Road under Full build conditions as listed on page 32 under the heading Full Build (Options 1 & 2). (See Attachment A.)
2. The Planning Board instructed the Secretary to forward a copy of the letter to the Sardinia Planning Board.

**REVIEW OF LETTER RECEIVED FROM CHAIRMAN OF SARDINIA PLANNING BOARD REGARDING TRI-COUNTY BUSINESS PARK:**

1. The letter from Daniel Miller, Chairman of the Sardinia Planning Board, informed this Board that the developer has opted to do on site water and on site waste water treatment and that a supplemental DGEIS is forth coming. (See Attachment B.)
2. The Board directed the Secretary to include a letter with the above that the issue of the Hurdville Road access drive could be addressed in the supplemental DGEIS.

**REVIEW OF SEPTEMBER 2008 FINAL DRAFT OF NORTH STREET INFRASTRUCTURE STUDY COMPLETED BY CLARK PATTERSON LEE:**

1. Due to the lateness of the hour, this was tabled upon **motion** by Paul Bijhouwer, seconded by Dan Meyers and unanimously carried. The Chairman encouraged Board members to review the study before the next meeting.
2. The Secretary informed Board members that the Village Board will be holding a special work session on Tuesday, October 14 at 6:00 P.M. at which time a representative from Clark Patterson Lee will be presenting the above report. Planning Board members are invited to attend.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 10:45 P.M. 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, November 12, 2008 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary