

**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 a meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, September 12, 2012, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

**MEMBERS PRESENT:** Don Suttell, Aaron Felber, Rich Kosmerl and Paul Bijhouwer

**MEMBERS ABSENT:** Andy Schnitzler

**OTHERS PRESENT:** Phil Hobin, Art Buckley

The meeting was called to order at 7:07 P.M. by Acting Chairman Rich Kosmerl. Chairman Bijhouwer was seated at 7:15 P.M.

**APPROVAL OF MINUTES:**

**MOTION** by Don Suttell, seconded by Paul Bijhouwer and approved three yes votes to one abstention to accept the minutes of the meeting of September 12, 2012. Rich Kosmerl abstained as he was not present at that meeting.

**SITE PLAN REVIEW, SBL NO. 174.-1-4.12, SUBMITTED BY TED HOBIN JR. OF MAPLE GROVE CORP., REQUESTING A 7,000 SQ. FT. ADDITION TO AN EXISTING BUILDING LOCATED AT 7075 RTE. 98N, TOWN OF ARCADE:**

All additional items requested by the Board at the August meeting were submitted. The Board reviewed:

1. Drywell calculations.
2. Outdoor lighting fixtures. It was noted that the Town ZEO, Marv Zielonka, reported that the lighting fixtures meet the Town standards.
3. Placement of silt fencing
4. Exterior material to be used on the addition.
5. Building elevations.

**MOTION** by Paul Bijhouwer, seconded by Aaron Felber and unanimously carried, that the Board finds the proposed action, SBL No. 174.-1-4.12, will not result in any significant adverse environmental impacts and Part III of SEQR was completed.

**MOTION** by Paul Bijhouwer, seconded by Rich Kosmerl and unanimously carried, to approve Site Plan, SBL No. 174.-1-4.12, submitted by Ted Hobin Jr. of Maple Grove Corp., requesting a 7,000 sq. ft. addition to an existing building located at 7075 Rte. 98N, town of Arcade.

**ART BUCKLEY, WYOMING COUNTY PLANNER TO ASSIST THE PLANNING BOARD IN BEGINNING THE PROCESS OF DEVELOPMENT OF AN ENERGY DEVELOPMENT POLICY FOR THE COMPREHENSIVE PLAN AND ZONING LAWS AS DIRECTED BY THE TOWN BOARD:**

The Board learned from Mr. Buckley:

1. Wyoming County is not recommending moratoriums on horizontal hydraulic fracturing of gas wells.
  - a. Doing so could open up the possibility of costly law suits for the Town.
  - b. The Marcellus Shale in our area is not all that conducive to the process due to its' shallow depth. This area is more Utica Shale at shallow depths. There is no foreseeable need to rush into regulations. The development of regulations in the Town should be a very well-considered and researched project.
  - c. There is now a market glut for natural gas, prices have dropped and production has slowed.
  - d. "Wet" gas, which we have in our area ( as opposed to the dry gas that is being drilled in Pennsylvania and West Virginia) has been found in Ohio, is more profitable and produces methane and other gases that are also more profitable. Drilling rigs are being pulled from PA and WV now and being moved to Ohio. There is back up at wellheads due to lack of pipelines.
  - e. In NYS if you begin drilling on a well pad, all wells for that pad must be drilled before moving on to the next. This prevents the tie up of land leases for extended periods of time.
2. The Town Board has directed the Planning Board to develop zoning laws for energy development within the Town. Mr. Buckley stated that before laws can be passed, energy development must first be addressed in the Comprehensive Plan.
3. There are no State and very little Federal level policies for the new process of gas drilling (fracking) and processes for the development of wind, solar and bio digesting. So, what authority do towns have to regulate and what are the limits?
  - a. It is not a good idea for towns to do nothing.
  - b. Towns need to review their Comprehensive Plan, Farmland Protection Plan and do a detailed assessment of land assets. Preserving critical farmland is first and foremost.
  - c. Towns should develop road use/maintenance agreements with bonding with all developers BEFORE anything begins. Bigger companies do this as a matter of course

so they can get their equipment in and out. However, every job on a well site is subcontracted and a job is only as good as the subcontractor. Towns should take into consideration the Complete Streets Law in NY. Could the A & A Railroad be utilized to take some of the abuse off of roads?

- d. If farmland is to be crossed you need to make sure the land isn't compacted and ruined for future farming.
- e. Access roads to sites should be placed along wood edges. Any damage to drain tiles and ditches must be repaired.
- f. Towns can demand that when any activity is to be done that the Town is given advance notice. As an example, a recent release of pressure in Castile frightened the citizenry of the entire town. They could have been forewarned.
- g. Planning for the exterior look of the facilities should be done in context with the area. For example, if the facility is in an agricultural area, the buildings can be designed to look like a barn.
- h. Other things to consider:
  - "Man camps" – Temporary trailer parks for workers could spring up. Towns can address health and safety issues...sanitation, water, lighting. Such camps should require permits and inspections.
  - If workers bring families it could increase school enrollments. Can the school system handle a large influx of new students? New hotel/motels could spring up to handle the influx of workers and then be abandoned upon completion of the development.
  - Onsite storage of water and chemicals
  - Sand/gravel mining and stone quarries. Massive amounts will be needed.
  - Weight limits on roadways. Any new mines should require a road use/maintenance agreement.
  - Equipment storage.
  - Seismic testing.
  - Testing of water wells before and after and appropriate recourse if needed afterwards.
  - Travel times and road congestion conflicting with school buses and going to and from work to local industries. Limiting when trucks can be on the roadways can be done.
  - Noise levels and glare from worksite lighting. Drilling sites operate 24/7.
  - Buffering on private property and clean up.

4. Regarding wind farms:
  - a. Towns should investigate the new Article 10 that addresses over 25 megawatts of power produced. This is now subject to NYS control rather than local control.
  - b. Extension of existing wind farms into towns that border them is allowed, which is usually less intense.
  - c. The county prefers to have control of wind farms at the town level.
  - d. Towns can insist that wind towers are painted stealth blue instead of bright white.
  - e. FFA collision avoidance lights are available which are radio operated so they do not remain on all night.
  - f. Towns must deal honestly with mitigations.
  - g. There are meters available to detect shadow flicker which will shut down a windmill for that period of time. It should be a felony to tamper with them as it is a theft of services.
  
5. Other energy development to be addressed:
  - a. Individual windmills, wind turbines, solar and bio digesters for private use.
  - b. Startup costs for bio digesters are expensive but for large farms it solves the problem of spreading manure. It becomes pasteurized in the process and is used to produce electricity.
  
6. The entire Comprehensive Plan needs to be updated and then zoning laws changed to coincide with it. It is our most important law, our statement of policy. It is our guide to change. It is not meant to stop change but to guide it so that change does not happen willy nilly. You must ask yourselves where you want the town to be in 50 years. When addressing the entire Comprehensive Plan towns should consider:
  - a. Definition of heavy activity/industry. Towns should request a copy of the County Model Law for Towns.
  - b. Sunset clauses on permits for subdivision, etc. If nothing substantial is done in a given time frame then the permit expires.
  - c. Billboard companies have actively been suing towns. Think of this within your purview so you are not stepping on toes.
  - d. Who keeps an eye on thresholds for selling lots on a large parcel? This needs to be clarified. Cluster subdivision laws should be tightly written so that towns/villages are not “dumped on” to take over upkeep of common spaces. The Northridge projects are an example. Even in rural areas if suburban-style housing is allowed you still must have sidewalks, lighting, etc.
  - e. Strengthen anything dedicated to the village or town to meet your standards. Reference standards for town roads and village streets, pipes, sewer lines, etc. If a standard changes, they should have to change.

- f. A plan for all hazards and mitigations is very important. The Village has a serious plan in place. Does the Town? Once a plan is in place there are grants available.
- g. A “smart growth” plan is needed. Where and how can towns restrict utility extensions (sewer and water)? Subdivisions cannot be built without them. It is critical to decide upon development along the village and town borders. The growth zone for a village is out from the edges into the town for ease of utility connections. New roads should be built to allow for later connections. Avoid cul de sacs. This is a town issue so that the village does not become choked and remains healthy.
- h. Compile a list of things that need to be tweaked or revisited. Discuss and see in what areas our variances are coming from and change those laws.

In conclusion Mr. Buckley recommends that the Town complete the following in this order:

1. Develop a Farmland Protection Plan. Complete a detailed analysis of assets. Look at all land uses and your valuable land resources will become evident. Include the public in this process. Money is available to do this. Review the plan recently completed by Groveland, NY. It is excellent.
2. Address the issue of Energy Development within the Town (oil, gas, solar, wind, bio digestion) in the Comprehensive Plan.
3. Develop zoning laws to coincide with the new Energy Development policy in the Comprehensive Plan.
4. Complete a detailed revision of the 1996 Comprehensive Plan.

The Board thanked Mr. Buckley for his time and input. In turn, Mr. Buckley invited the Board to contact him at any time for further assistance.

THE PLANNING BOARD CONCLUDED:

1. Further direction is needed from the Town Board as to whether the Planning Board should follow the steps recommended by the Wyoming County Planner, beginning with the Farmland Protection Plan.
2. In order to do this effectively the Board believes the Comprehensive Plan needs to be updated. A revision is necessary that will then guide zoning laws. Ask the Town to research the cost of the development of the Comprehensive Plan of 1996. Financial support will be needed for all of the steps recommended by Mr. Buckley. The Town and Village will need to plan for financial support as ours is a combined Comprehensive Plan. Planning consultants will need to be hired. Mr. Buckley recommended two firms, Behem of Pittsford, NY or Lobella.
3. For the Comprehensive Plan completed in 1996 a committee was appointed to do the bulk of the research and writing. Will it be handled the same this time?
4. The Board directed the Secretary to send a letter to the Town Board and copy to the Village Board indicating our conclusions and concerns as a result of this meeting with the Wyoming County Planner.

In preparation for the next meeting, Board members will:

1. Review the Town of Danby amendment regarding horizontal hydrofracking provided by the Secretary.
2. Create a list of what we should explore.

**COMPLETION OF DRAFT LETTER REGARDING THE FINAL EIS FOR THE TRI-COUNTY BUSINESS PARK:**

The Board completed the letter regarding the Final EIS for the Tri-County Business Park in Sardinia and directed the Secretary to send copies to the Arcade Town Board, Village of Arcade Board of Trustees, the Sardinia Planning Board and the firm of Clark Patterson Lee.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 9:50 P.M. upon **motion** by Rich Kosmerl, seconded by Paul Bijhouwer and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, October 10, 2012 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary