

**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, December 10, 2014 at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Rich Kosmerl, Don Suttell, Andy Schnitzler, Paul Bijhouwer

MEMBERS ABSENT: Aaron Felber

OTHERS PRESENT: Jeremy Lons

The meeting was called to order at 7:00 P.M. by Chairman Bijhouwer.

APPROVAL OF MINUTES:

MOTION by Rich Kosmerl, seconded by Don Suttell and unanimously carried, to accept the minutes of the meeting of November 12, 2014.

SITE PLAN REVIEW, SBL NO. 173.1-145.2, SUBMITTED BY JEREMY LONS, REQUESTING MODIFICATION OF EXISTING STRUCTURE TO BE USED FOR COMMERCIAL GIFT SHOP and SITE REMEDIATION ON PROPERTY LOCATED AT 1289 GENESEE ROAD:

The Board reviewed the minutes of the October meeting.

1. The applicant was asked at the Oct. meeting to find out if the A & A Railroad has an easement through his property or if the railroad owns the property. The applicant stated that the railroad owns the property.
2. Since the railroad owns the property in a commercial district, zoning regulations ask for 25 feet side yard. There was an existing non-conforming use with the existing building. With the addition of the lean-to, the side yard setback is now only 12 feet. Originally it was approximately 20 feet from the existing building. The building was built on original pad and there was no zoning at that time so the use predates zoning.
3. A variance is needed to make the addition of back-side lean-to legal. The Board recommends the ZBA research whether they can administratively grant a post-facto variance. Since a Site Plan has already been granted by the ZEO without due diligence and the Wyoming County Building Dept. granted a Building Permit based on that, this Board has no recourse.

4. The applicant will obtain a letter from the A & A Railroad stating their approval of the non-compliant setback from the tracks.
5. The Secretary will update the ZBA. The applicant stated that he could wait until the February meeting of the ZBA.

The Board continued:

1. The applicant presented updated plans and maps.
2. The Board reviewed and completed the Site Plan Checklist (see Attachment A).
3. The Board reviewed Part 1 of the EAF that was completed by the applicant.
4. The Board did a draft of Part 2 of the EAF.
5. The Board directed the Secretary to add SHPO (NYS Historic Preservation Office) to Lead Agency Interested Agencies and to mail the packets.

MOTION by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried, to accept as complete Site Plan Application, SBL No. 173.1-145.2, submitted by Jeremy Lons, requesting modification of existing structure to be used for commercial gift shop and site remediation on property located at 1289 Genesee Road, and further, directed the Secretary to forward the application to the Wyoming County Planning Board for recommendation and comment.

WORK SESSION – ROAD USE LAW:

1. The Secretary distributed copies of the Draft Road Use Law, and documents entitled “Comprehensive Truck Size and Weight (TS & W) Study” prepared for the Federal Highway Administration, U.S. Dept. of Transportation and “ Road Use Agreements and Road Use Regulations – Strategies for Managing Heavy Hauling on Local Roads” by T.G. Miller P.C. These documents were researched by Rich Kosmerl. The Board will review before the next meeting.
2. Andy Schnitzler and Rich Kosmerl provided observations from a recently attended seminar:
 - a. The NYS Supreme Court has upheld the banning of horizontal hydrofracking by municipalities. Municipalities can say no to drilling new wells but companies still have the right to clean and maintain existing wells.
 - b. Municipalities cannot regulate how drilling is done or hours of operation but can regulate as per zoning requirements.
 - c. Local municipalities can ban drilling, mining, etc. There is now solid, legal backing to do so.
3. The Board directed the Secretary to send an update to the Town Board indicating the following:
 - a. Provide a copy of the Draft Road Use Law for comment (also send a copy to the Town Highway Superintendent).

- b. Provide them with the information regarding the NYS Supreme Court's ruling regarding the right to ban drilling.
- c. Ask whether they might want to reconsider a ban.
- d. Indicate that this Board will proceed with the Road Use Law as it is important for the protection of Town roads regardless of drilling.

IN OTHER BUSINESS:

1. This Board feels that the Town should develop a website. A recent applicant complained that he could find nothing on-line regarding the Town's zoning regulations, applications, etc.
2. The Secretary was directed to inquire if the Village would include the Town's zoning regulations as part of their subheading for the Planning Board since this is a joint Board for the Village and Town.

ADJOURNMENT:

There being no further business brought before the Board, the meeting adjourned at 9:23 P.M. upon **motion** by Don Suttell, seconded by Andy Schnitzler and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, January 14, 2015, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter
Secretary

ATTACHMENT A – Planning Board Minutes of December 10, 2014

Applicant's Name Jeremy Lons

Permit No. N/A

Date October 8, 2014 and Dec. 10, 2014

SBL No. 173.-1-45.2

ARCADE PLANNING BOARD

WYOMING COUNTY PLANNING BOARD

SITE PLAN AND SPECIAL USE PERMIT APPROVAL CHECKLIST

The Planning Board of the Town and Village of Arcade and the Wyoming County Dept. of Planning and Development has identified the following as important elements which must be included if applicable when submitting site plans.

Failure to submit the requested documentation and information, if applicable, may cause either Board to consider the application incomplete and consequently table the proposed project until complete materials are submitted. For questions or assistance, please contact the TOWN Zoning Enforcement Officer at 716 496-7448 or the VILLAGE ZEO at 585-492-1111.

- 1. All application fees paid; completed, signed and submitted Certificate of Zoning Compliance; Site Plan Application and/or Special Use Application.
- 2. Tax map. If applicable: Agricultural Data Statement, Flood Hazard Permit. **Tax ID's are shown on the survey. Ag. statement has been submitted. Whether the property is in the flood plain needs to be determined. Both the applicant and the Board will locate the FEMA map on line. If the corner of the property is within the flood plain, applicant will need a Flood Hazard Permit.** Dec. 10, 2014 – It has been determined part of the site is in the flood plain. Application for permit has been submitted.
- 3. Property Survey prepared by a registered NY State surveyor.
- 4. Title of drawing, including name and address of applicant and person responsible for preparation of drawing; stamped by a registered NY State engineer or architect. **At the Board's discretion, they decided that the stamp is not necessary for the scale of this phase.**
- 5. North arrow, scale and date.
- 6. Boundaries of the property plotted to scale; location and dimensions of setbacks; exact size and location of all existing buildings/structures on property; elevation views; location of proposed building on lot drawn to scale with all dimensions. **Dimensions are needed from the corner of the building to Genesee Rd. and to Route 98.** Dec. 10, 2014 – Now included on new drawing. Meets all zoning criteria.
- 7. Existing watercourse and bodies of water. **Pond is shown. No additional waterways.**

- _X_ 8. Grading and drainage plan showing existing and proposed contours and location of any proposed storm sewer drains, culverts, retaining walls or fences; erosion and sediment control. **Shown on wetlands map. There is a ditch on west side of rail line, a culvert under Genesee Road which flows to a ditch along Route 98 and crosses to the east side of Route 98 into the creek.**
- _X_ 9. Type of construction materials; exterior dimensions of all buildings; architectural design features. **Included with Wyo. Co. Building Permit except exterior surface treatment needs to be provided.** Dec. 10, 2014 – Notes are included on updated drawing.
- _N/A_ 10. Location of any outdoor storage and/or dumpster with type of screening to be used. **None**
- _N/A_ 11. Truck loading areas showing points of entry and exit from the site. **None**
- _X_ 12. Parking facilities including size, arrangement and number of parking areas and surface treatment. **Applicant will provide parking plan, surface treatment of crushed limestone and sheet flow. Silt fencing needs to be indicated during grading process.** Dec. 10, 2014- Now included on updated drawing. Shows 9 parking spaces, only 6 are required.
- _N/A_ 13. Description of the method of sewage disposal & location of sewage disposal. **Don Roberts of the Wyo. Co. Building Dept., has indicated that for this phase of the project restroom facilities are not needed. They will be included with the construction of additional building in the next phase.**
- _X_ 14. Pedestrian access if any; public and private pedestrian walkways. **Applicant will show this on parking area.** Dec. 10, 2014 - Shown on updated drawing.
- _N/A_ 15. Identification and description of the method, location, design and source of securing public or private potable water. **Don Roberts of the Wyo. Co. Building Dept., has indicated that for this phase of the project not needed. Will be included with the construction of additional building in the next phase.**
- _X_ 16. Location, size and design of any and all proposed signs. (A separate sign permit is required in the Town and Village of Arcade available through the Zoning Officer.) **Applicant will add sign placement and general size and was given a copy of the sign regulations.** Dec. 10, 2014 – Applicant has not yet decided placement of sign. He will file for a sign permit when that is determined.
- _X_ 17. Location and proposed development of all open space and buffer areas, including existing vegetation cover. **Applicant will add lawn areas, bushes, etc. to plan.** Dec. 10, 2014 – Now indicated on drawing.

18. Location and design of any and all outdoor lighting facilities. (Please refer to the Lighting Regulations in Zoning Law.) **Wall packs will be added to plan. Applicant was given copy of lighting regulations.** Dec. 10, 2014 – Now shown on drawing. Will comply with Town and County light regulations.
19. General landscaping and/or screening plan with planting schedule.
20. Snow storage areas. **Property has plenty of acreage.**
21. Location of fire lanes and hydrants.
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity. **Building has 2137 sq. ft. including lean-tos. Applicant will indicate the size and location to be used for retail sales.**
23. Location and design of all energy distribution facilities, including electrical, gas and solar energy; any easement and deed restrictions. **Shown on survey.**
24. An estimated project construction schedule. **Except for parking area, construction is complete. The Town ZEO had previously approved the Cert. of Zoning Compliance and a building permit was issued by the Wyo. Co. Building Dept. Copies were provided.**
25. Record of application for, and approval status, of all necessary permits from State or County agencies or officials. **The Town ZEO had previously approved the Cert. of Zoning Compliance and a building permit were issued by the Wyo. Co. Building Dept. Copies were provided.**
26. Map or aerial view identifying adjacent parcels and land usages. **On survey.**
27. Appropriate State Environmental Quality Review form (SEQR) completed. (Short or Long Form, whichever is applicable. **Type I Action, 617.4 b (9). The Long Form will need to be completed.** Dec. 10, 2014 – Long form EAF submitted.