

**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, May 11, 2016, 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:**      Chris Lexer, Ray Miranda, Chris Wood

The meeting was called to order at 7:09 P.M. by Chairman Bijhouwer.

**APPROVAL OF MINUTES:**

The Minutes of the meeting of March 9, 2016, were tabled as a quorum from that meeting was not present.

**MOTION** by Rich Kosmerl, seconded by Andy Schnitzler and unanimously carried, to accept the Minutes of the meeting of April 13, 2016.

**SITE PLAN REVIEW, PERMIT NO. 2289, SBL NO. 182.15-1-11, SUBMITTED BY MIRANDA DEVELOPMENT, LLC, REQUESTING CONSTRUCTION OF A TIM HORTON'S CONSISTING OF A 1700 SQ. FT. FREESTANDING BUILDING WITH DRIVE-THRU AND ASSOCIATED SITE WORK, AT PROPERTY LOCATED AT 658 W. MAIN STREET (TOPS PLAZA).**

The Board reviewed the survey and engineering drawings.  
In discussion:

1. The property is being leased from the development company, TG-COTOPS Arcade NY LLC, for a period of five years. The company cannot sell the property to the applicant for five years due to loan obligations. After the five years the applicant will purchase the property. A letter from the development company was presented authorizing the applicant to pursue all necessary approvals for construction.
2. Upon purchase of the property subdivision approval will take place. The Board believes that the property just has to be surveyed and filed with Wyoming County. The Board directed the Secretary to check with the assessor on the steps that need to be taken by the applicant for subdivision.

3. The applicant and engineer have met with the Larry Kilburn (Supt. of Public Works) and Brian Lane (Electric Department). Except for a few minor changes, they are satisfied with the plans for electric, water and sewer.
4. The storm water sewers were designed with further expansion planned for the future.
5. The Board mentioned the possibility of semi-trucks stopping on West Main Street to run in for coffee. The applicant stated that in Ellicottville “No Parking” signs were installed and after a few traffic tickets there was no longer a problem. The Board recommends the Village look into this.
6. The Lighting Plans were not available at this time. The engineer stated that there would be 15 ft. tall, LED dark-sky compliant lighting.
7. The dumpster will be screened with fencing and plantings.
8. The Board stated that a house had originally stood on the site and they are unsure whether upon demolition if it was buried on site. The engineer stated that borings would be done to determine if debris is beneath the surface.
9. As discussed at the preliminary review in June 2015, the major concern of the Board is traffic flow within the parking lot. The applicant has been in contact with the plaza owner and they will work together to install some type of traffic controls. Suggestions included clearly left/right lanes on the south side of Tim Horton’s, stripping added to the island at the entrance to the plaza and some stop signs.
10. The Board completed the checklist (see Attachment A) and reviewed SEQR.

**MOTION** by Paul Bijhouwer, seconded by Andy Schnitzler and unanimously carried that this is a Type II Action under SEQR 617.5 (c)(7) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 sq. ft. of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”, not subject to further review and not having a significant impact on the environment.

**MOTION** by Paul Bijhouwer, seconded by Rich Kosmerl and unanimously carried, to accept as complete SITE PLAN PERMIT NO. 2289, SBL NO. 182.15-1-11, SUBMITTED BY MIRANDA DEVELOPMENT, LLC, REQUESTING CONSTRUCTION OF A TIM HORTON’S CONSISTING OF A 1700 SQ. FT. FREESTANDING BUILDING WITH DRIVE-THRU AND ASSOCIATED SITE WORK, AT PROPERTY LOCATED AT 658 W. MAIN STREET (TOPS PLAZA), continent upon receipt of the Lighting Plan and the updated engineering drawings by May 20, 2016. Further, the Board directed the Secretary to forward the application to the Wyoming County Planning Board for recommendation and comment.

**IN OTHER BUSINESS:**

The Secretary reported:

1. She had attended the Town Board meeting and they had approved the zoning district change for the former Zimmer property located behind the Tops plaza;

2. The proposed changes to Section 817 and the new Section 819 of zoning were recommended by the Wyoming County Planning Board without changes and, no changes were suggested by the Town Board. It will now be forwarded to the attorney;
3. The proposed Bio-solids Law is still being researched by the attorney.

**ADJOURNMENT:**

There being no further business brought before the Board, the meeting adjourned at 8:24 P.M. upon **motion** by Don Suttell, 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, June 8, 2016, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,

Holly L. Almeter  
Secretary

**Applicant's Name**     Miranda Dev. LLC

**Permit No.** 2289

**Date**     May 11, 2016

**SBL No.** 182.15-1-11

**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.~~  
**Included with survey.**

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.

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.

N/A 7. Existing watercourse and bodies of water.

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.

9. Type of construction materials; exterior dimensions of all buildings; architectural design features.

10. Location of any outdoor storage and/or dumpster with type of screening to be used.

11. Truck loading areas showing points of entry and exit from the site.

12. Parking facilities including size, arrangement and number of parking areas and surface treatment.
13. Description of the method of sewage disposal & location of sewage disposal facilities.
14. Pedestrian access if any; public and private pedestrian walkways.
15. Identification and description of the method, location, design and source of securing public or private potable water.
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.)  
**May just have the sign on the building and no ground sign. Probably will be added to The existing pylon sign.**
17. Location and proposed development of all open space and buffer areas, including existing vegetation cover.
18. Location and design of any and all outdoor lighting facilities. (Please refer to the Lighting Regulations in Zoning Law.)
19. General landscaping and/or screening plan with planting schedule.
20. Snow storage areas. **Existing in plaza parking lot.**
21. Location of fire lanes and hydrants. **Existing across the street.**
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
23. Location and design of all energy distribution facilities, including electrical, gas and solar energy; any easement and deed restrictions. **Permanent easement to use entrance/exit of plaza.**
24. An estimated project construction schedule. **July-September/October**
25. Record of application for, and approval status, of all necessary permits from State or County agencies or officials. **County Health Dept. and County Building Permit and DOT Work Permit for sewer connections.**
26. Map or aerial view identifying adjacent parcels and land usages.
27. Appropriate State Environmental Quality Review form (SEQR) completed. (Short or Long Form, whichever is applicable. **Type II 617.5 (c)(7)**)