

**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 special meeting of the Planning Board of the Town and Village of Arcade held on Wednesday, August 21, 2019, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York:

MEMBERS PRESENT: Andy Schnitzler, Rich Kosmerl, Don Suttell, Aaron Felber

MEMBERS ABSENT: Paul Bijhouwer

OTHERS PRESENT: Michelle Karpinski, Don Roberts, Chris Lexer, Larry Petri, Travis Petri, John Schenne

The meeting was called to order at 7:00 P.M. by Acting Chairman Rich Kosmerl

APPROVAL OF MINUTES:

MOTION by Andy Schnitzler, seconded Don Suttell and carried three yes votes, one absentee to accept the minutes of June 12, 2019. Aaron Felber abstained as he was not present at the meeting,

June 26, 2019 Special Meeting – Tabled as a quorum from that meeting was not present

REVIEW SITE PLAN APPLICATION, SBL NO. 173-1-54, SUBMITTED BY LARRY & TRAVIS PETRI, REQUESTING CONSTRUCTION OF A MINI-STORAGE FACILITY LOCATED AT 7292 ROUTE 98 IN THE TOWN OF ARCADE.

In discussion:

1. The first item that needed to be addressed is the needing of a Storm Water Permit. We received notification from DEC that Town Planning Board could be the LEAD Agency and they stated a Storm Water Permit is required. John Schenne has been in contact with Bill Murray from the DEC and from the wording of the Clean Water Act concerning Surface Water Discharge, that they do not need a Storm Water Permit if they have the calculations to prove that there is no 100 year storm drainage runoff. Acting Chairman Kosmerl stated the applicant would need to provide documentation from the DEC to Planning Board to show the Storm Water Permit is not needed.

2. A response from the Wyoming County Planning Board stated they have approved with no negative countywide impact.
3. No other potential affected agency contested this Board's claim to be LEAD Agency. The timeframe has expired therefore the Planning Board is the LEAD Agency.
4. Chairman Bijhouwer emailed a question about determining the boundaries of the wetland areas on the site. The applicants consulted with Earth Dimensions about the site and there were 2 tiny wetlands identified on the property. The 2 wetlands will not be impacted by the construction and they were instructed they could do 1 of the following options.
 - Leave Alone
 - Dig out the Wetland
 - Fill in the WetlandThe applicants have agreed to do one of the following three choices before the project is completed.
5. The Board completed the Full Environmental Assessment Form- Part 2 & Part 3 - A. The project will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

MOTION by Andy Schnitzler, seconded Aaron Felber and unanimously carried to accept as presented having completed Section 2 of the EAF and finding no significant impacts we have made a declaration of no significant adverse effects and authorizing Acting Chairman Kosmerl to sign.

MOTION by Andy Schnitzler, seconded Aaron Felber and unanimously carried to approve the Site Plan provided today with the understanding the applicant has to resolve the DEC Storm Water Treatment Permit issues and to authorize Acting Chairman Kosmerl to sign three copies of the drawings.

REVIEW SITE PLAN APPLICATION, SBL NO. 182.15-1-18, SUBMITTED BY MCDONALD'S USA, LLC, REQUESTING ADA IMPROVEMENTS TO THE BUILDING, AND A NEW SIDE BY SIDE DRIVE THRU AND NEW SIGNAGE LOCATED AT 700 WEST MAIN STREET IN THE VILLAGE OF ARCADE.

In discussion:

1. Last meeting the Board asked the applicant to check if the site was within 500 feet of the railroad-the applicant sent a map that shows the railroad is outside of 500 feet away therefore the application does not default to the Type 1 SEQR.
2. Acting Chairman Kosmerl discussed with the Board about question #12 on the Short Environmental Assessment Form.
3. The questions is does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?
4. The applicant answered yes to the following question and the Board agreed to have that question changed to a No, because the railroad is underneath the bridge with property between so they do not consider that contiguous.

MOTION by Andy Schnitzler, seconded Don Suttell and unanimously carried to determine the Application is an Unlisted Action.

The Application needs to be sent to the Wyoming County Planning Board for review and comments.

MOTION by Andy Schnitzler, seconded Aaron Felber and unanimously carried to approve-and to have applicant change the #12 question in the Short Environment Assessment Form to a No and it was determined an Unlisted Action so no further Environmental Review is required, also to forward to the Wyoming County Planning Board for consideration and after we receive their comments back we can then take final action on the September 11, 2019 meeting.

There being no further business brought before the Board, the meeting adjourned at 8:03 P.M. upon **motion** by Don Suttell, seconded by Aaron Felber and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday, September 11, 2019, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,
Michelle Karpinski
Secretary

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

July 5, 2019

Mr. Paul Bijhouwer
Town and Village of Arcade Planning Board
17 Church Street
Arcade, New York 14009

Dear Mr. Bijhouwer:

**SEQR LEAD AGENCY SOLICITATION
MINI STORAGE FACILITY CONSTRUCTION
7292 ROUTE 98
TOWN AND VILLAGE OF ARCADE, WYOMING
COUNTY**

In response to the Town and Village of Arcade Planning Board's SEQR Lead Agency solicitation letter for the above-noted project, please be advised of the following:

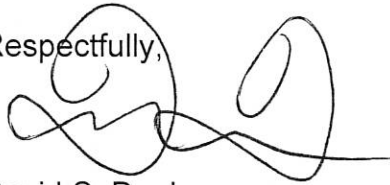
1. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.
2. The project area appears to be within an archaeologically sensitive area, as shown on the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) map (Website <https://cris.parks.ny.gov/>). As part of the SEQR process, the Town and Village of Arcade should evaluate this concern, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

Mr. Paul Bijhouwer
July 3, 2019
Page 2

3. A 100-year floodplain is located on a portion of the property according to the Federal Emergency Management Agency's Map No. 360939 0007C. Any future project must comply with all local laws/ordinances/standards relating to development within floodplains, including obtaining a possible Floodplain Development Permit.

We concur that the Town and Village of Arcade Planning Board should act as SEQR Lead Agency as the proposal is primarily of local significance. If you have any questions, please feel free to contact Mr. Mark Passuite of my staff or me at 716/851-7165.

Respectfully,

A handwritten signature in black ink, appearing to read 'David S. Denk', with a long horizontal flourish extending to the right.

David S. Denk
Regional Permit Administrator

MFP:

Wyoming County Planning Board REFERRAL RESPONSE FORM

For referrals as required in accordance with NYS General Municipal Law Article 12B, Section 239-I and m

Location of Proposed Action: 7292 Rt 98, T/Arcade

Applicant: L. Petri/T. Petri

Type of Proposed Action (separate form completed for each action):

- Area Variances Use Variance Site Plan Special Use Permit Other:
- New Zoning Ordinance/Local Law New/Amend Comprehensive Plan Amend Zoning Text/Map

WCPB Recommendation on this Action

The WCPB took the following action at their meeting on July 1, 2019 with respect to this referral:

Approval with Comments Disapproval w/comments None No recommendation; proposed action has no significant negative county-wide or inter-community impacts

COMMENTS: The proposed action is for a proposed a Mini Storage Facility

1. There appear to be no significant county-wide negative impacts related to this proposed project.
2. The Town is commended for submitted a complete application including all SEQR and Ag Data Statement.
3. No Site Plan drawing was provided.
4. Unable to determine the boundaries of the property.
5. All local County and State permits must be obtained and submitted prior to approval and must meet local, County and NY State Building Codes.

Report of Final Action:

Within 30 days after final action, **the referring body is required to file a report of its final action** with the Wyoming County Planning Board. If such action is contrary to a WCPB recommendation of modification or disapproval, this report should include the reasons for such contrary action.

Note: Please provide this report of final action below on the PINK response form and mail or deliver to:

Wyoming County Planning & Development, 36 Center St, Suite C, Warsaw, NY 14569

On 8/21/19 (date), the Village/Town Planning Board of Arcade (Board Name) took the following final action on the above proposed action previously referred to the WCPB.

- Approval Modification Disapproval

Report by: Michelle Karpinski Date: 9/2/19