

**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, January 13, 2021, at 7:00 P.M. a Zoom Meeting. We are running this as a joint in person and Zoom Conference Call as authorized by Governor's Executive Order

MEMBERS PRESENT: Andy Schnitzler, Rich Kosmerl, Amy Opferbeck, Paul Bijhouwer

MEMBERS ABSENT:

OTHERS PRESENT: Michelle Karpinski, Don Roberts, DeAnna Hyche, Duane Mau, Dan Meyers, Jeff Mason

The meeting was called to order at 7:05 P.M. by Chairperson Paul Bijhouwer

1. APPROVAL OF MINUTES:

MOTION by Rich Kosmerl, seconded by Andy Schnitzler and unanimously carried, to accept the minutes of December 9, 2020.

2. PUBLIC HEARING FOR A SPECIAL USE PERMIT APPLICATION, SBL #150.-2-24, FOR AN INSECT RAISING FACILITY AT 640 GEER ROAD, ARCADE, NY FOR GARY PIATEK.

The Public Hearing for Gary Piatek, SBL #150.-2-24 was called to order at 7:08 pm by Chairperson Bijhouwer.

Chairperson Bijhouwer asked three times if anyone had any comments for the Board- There were no comments.

The Public Hearing for Gary Piatek, SBL #150.-2-24 was closed at 7:10 pm by Chairperson Bijhouwer.

3. REVIEWING COMMENTS FROM THE WYOMING COUNTY PLANNING BOARD AND DECISION OF THE PLANNING BOARD FOR A SPECIAL USE PERMIT, SBL #150.-2-24 FOR GARY PIATEK AT 640 GEER RD, LOCATED ON THE TOWN OF ARCADE.

The Wyoming County Planning Board's response was Approval with Comments- There appear to be no significant county-wide negative impacts related to this proposed project.

MOTION by Andy Schnitzler seconded by Amy Opferbeck and unanimously carried, to approve the Special Use permit for Gary Piatek, SBL# 150.-2-24.

ADMENDED MOTION by Rich Kosmerl, seconded by Andy Schnitzler to amend the Motion to approve the Special Use Permit for Gary Piatek, SBL #150.-2-24 contingent on the sale of the property from Gary Paitek to his son Mike Piatek

4. PUBLIC HEARING FOR A SITE PLAN PERMIT APPLICATION, SBL #193-2-6, REQUESTED BY BROADWAY GROUP, LLC TO CONSTRUCT A COMMERCIAL BUILDING WITH ONLY A 20FT SETBACK NOT IN COMPLIANCE WITH THE TOWN ZONING FOR L1/HC DISTRICT: LIGHT INDUSTRIAL, HIGHWAY COMMERCIAL WITH A 50FT MINIMUM REAR SETBACK AT LIBERTY STREET, ROUTE 98, ARCADE, NY.

The Public Hearing for Broadway Group, SBL #193-2-6 was called to order at 7:22 pm by Chairperson Bijhouwer.

Below are the comments from the public:

1. Dan Meyers resides at 11 Madison Ave, Arcade, Village Resident.
 - a. Mr. Meyers questioned if the drainage was considered by the Planning Board.

Reply from Chairperson Bijhouwer stated for this project and comparatively minor magnitude of the amount of disturbed land does not exceed 1 acre- Broadway Group does not need to go thru a formal State Storm Water Drainage Process. However, as shown in the drawing the site has 3 drainage inlets, all three are in the paved parking lot area and they are using a Drywell System-so not discharging storm water or this property as surface runoff, it will essentially infiltrate into sub service soils on site.

- b. Mr. Meyers second item is with it being a 55 mph zone and heavy truck traffic and having a store at that location is considered high risk for more accidents and introducing more traffic into the area.

Reply from DeAnna Hyche (Project Manager for Broadway Group, LLC) is that they went thru the DOT and they will honor the State requirements and presently the DOT requested 3 lanes for the driveway on this project. One lane entering the parking lot and 2 lanes going out (1 turning left and 1 turning right) which are shown in the plans.

- c. Mr. Meyers then stated that the area has a high, dense deer population and putting a building there will reduce the visibility of the deer entering the roadway and causing an accident.

DeAnna Hyché replied that Broadway Group will be putting up a privacy fence and perhaps that will re-direct the deer paths.

- d. Mr. Meyers asked what the name of the retail facility will occupy this location.
- e. Chairperson Bijhouwer stated it would be a Dollar General. Mr. Meyers then stated he objects to Dollar General even coming into the area due to the fact that the area already is saturated with that type of retail.

- 4 miles- Yorkhsire Dollar General

- 6 miles- Machias Dollar General

- 8 miles- Franklinville Dollar General

- Rushford Dollar General

Mr. Meyers has been in the Dollar General in Yorkshire and the place is filthy, he feels like he needs to shower after visiting the store. He knows this location will be a new store but eventually housekeeping will diminish and the area does not need another retail store, it will hurt local owned businesses in the area (Brass – Market Place, Horrigan’s-Save-a- Lot), and most of the items that Dollar General carries can be purchased at local stores.

- 2. Duane Mau resides in Lancaster, his parents live between the proposed site and T.P.I., he is speaking on their behalf.

- a. His first question was would the privacy fence be on his parents property line.

DeAnna Hyché from Broadway Group responded that depending on ordinance generally they place them 2 ft. off the property line to make mowing easier, but they are flexible on terms of location of the fence.

- b. Mr. Mau asked how high the fence was and what kind of fence.

DeAnna stated the fence is 6 ft. high and it is a Shadow Box double boarded fence. All the lighting is downward lighting so as not to shine in neighbor’s yard.

- c. Mr. Mau also stated, he is concerned about the 55 mph speed limit and thinks it needs to be addressed.

Board Member Andy Schnitzler stated it will be addressed as per the Wyoming County’s comments and Dan Meyer’s concerns.

- d. Mr. Mau asked the Planning Board if the Dollar General will be hooked up to the Village of Arcade's Sewer and if so can it be extended to his parent's house, so they can also have Village Sewer.

Chairperson Bijhouwer answered, yes it is going to be hooked up to the Village of Arcade's Sewer and Mr. Mau would have to check with Larry Kilburn –the Village of Arcade's Superintendent of Public works about his parents property being able to be hooked up to the Village Sewer.

- e. Last question for Mr. Mau was if the retention ponds behind will be touched and when the last flood took place his parents were totally under water.

Chairperson Bijhouwer stated the retention ponds are on T.P.I.'s property and will not be touched by this project and that the Board did look at the 100 yr. old Flood Plan map and it is quite a ways back by the tree line and because of the retention ponds they might never get flooded again in that area.

3. Jeffrey Mason resides at 222 Liberty Street, Arcade, Village Resident

- a. Mr. Mason said there are at least 3 types of Dollar Stores, the one that Dan Meyers referenced as being filthy is not the same Dollar Store.
- b. Also, he is concerned about the 55 mph speed limit for that area. The Dollar General in Holland is 35 mph, Machias - 45 mph, Franklinville-30 mph and Rushford-55 mph. Mr. Mason is opposed to the idea of a Dollar General at this location until the 55 mph speed limit is looked at.
- c. Mr. Mason resides just in the Village on the same road and not right now but there can be a lot of truck traffic and they can still be going 55 mph still past his house before they slow down.

Chairperson Bijhouwer asked for a second and third time if there are any more concerns from the audience and there were none.

The Public Hearing for Broadway Group, SBL #193-2-6 was closed at 7:53 pm by Chairperson Bijhouwer.

5. REVIEWING COMMENTS FROM THE WYOMING COUNTY PLANNING BOARD AND DECISION OF THE PLANNING BOARD FOR A SITE PLAN PERMIT, SBL #193-2-6, REQUESTED BY BROADWAY GROUP, LLC TO CONSTRUCT A COMMERCIAL BUILDING WITH ONLY A 20FTFT SETBACK NOT IN COMPLIANCE WITH THE TOWN ZONING FOR L1/HC DISTRICT: LIGHT INDUSTRIAL, HIGHWAY COMMERCIAL WITH A 50FT MINIMUM REAR SETBACK AT LIBERTY STREET, ROUTE 98, ARCADE, NY.

Wyoming County Planning Board gave approval with comments:

1. There appear to be no significant county-wide negative impacts related to this proposed project
2. A completed 239-m Referral Checklist has not been provided
Response from Board: We do believe that we have included the approval checklist-Don Roberts confirmed we did send over the County Planning Board, it was just missed.
3. All local County and State permits must be obtained and submitted prior to approval and must meet local, County and NY State Building Codes.
4. All DEC permits, should be applied for prior to approval.
5. A Site Plan drawing and application for Site Plan Review was provided.
6. Area Variance Findings & Decision is included.
Response from Board: That is a description at the top of the application and the Decision of the Area Variance will take place at Zoning Board meeting on Monday, January 18, 2021.
7. The boundaries of the property are shown.
8. The boundaries of the property and the location of adjoining uses are shown.
9. The NYS SEQR has been provided.
10. Town should consider working with DOT to extend the 30 mph speed limit out to include this district.

Chairperson Bijhouwer wanted to expand on the direction of the DOT on where they wanted the location of the driveway to be. DOT advised to have it placed there because of a utility pole that would have to be moved. Chairperson Bijhouwer feels he needs to have a discussion with the DOT, to look out for the homeowner as his duty to see about having the driveway possible moved so it is not too close to the one home and have maybe the whole project moved over a little and have an even disbursement between the two homes.

DeAnna Hyché has a DOT representative (Zack Starky) who she is presently working with on this project. She is more than happy to reach out to him and have a conversation scheduled between the three of them to see what the DOT's stance on the placement of the whole project.

The Board went back thru the minutes of last minute to go over the changes that the Board asked Broadway Group, LLC. to change on their paperwork from last meeting.

#2 to list the DOT Permit, Building Permit from the County- that was added

#4 Add Residential and Forest- That was added

#8-B. Add Wyoming County Transit Service-That was added

All the changes that the Board asked for were completed by the Broadway Group, LLC.

The Board did ask Broadway Group, LLC to reach out to T.P.I. and possibly have a conversation about buying the land behind the projected site. T.P.I., informed DeAnna Hyche (from Broadway Group, LLC) that behind the property is a drainage ditch that cannot be taken down and will never have anyone else build back there. DeAnna Hyche asked the Planning Board if they need to have a privacy fence installed in the back seeing how there will be no one behind the building. The Board discussed and doesn't see a need for a privacy fence in the back. The sides need to have a fence to keep the neighbors from getting car lights shining in their windows.

Chairperson Bijhouwer asked if we received any of the SEQR letters back from the agencies.

We received a letter back from the Town of Arcade that they approved the Planning Board being LEAD Agency and from the Zoning Board of Appeals also approved. We did not receive a response from the DOT and no response is considered approved to be LEAD Agency.

SEQR Part 3 of Short Environmental Form

MOTION by Chairman Bijhouwer, seconded by Andy Schnitzler and unanimously carried, that the Board finds that this proposed action will not result in any significant adverse environmental impacts and do a negative declaration under SEQR.

Chairperson Bijhouwer asked Secretary Karpinski to forward a copy of the negative declaration to the Zoning Board. In addition to send a copy of the negative declaration to DeAnna Hyche along with the Wyoming County comments.

MOTION by Rich Kosmerl, seconded by Chairperson Bijhouwer and unanimously carried to send a letter to the Arcade Town Board urging them to contact the DOT for a reduction of the speed limit from before the proposed project coming into the Village or at the very least at the County Line reduce the speed. The Planning Board has had a discussion about the foot and bicycle traffic from the Village to the proposed project will increase dramatically.

6. THE FIFTH POSITION FOR THE PLANNING BOARD THAT NEEDS TO BE A VILLAGE RESIDENT STILL REMAINS OPEN.

The Board Members will think about that and see if they can come up with a nominee.

There being no further business brought before the Board, the meeting adjourned at 9:12 P.M. upon **motion** by Chairperson Bijhouwer, seconded by Amy Opferbeck and unanimously carried. The next regular meeting of the Planning Board of the Town and Village of Arcade is scheduled for Wednesday February 10, 2021, at 7:00 P.M. in the Village Boardroom, 17 Church Street, Arcade, New York.

Respectfully submitted,
Michelle Karpinski
Secretary