

**VILLAGE OF SPRINGVILLE
PLANNING BOARD MINUTES**

June 28, 2022

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Ed Young Ken Heidle Greg Keyser Devin Kowalske
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Terry Skelton, Trustee Stephen Schunk Nick Shepard Jackie Schneider Troy Schneider Michele Schneider Dan Miller Linda Miller

After the Pledge to Allegiance, Chairman Mulhbauer called the meeting to order at 7:01 pm.

Tonight on the agenda the Planning Board is addressing the following Public Hearings:

Application #9858 for Special Exception (Caretaker's or Owner's Dwelling Unit): 17 E. Main St., Springville, NY, SBL 335.20-1-5, B1 Zoning District, Steven Schunk.

Application #9894 for Home Occupation: 111 S. Vaughn St., Springville, NY, SBL 336.18-1-17, R8.5, Nicholas Shepard and Jacquelyn Schneider.

Property owner, Mr. Steve Schunk was on hand tonight to explain to the Planning Board what it is that he is seeking approval for. Mr. Schunk stated that he would like to use the back portion of his single story building for living quarters for his business office located in the front portion of the building. CEO Mike Kaleta had stated in an e-mail to the Planning Board that per the Village Code the description of a Caretaker's or Owner's Dwelling Unit is: *A dwelling unit located in the same building to which it is an accessory use; provided, however, that such a term shall also include a mobile home actually occupied by such caretaker or owner (subject to removal if*

vacant for more than 30 days). Mr. Kaleta went on to explain that there appears to be no special standards with Accessory Uses in the Code, just the general standards for Special Exception uses. After much more discussion by the Planning Board as to where this request fits within the Code, the Planning Board felt comfortable with voting on Application #9858.

First, Chairman Muhlbauer asked for a Motion to approve the SEQR. The Planning Board determined that the SEQR is a Type II and no further review was needed. Member Devin Kowalske made the motion, seconded by Member Ed Young, all in favor, none opposed.

All public notifications were completed prior to the hearing and this Public Hearing announcement was published in the Springville Journal. Erie County had no issues. The County had no recommendations and stated that this application is a local concern.

Chairman Muhlbauer then asked for a motion to approve application #9858 for Special Exception approval for a Caretaker's or Owner's Dwelling Unit.

The vote went as follows:

- *Bob Muhlbauer* *aye*
- *Greg Keyser* *aye*
- *Ed Young* *aye*
- *Ken Heidle* *aye*
- *Devin Kowalske* *aye*

Application #9858 approved with the following stipulations.

- *Change of use or ownership will be required to come back before the Planning Board*
- *The residential use is to stay to the rear of the building only.*

The next application before the Planning Board is for:

Application #9894 for Home Occupation Approval: 111 S. Vaughn Dr., Nicholas Shepard and Jacquelyn Schneider.

Mr. Nicholas Shepard and Ms. Schneider were present to explain what they wanted to do and to answer any questions the Planning Board may have. Ms. Schneider stated that she and Mr. Shepard would like to do Dog Grooming out of their home. They stated that it would be operated out of their 300 square foot garage and will service primarily small and medium dogs but on occasion service other small pets such as rabbits, guinea pigs or other small pocket pets. Each pet will be seen by appointment only with all appointments staggered to ensure that all animals are serviced one on one. Appointments will be scheduled between 8am and 6pm with pick up no

later than 7pm on any given day. Days of operation will be Monday through Saturday and closed on Sunday.

Some neighboring residents were on hand to express some concerns that they have. Daniel and Linda Miller of 97 S. Vaughn St. stated that they were concerned about the dumpster that is located at the applicant's house and fear that it would only get worse with the addition of the Home Occupation. The applicant's only have their dumpster emptied once a month currently but discussed having it emptied once a week if they did have the addition of the dog grooming business. In addition the applicant's will need to screen in one side of the dumpster on the property line side facing the neighbors. The Planning Board agreed that parking is sufficient.

After a little more discussion by the Planning Board, Chairman Muhlbauer declared that this application is a Type II SEQR, requiring no further action and asked for a motion. Member Ken Heidle made the motion, seconded by Member Devin Kowalske, all in favor, none opposed.

All public notifications were completed prior to the hearing and this Public Hearing announcement was published in the Springville Journal.

Chairman Muhlbauer then asked for a motion to approve application #9894 as presented for Home Occupation approval. Member Devin Kowalske made the motion, seconded by Member Ed Young, all in favor, none opposed.

The vote went as follows:

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| • <i>Bob Muhlbauer</i> | <i>aye, with stipulations</i> |
| • <i>Greg Keyser</i> | <i>aye, with stipulations</i> |
| • <i>Ed Young</i> | <i>aye, with stipulations</i> |
| • <i>Ken Heidle</i> | <i>aye, with stipulations</i> |
| • <i>Devin Kowalske</i> | <i>aye, with stipulations</i> |

Application #9894 approved with the following stipulations:

- ***Hours of operation are 8am-7pm, with no Sunday hours.***
- ***Operation is by appointment only.***
- ***There will be no overnight kenneling.***
- ***The garbage will be dumped weekly and***
- ***The dumpster will be screened on the side to the property line.***

Lastly this evening the Planning Board and CEO Kaleta need to discuss inquiries regarding properties on W. Main St. to use them as more than single family homes. Mr. Kaleta stated that currently there are several buildings that are still in the R8.5 district that have either been granted

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variances or have been that use prior to zoning. The Planning Board and Mr. Kaleta discussed making the R8.5 District but offering a Retail Overlay in the area along W. Main St. that runs between the Business Districts and the Commercial Industrial Park Districts. After lengthy discussion the Planning Board decided to recommend to the Village Board of Trustees to make all of W. Main St. a Retail Overlay District and that Zoning should be adjusted to allow for more uses and more mixed uses. Getting rid of hard boundaries between commercial districts and having transition areas to allow for mixed use type areas. Hence giving the Planning Board more leeway to do what is good for the Village by allowing mixed use and making decisions about form and appearance. For these projects, applicants should have approval at the Planning Board and not have to seek Variances from the Zoning Board of Appeals.

Chairman Muhlbauer asked for a motion for this recommendation. Member Ed Young made the motion, seconded by Member Devin Kowalske, all in favor, none opposed.

Lastly, Chairman Muhlbauer asked for a motion to approve the minutes from the April 12, 2022 Planning Board meeting. Motion was made by Member Greg Keyser, seconded by Member Ed Young, all in favor, none opposed.

At 9:05 pm, Chairman Muhlbauer asked for a motion to adjourn. Member Ken Heidle made the motion, seconded by Member Devin Kowalske. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube