

**VILLAGE OF SPRINGVILLE
PLANNING BOARD MINUTES**

June 13, 2017

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:	Renee Miranda Joe Emerling Ken Heidle Greg Keyser
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Alan Chamberlin, Trustee Ben Slotman Don Hoefler Carl Emerling

After the Pledge of Allegiance, Chairman Mulhbauer called the meeting to order at 7:03 pm.

First order of business this evening, CEO/Building Inspector Mike Kaleta wanted to introduce Mr. Donald Hoefler of Labella Associates. Mr. Hoefler has been hired by the Village of Springville to help with any engineering questions or issues that may arise from various applications that come before the Village of Springville.

At this time the Planning Board has before them a continuation of **Application # 8012**, ECHO Property Development, LLC (Emerling's). The Applicants have made some progress regarding their application. Tonight, an engineer for the applicant is on hand to discuss the requested subdivision. Mr. Ben Slotman of MDA Engineers explained to the Planning Board what was going on. Mr. Slotman said that the Phase I Study has been completed. He said that they are working with an archeologist from the University of Buffalo named Doug Perrelli and that based on his findings from the Phase I Study, SHPO has acknowledged and is recommending that a Phase II Evaluation be conducted on site. Mr. Slotman also stated that they are in the final utility plans with Superintendent Ken Kostowniak and that he anticipated having the plan completed by the end of the month.

Next, Mr. Kaleta said that notification for the Town of Concord and Erie County Planning has been done with no input and all other public notifications have been completed and this Public

Hearing announcement was published in the Springville Times. He went on to say that he has had some feedback from Dolores Funke, Director of Environmental Health for Erie County. Ms.

Funke determined that the Village of Springville Planning Board should be Lead Agency but that they have to adhere to approvals from the ECDOH regarding the sanitary sewer extension and water service. Mr. Kaleta also heard back from Mr. Ed Rutkowski of the NYS DOT. Mr. Rutkowski said that the proposed action will not have a significant impact on the State Highway System and that he also concurs that the Village should be acting as Lead Agency. Lastly, Mr. David Denk of the NYS Department of Environmental Conservation also agreed that the Village of Springville should be Lead Agency due to the local significance of the project. He also voiced that the same requirements as Ms. Funke of Erie County Department of Health expressed should be adhered to.

With Mr. Slotman informing the Board about what was going on with SHPO, the Planning Board felt that they could finish the questions on the SEQR that they previously hadn't been able to answer in Part II. With that being completed, Chairman Muhlbauer asked for a motion to declare this application unlisted and a negative declaration was issued. Member Greg Keyser made the motion, seconded by Member Joe Emerling. All in favor, none opposed.

The Planning Board would like to let the Applicants begin work but still are unable to give complete Site Plan approval. After some discussion the Planning Board determined what they would be comfortable with letting them begin.

Mr. Slotman had requested approval from the Village to begin site preparation work, to include but not limited to, grubbing, top soil removal, rough grading, installation of erosion and sedimentation control (temporary & permanent), construction entrance, and utilities (water & sewer). Mr. Slotman said that they will continue to update the Village on the status of the Archaeological investigations on the site and responses to SHPO pertaining to the project.

Chairman Muhlbauer asked for a motion to permit the Applicants to begin the work that Mr. Slotman had requested with stipulation. Member Ken Heidle made the motion, seconded by Member Greg Keyser. All in favor, none opposed. *The stipulation is as follows:*

- *All drawings are subject to Mr. Don Hoefler of Labella Associates review and the appropriate agency's approval.*

Also this evening Mr. Kaleta wanted to remind to the Planning Board that back in 2012 they gave Applicants Jim and Elizabeth Pellette approval to have a home occupation with Stipulations. The Stipulations were as follows:

Application #6409 approved with the following stipulations:

- *No sale of firearms, ammunition or any other goods or services shall be allowed.*
- *This permit shall be terminated if the applicant ceases to occupy the stated location as his principal residence or if he no longer holds an ATF Federal Firearms license.*
- *The applicant shall not have employees engaged in the Special Use and no other person other than the applicant may perform the service described in his application letter.*
- *No business sign shall be placed at the permanent location to indicate the Special Exception Use being permitted other than a small sign designated for deliveries.*
- *The applicant shall comply with all State and Federal Laws and Regulations relating to this use.*
- *This permit shall expire in the event of substantial increase in the volume of traffic being generated by this use and, in any event two years after it is granted, but may be renewed upon application to the Planning Board 60 days prior to its expiration.*

Mr. Kaleta wanted to point out the last stipulation that requires the Applicant to apply every two years for recertification of their application and thus far it has not been done. Mr. Kaleta stated that he will mail Mr. and Mrs. Pellette a letter reminding them to do so.

Mr. Kaleta also wanted to discuss the Village of Springville's Attorney Paul Weiss's response to the Planning Board's recommendations regarding the parking law for Bars/Restaurants. It was also discussed that the Planning Board be able to adjust the parking requirements with due cause with a Super Majority.

Next, the Planning Board discussed all the information that Member Greg Keyser put together regarding Mobile Food Vending. Member Keyser put together a couple of maps showing food truck buffers throughout the Village. On these maps there is a 100 feet buffer from all intersections and a 250 feet buffer from any restaurants. With these maps the Planning Board can get an idea of how they would like to see Mobile Food Vending handled. At this time they know that they need to discuss this issue some more and come up with a solid plan of what they would like to recommend to the Village Board of Trustees.

Lastly, Mr. Kaleta informed the Planning Board that Land Pro (formerly Zahm & Matson) will be planting more plants to help with the berm/buffer between them and the neighbors. He also informed the Board that the pallets the neighbors had an issue with have been moved and should no longer pose an issue. Mr. Kaleta also said that in the near future Land Pro intends to put in an application with the Zoning Board for a Pylon sign and their intention is to put the sign on their property as far away from the neighbors as possible.

Page 4

Planning Board Meeting

June 13, 2017

Chairman Muhlbauer asked for a motion to approve the minutes from the 5/09/2017 Planning Board meeting. Member Greg Keyser made the motion, seconded by Member Renee Miranda. All in favor, none opposed.

At 8:36 pm, Chairman Muhlbauer asked for a motion to adjourn. Member Renee Miranda made the motion, seconded by Member Ken Heidle. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube