

## **Planning Board Minutes of February 9, 2015**

### **Present:**

Brian Perry, Chairman  
Daniel Kowalik  
Robert Anderson  
Mary Jane Shonn  
Brian Murray – Alternate  
Paul Bowers – Village Engineer  
Michael Borth, Code Enforcement

### **Absent:**

Richard Forrestel

### **Excused:**

Public Works Manager, Jon Cummings

**Meeting Began:** 7:03 pm.

Chairman Perry opened the meeting with a welcome to everyone.

RESOLUTION duly moved by Kowalik and seconded by Shonn to approve the minutes of the Planning Board Meeting of January 6, 2015. Carried unanimously

### **69 Main Street – Ivan Snyder/John Thering/Mike Middaugh – Furniture Consignment/Gift Shop**

Mr. Snyder explained to the Board that the Furniture Consignment Shop used to be located at 83 Main Street and will be moving to 69 Main Street. The store inventory will be similar to the old store but the furniture will be a higher quality. The Store is scheduled to open on February 10, 2015. Code Enforcement Officer Borth stated that there are CO and Smoke detectors in place as well as fire extinguishers. He will also complete a final inspection once the move is complete. Lastly, he also highly recommended to property owner Michael Middaugh to install a Knox Box. After discussion the Planning Board approved the application.

RESOLUTION duly moved by Shonn and seconded by Kowalik to approve the application for a furniture Consignment/Gift Shop at 69 Main Street be and hereby is approved. Carried Unanimously

## **6 Clinton Street - NLSB Corp Laurie Mozee – Italian Restaurant**

Code Enforcement Officer Borth explained to the Board that the current Catering/Banquet Facility located at 6 Clinton Street was open on an event basis only but would now like to open a casual Italian Restaurant from Tuesday through Saturday from 4 pm – 9 pm, but still use the Banquet Facilities on Sundays and Mondays. They will be adding a commercial gas range with a hood/self-contained Ansell system. CO and Smoke detectors are in place as well as fire extinguishers. Laurie explained that there will be no plumbing changes and parking is located in rear. She stated that they would like to open March 9, 2015. After discussion the Planning Board approved the application

RESOLUTION duly moved by Murray and seconded by Kowalik to approve the application to open an Italian Restaurant to serve dinners from Tuesday – Saturday from 4 pm – 9 pm at 6 Clinton Street be and hereby is approved. Carried Unanimously

## **27 Jackson Street – David Glian – Special Use Permit – Storage and Auto Repair**

Mr. Glian came before the Board to apply for a Special Use Permit to allow auto storage and or auto repair at the old Newstead Town Barn located at 27 Jackson Street. He is still in the process of trying to rent out the space but at this time he does have interested parties to rent as auto storage and or auto repair. He assured the Board that the premises would be kept in a neat and orderly manner. Village Attorney Shonn explained that in the I-1 Limited Industrial Zone there are several uses, but all need a Special Use permit to operate. Village Engineer Paul Bowers indicated that a water backflow preventer is required for this application. At this time there are no CO or smoke detectors installed as per Code Enforcement Officer Borth. After discussion the Planning Board agreed to approve the application and to forward the application to the Zoning Board of Appeals.

RESOLUTION duly moved by Kowalik and seconded by Shonn to approve the application for a Special Use Permit for auto storage and or auto repair at the premises located at 27 Jackson Street and to forward to the Zoning Board of Appeals with a recommendation to grant the Special Use Permit for one year. Carried Unanimously

## **83 Main Street – Lisa Riniolo/Jayne Little – Coffee Shop/Book Store**

Property owner Jayne Little as well as Code Enforcement Officer Borth were present on behalf of Lisa Riniolo to explain the new business going into 83 Main Street. Code Enforcement Officer Borth stated that Lisa would like to open a Coffee Shop/Book Store on April 1, 2015. Jayne explained that she is trying to bring the building up to code by replacing the electric heat with gas, removing existing ceiling and replacing with 2 hour fire rated drywall, installing CO and smoke detectors, installing a Knox Box, new lighting and possibly creating a handicap assessable entrance. Also plans are for the Crush sign to be transformed to represent the new business. After discussion the Planning Board agreed to approve the application for a Coffee Shop/Book Store.

RESOLUTION duly moved by Anderson and seconded by Murray to approve the application for a Coffee Shop/Book Store located at 83 Main Street after all the new updates have been installed by property owner Jayne Little be and hereby is approved. Carried Unanimously

## **Akron Village Commons – Hake Rd/Clarence Center Rd Subdivision**

Paul Stephen, Noel Dill, and Project Engineer Mike Metzger from the Akron Village Commons came to this meeting at the request of the Planning Board. December 2013 was the last time the Akron Village Commons came before the Planning Board, so to update everyone on the project the Planning Board sent a letter of invitation to the Akron Village Commons group to attend the next meeting. Village Engineer Paul Bowers asked if the project was still proposed and if so, have any changes been made to the preliminary plat from August 2012. Mr. Metzger stated that nothing has changed except the fact that the Army Corp of Engineers will allow the use of culverts as opposed to bridges that were in the plans at the very beginning. Mr. Stephen said the plan still remains to start with phase 1A which would include the infrastructure for 4 lots with show homes to be used as the sales center to promote the subdivision. Each phase thereafter would be complete before the next phase opens. The plan is to build affordable modular homes with basements as an option. Village Engineer Bowers stated that the Preliminary Plat from August 2012, which has been extended several times, would have to be extended again and a revised phasing map is still required. Village Attorney Shonn stated that as long as everything is still the same as the preliminary plat the Planning Board could extend again at the next meeting providing all necessary paperwork has been submitted. Lastly, discussion was held regarding the electric design and who is responsible for implementing it. The AVC developer needed time to arrange additional financing for the electrical system; as they normally would not deal with up fronting the costs for this. Mr. Metzger stated a new phase map as well as the preliminary plat would be ready for approval at the next scheduled Planning Board meeting.

## **66 Main Street – Andy Kelkenberg – Restaurant/Apartments**

Andy Kelkenberg came before the Planning Board to give an update of the project at 66 Main Street. He explained that the project had several code issues stemming from issues with the architect as well as working with three different Code Enforcement Officers from the Village. At this point he feels the issues have all been resolved and is now waiting on Sandro from Pizzabella (proposed tenant) to finance the commercial kitchen installation. Mr. Kelkenberg will tighten up the outside of the building but is at a standstill to finish the upstairs apartments until the kitchen is installed in the restaurant downstairs. He will do his best to move the project along. Code Enforcement Officer Borth noted that the permit for this project will expire in July 2015.

## **33 Cedar Street – Elaine Webster – Variance for 3 ft. fence in front yard**

Elaine Webster was not present, but Code Enforcement Officer Borth explained to the Board that Ms. Webster would like to place a 3' Black Chain Link fence in the front yard at her property located at 33 Cedar Street. Currently Ms. Webster has bushes lining her front yard to try and keep people from damaging her flowers and Christmas decorations. She would like to replace the bushes with the fence. Code Enforcement Officer Borth stated that the Village Code allows an 18" fence in the front yard but a variance will be needed to place a 3' fence in the front yard. He also mentioned that he would request the fence, if granted, to be placed at least 6" from the sidewalk to enable any future sidewalk repairs or expansion and to prohibit any kind of privacy panels. After discussion the Board felt that an 18" fence would be sufficient to keep people out of her yard, therefore, the Board decided **not** to recommend the variance for a 3' fence in the front yard of 33 Cedar Street.

RESOLUTION duly moved by Shonn and seconded by Anderson to **not** recommend the variance application for the placement of a 3' black chain link fence in the front yard of the property owned by Elaine Webster located at 33 Cedar Street and to recommend same to the Zoning Board of Appeals be and herby is approved. Carried Unanimously

Paul Bowers wanted to mention that Erie County has two lists of Uses that need backflow prevention devices: one is called hazardous conditions list and the other one is called aesthetically objectionable conditions list. The prevention devices protect the public water supply. Hazardous locations/uses must have them. Discretion can be used for some aesthetically objectionable location because it depends on the complexity of the plumbing.

**Training:** Nothing new

**Meeting adjourned at 9:25 P.M. on a motion from Anderson and seconded by Perry. Carried Unanimously**

**Next Planning Board meeting: Monday March 9th, 2015 at 7:00 pm**

Submitted by:

Brian Perry, Planning Board Chairman