

Ron Woltz, owner of Pasquale's, stated the debris issue was taken care of and it continues to be monitored. He understood the fence was for visual appearance of the parking lot. Mr. Woltz agreed to install a fence if required, but he thought a natural barrier would look nicer and had no problem planting deer repellent trees.

Mr. Rathmann suggested 6' White Spruce or Norway Spruce staggered and spaced 12' to 15' apart. A layout of the plan should be submitted to the Code Enforcement Office.

No comments were received from the public.

Motion by Rathmann, seconded by Mendola, to approve a revision to the site plan for property located at 3720 Seneca Street with the use of 6' White or Norway Spruce trees rather than fencing at the north side of the rear parking lot, spaced 12' to 15' apart in a staggered configuration and a supplemental drawing shall be presented to the Code Enforcement Office for the record.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2015-011

A request from Silvertip Ventures, LLC for a rezoning for property located at 1371 & 1377 Indian Church Road and 1954, 1934 & 1926 Union Road, being part of Lot Nos. 78, 79, 80, 81 & 82, changing its classification from C-1 to C-2, for a restaurant and retail building.

Motion by Mendola, seconded by Sherman, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form, legal description, survey, preliminary site plan and a letter from owner.

Robyn Cierniak of William Schutt & Associates stated the site is a 1.3 acre parcel currently zoned C-1 and they are requesting a rezoning to C-2 for a Tim Horton's restaurant with drive-thru and retail building. The Tim Horton's will be 1776 sf and the retail building will be just over 5800 sf. Two entrances to the site are proposed – one from Indian Church Road and one from Union Road. Twelve parking spaces are required for the Tim Horton's along with 35 parking spaces for the retail building and they have provided for a combined total of 48 parking spaces. There will be 28 seats inside the Tim Horton's and no external seating is proposed at this time. No tenants

2015-011 (continued)

are currently proposed for the retail building. Existing buildings on the site are in a dilapidated state and will be removed. Ms. Cierniak stated the proposed project will improve the appearance of the site and the developer is aware of the aesthetics of the neighboring community. She further noted the project has been submitted for SEQR with the conceptual site plan.

Mr. Rathmann noted the soils map indicates there is potential hydric soils on site. He further noted the buildings are from the 1850's and are probably well constructed.

Ms. Cierniak responded she will double check on the hydric soils, but there may not be anything left because of the amount of paving on site. There have been discussions on what to do with the buildings.

Mr. Sherman questioned if the buildings are on the historical registry.

Town Attorney John Fenz stated he spoke with the NYS historic preservation agency and none of the buildings appear on the historical register, so it is unlikely that any history of the buildings will present an impediment to the project going forward.

Paula Minklei commented on the traffic and number of accidents that happen at the corner of Union Road and Indian Church Road. Mrs. Minklei felt the traffic from Tim Horton's will be an impediment and did not believe the property should be zoned for a drive-thru. She further commented on other Tim Horton's locations on Union Road one mile south and 1½ miles north of the site.

Chairman Niederpruem responded the Planning Board had the same concerns on Orchard Park Road and Potter Road, but they came up with a traffic flow pattern that restricts certain turning movements and is working effectively. He suggested restricting a left turn into the site from Indian Church Road and stated the traffic issue will be addressed during the site plan process. Chairman Niederpruem further commented on the importance of the architectural appearance of the building.

Mr. Rathmann expressed concern there is no bypass lane for the drive-thru in the plan. He further commented on the dead end parking lot which will force vehicles to backup if there are no parking spaces. Mr. Rathmann stated that signalization is a problem with the Clinton Street intersection and Indian Church Road intersection and it creates a traffic problem. A left turn into the site from Indian Church Road will also not work because traffic backs up.

Mr. Sherman referred to the stacking at the drive-thru for 11 vehicles and stated they will probably need 25' per car, so he did not believe the lane could hold 11 vehicles.

