

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, May 31, 2023

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Severyn Development, Inc.
Agricultural-Rural Residential

Requests a Minor Subdivision of Land to create two (2) new lots located at 6591 Conner Road.

Item 2

Matthew Neuman – Acre Farms LLC.
Agricultural Floodzone

Requests a recommendation of a Temporary Conditional Permit for an office facility addition and continued operation of a construction and property maintenance business at 8846 Goodrich Road.

Item 3

This Little Pig
Traditional Neighborhood District

Requests a recommendation of a modification to the existing Temporary Conditional Permit for outside dining at 10651 Main Street.

Item 4

Local Pizza and Catering
Traditional Neighborhood District

Requests a recommendation of a Temporary Conditional Permit for outside dining at 8885 Main Street.

Chairman Robert Sackett called the meeting to order at 7:08 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Jason Geasling
Jason Lahti

2nd Vice-Chair Wendy Salvati
Patrick Johnson

Planning Board Members absent:

Richard Bigler, Vice-Chair Gregory Todaro

Town Officials Present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Barbara Kern	Gary Andres	Karen Loffredo	Marjorie Ebersole
Bill Severyn	Mandy Cooke	Jeff Cooke	Kathy Fieramusca
Katrina Webster	Jill Nowicki	Peter Hammerl	Mathew Neuman
Diane Bianchi	Steven Bianchi	Kathy Connelly	

Item 1

Severyn Development, Inc.
Agricultural-Rural Residential

Requests a Minor Subdivision of Land to create two (2) new lots located at 6591 Conner Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 6591 Conner Road, located on the east side of Conner Road and south of County Road. It is an existing 10.17-acre vacant parcel located in the Agricultural Rural-Residential zone.

The applicant is requesting a Minor Subdivision of land to create two (2) new building lots.

The proposed lot configuration would consist of:

- Parent Parcel: 2.75 acres with a frontage along Conner Road measuring 150’.
- Lot 1: 4.61 acres with frontage along Conner Road measuring 250’.
- Lot 2: 2.78 acres with frontage along Conner Road measuring 150’.

The Planning Board has authority to act on this request, after an action through the State Environmental Quality Review Act.

Bill Severyn with Severyn Development was present to represent the request. Mr. Severyn explained that their plan is to create a minor subdivision with dividing and establishing 2 additional building lots on Conner Road.

Mr. Severyn noted that there was an existing out-building barn located on the property that has been removed.

Regarding the Part 1 Short Environmental Assessment Form (EAF), Mr. Geasling asked Mr. Sevryn if the project site is located on or adjacent to an area designated or sensitive to any archaeological sites, or wetlands.

Mr. Sevryn responded that there are no archaeological sites that he is aware of. Additionally, they have reviewed the area with the Town of Clarence and there are no wetlands on the property.

Mr. Geasling confirmed that Mr. Sevryn is familiar with the 20 ft. drainage easement at the rear of the entire property that the Town has requested.

Mr. Sevryn responded yes.

Mr. Geasling asked Mr. Sevryn what the intention is with the property if the minor subdivision of land is approved.

Mr. Sevryn responded, explaining that they are currently working with a buyer for the property that plans to build a home on the center parcel. Sevryn Development will construct that home as well as a single-family home on each of the other two lots.

In regards to Public Participation, the following residents spoke:

1. Gary Andrees of 6531 Conner Road:
 - will the drainage be at the rear of the property
 - spoke with the Town of Clarence Highway Superintendent who mentioned that there may be a plan to redo the drainage along Conner Road. Does the applicant understand the implications of what that may entail and how it could affect their plans
 - how close to the road will the houses be built
 - will there be a private driveway entering at one point or will there be 3 separate driveways
 - hopes that Sevryn Development understands the condition of Conner Road
2. Ben Oliveri owns neighboring property:
 - concerns with water being dumped on to his property and where the water will go

Mr. Geasling clarified with Mr. Oliveri that he was referring to the 20 ft. drainage easement identified on the plan. This easement is for the Town of Clarence, they are requesting the drainage easement for potential mitigation in the future, there are no current plans for the proposed easement.

Public Participation was closed for this item.

Mr. Sevryn returned to address the concerns, explaining that there have not been any discussions with the Town of Clarence regarding drainage. As part of the building permit process, they will be required to provide a drainage plan for each property. At this point in the process, that has not been necessary.

Mr. Sevryn noted that he expects the setbacks to coincide with the existing setbacks on the street.

Mr. Sevryn added that there will be three separate driveways for each of the three separate parcels.

Chairman Sackett explained that Conner Road is a County road, so concerns regarding the road and drainage are County matters.

ACTION:

Motion by Jason Geasling, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Severyn Development Minor Subdivision at 6591 Conner Road. This Unlisted Action involves a lot split to create two (2) additional lots in the Agricultural-Rural Residential zone. After thorough review of the submitted plans and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Jason Geasling, seconded by Jason Lahti to **approve the Severyn Development Minor Subdivision** at 6591 Conner Road as per the submitted survey dated January 3rd, 2023, subject to the following conditions:

1. Subject to Erie County Department of Public Works approval for access to Conner Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lots.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the newly created lots.
4. Creation of a 20' wide public drainage easement offset along the eastern property line as shown in the memo sketch from the Engineering Department, dated May 19th, 2023. Said easement shall be provided to the Town Attorney's office for review and approval, and once approved to be recorded in the Erie County Clerk's office with a filed copy to be provided to the Town Attorney. Applicant shall provide a stamped "Filed" copy to the Town Attorney's office after recording.
5. Should any additional drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk's office and provide a stamped "Filed" copy to the Town Attorney's office after recording.
6. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

The applicant has heard, understands, and agrees to the conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 2

Matthew Neuman – Acre Farms LLC.
Agricultural Floodzone

Requests a recommendation of a Temporary Conditional Permit for an office facility addition and continued operation of a construction and property maintenance business at 8846 Goodrich Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 8846 Goodrich Road, on the west side of Goodrich Road, north of Tonawanda Creek Road. It is an existing 50-acre property zoned Agricultural Flood zone containing an existing residential principal structure, numerous accessory structures, agricultural operations, and pre-existing non-conforming business operations.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit (TCP) for an office facility addition and continued operation of a construction and property maintenance business. The office facility would contain restrooms for employees, and offices for the applicant and staff. No other business changes are proposed.

The Town Board referred the proposal to the Planning Board in April of 2023. Since that time, the applicant has met with the Planning Board Executive Committee and provided clarification on the extent of the operations occurring on the property.

The Planning Board is a recommending body to the Town Board.

Matt Neuman property owner and applicant, was present to represent his request.

Mrs. Salvati asked Mr. Neuman what business operates out of this site.

Mr. Neuman responded that he operates one business out of the site, snowplowing and concrete. His website is outdated and does not provide the correct information.

Mrs. Salvati asked for clarification on the property survey.

Mr. Neuman owns 8846 Goodrich Road, which is 50 acres. The other parcels have been split off; this is the property that he owns.

Mrs. Salvati asked Mr. Neuman to describe the different structures located on the property, and confirmed with Mr. Neuman that he is proposing to expand the garage for the office facility addition.

Mr. Neuman responded yes.

Mrs. Salvati asked what Mr. Neuman does inside the garage, and what is stored inside.

Mr. Neuman responded that there is machinery and other items that they need to protect from the weather and elements. Another building stores the tools and other items that the mechanic uses, and acts as his shop.

Mrs. Salvati asked if any vehicles are stored in the building.

Mr. Neuman responded no, not normally.

Mr. Neuman explained that the other two garages on the property are rented out by his tenants living in the apartments at the front of the property.

Discussion continued regarding the garages and buildings.

Mrs. Salvati asked Mr. Neuman to list the number and types of vehicles that will be kept on the site.

Mr. Neuman responded that all of his vehicles are commercial vehicles, he has cleaned the site up significantly from when he purchased it, and he is still in the process of having more removed.

Mr. Neuman stated that they have approximately 6 trailers and 10 trucks on the property, and they all get used daily. Two of the trucks are dump trucks, and the others are standard pickup trucks. They all get stored within the fenced in area.

Mrs. Salvati pointed out aerial photos that indicate multiple vehicles scattered around the property, including outside of the fenced in area.

Mr. Neuman reiterated that they came when he purchased the property, he has been working on getting them cleared out.

Mrs. Salvati stated that anything not stored within the fenced area is to be removed. It is to be put inside the fence, or removed from the property.

Mr. Neuman responded yes. Aside from his tenants located in the front of the property.

Mr. Neuman explained that during snow plow season they rent a garage on Ellicott Creek Road that they use to store their vehicles for snow plowing, as most of their snow plow business is in Amherst.

Mrs. Salvati asked what the current hours of operation are.

Mr. Neuman responded that typically his employees get to the site around 7:30 a.m. to pick up the trucks and supplies, and they typically return between 4:30-5:00 p.m. Generally, they work Monday – Friday.

Mrs. Salvati asked about material storage.

Mr. Neuman responded that there are minimal materials stored on this site. There is some stone and fill on hand that they use for some jobs, but very minimal.

Mrs. Salvati asked where the stone and fill are stored.

Mr. Neuman stated explained where the items are stored on his property, behind the fence. Mr. Neuman noted that nothing should be visible from Goodrich Road.

Mr. Neuman explained that the property had been an eyesore. He has been there over 8 years and has been working diligently to get it cleaned up. He has put in 6 ft. high fencing that helps mitigate the view. There is a rolling chain link gate that is 7 ft. high, that Lakeside Sod uses to get their mowers in to access their property.

Upon request of the Planning Board Executive Committee to screen the fence in order to mitigate the view, Mr. Neuman put in a screened tarp in the gated area. It is difficult to put up any panels or anything permanent, due to the winds that come off of the fields.

Discussion continued regarding what Mr. Neuman could utilize to help the fence with additional screening. He wants it to look neat and professional.

Mrs. Salvati stated that the screening needs to be opaque in order to screen what Mr. Neuman does and stores behind the fence.

Mrs. Salvati asked how many vehicles access the site on a daily basis.

Mr. Neuman explained that it is difficult to determine an exact number for that, as there are often variables that come in to play. Usually when the crews leave for the day, they don't return until the end of the day when they are finished.

Mr. Neuman added that as far as Lakeside Sod is concerned, it depends on the season. He can not answer that for them.

Mrs. Salvati asked what the earliest is that Lakeside Sod is accessing Mr. Neuman's site.

Mr. Neuman responded that he is not sure and can not answer for them. They have been there longer than he has, he continued to lease with them when he bought the property.

Mr. Johnson asked for clarification regarding the business on site. Do they remove all of the concrete forms and everything necessary off-site to do the work each day, no work is performed on-site.

Mr. Neuman responded no, it is basically all storage.

Mr. Johnson asked if there is anything being done that would make noise on the site aside from vehicles entering and exiting the property.

Mr. Neuman responded no, not regularly.

Mr. Geasling asked Mr. Neuman if his tenants in the apartments rent the garages as well.

Mr. Neuman responded yes, they are for their personal vehicles and belongings, they are not running any businesses out of them.

Mr. Johnson asked if Goodrich Road is the only access road for the property.

Mr. Neuman responded yes.

In regards to Public Participation, the following residents spoke:

1. Jill Nowicki of 8810 Goodrich Road:
 - requests that this entire proposal should be tabled until more clarification is provided, the survey provided is misleading
 - doesn't understand how the applicant has been able to have his business for as long as he has
 - doesn't feel commercial use should be permitted in this area
 - provided a letter with photos (placed in the project file)
 - a lot of cleanup needs to be done, and restrictions need to be placed
2. Barbara Kern of 8835 Goodrich Road:
 - opposed to the proposed project
 - applicant is using the property for commercial use without a permit
 - provided a letter with restrictions she would like to see imposed (placed in the project file)
 - has there been an environmental study since this is in the flood zone
3. Kathleen Fieramusca of 8815 Goodrich Road:
 - there are often dump trucks going in and out of the property to dump snow during the winter, in to all hours of the night
 - will the snow dumping continue
 - has an evaluation been done on the nearby bridge that separates Erie and Niagara counties to determine a weight limit and if not, she suggests one be done because of the heavy equipment
 - there are a lot of children in the area
 - the piles that get dumped are very visible from the road

Chairman Sackett clarified that the dumping the applicant is doing is on his property.

Ms. Fieramusca responded yes; it is his property but very visible from Goodrich Road.

Mr. Neuman returned to address the questions and concerns, stating that he tries to be a courteous neighbor, telling his employees to keep the noise down and to be respectful.

Mr. Neuman noted that the bridge in question is not a posted road.

In regards to the dumping of snow, Mr. Neuman stated that it occurred two years ago and once the police were called, they ceased the dumping out of respect for the neighbors, not by law.

Chairman Sackett asked Mr. Neuman where he dumps his snow.

Mr. Neuman responded that they primarily dump it off-site.

In regards to the dumping of soil on his property, Mr. Neuman explained that he is well within the boundaries of his property when he dumps the soil, and it is behind the fence.

Mrs. Salvati asked about the photos from the business website that show multiple different trucks and pieces of equipment.

Discussion continued regarding the number and type of equipment and trucks located on Mr. Neuman's property.

Mr. Neuman reiterated that everything he owns is behind his fence and the berm.

Mrs. Salvati asked Mr. Neuman if he will still be dumping snow on to the site.

Mr. Neuman responded very minimally.

Mrs. Salvati asked where on the site there are flood lights located.

Mr. Neuman responded that there are two on the corner of each side of the building, not exceeding the roof line. One of them is never turned on, and there will not be any new lighting added.

Mr. Johnson clarified with Mr. Neuman that he stated he would limit snow dumping to daytime hours.

Mr. Neuman responded yes; they will not violate the noise ordinance.

Mrs. Salvati explained to Mr. Neuman that he is operating a business that is not a permitted use in a residential neighborhood.

Mr. Bengart asked Mr. Neuman if a condition was placed that no off-site product is to be brought on to his property, specifically snow, would Mr. Neuman agree to that.

Mr. Neuman responded that it would be detrimental to his business.

Mr. Bengart explained that while he understands that, Mr. Neuman needs to understand that if he is not in agreement with conditions placed on a potential approval, it could mean that his request is denied.

Mr. Bleuer clarified, stating that it doesn't include stone, as it is understood stone is needed to mitigate the dust on the lot. The conditions would include snow and concrete, not stone.

Chairman Sackett clarified that this business and property is pre-existing, non-conforming. Mr. Neuman requesting a Temporary Conditional Permit (TCP) from the Town Board will put conditions on him going forward with his operation. The Planning Board would recommend conditions to be placed on the TCP that would make it compatible with the surrounding neighborhood.

Discussion continued regarding business hours.

ACTION:

Motion by Wendy Salvati, seconded by Patrick Johnson to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Concrete Construction LLC. construction and property maintenance business, located at 8846 Goodrich Road, per the plans received in the Planning Office on February 28th, 2023, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Any future proposed site or structural modifications subject to Town review and approval.

3. Subject to Town Building and Engineering Department approval prior to any permit being obtained for the proposed office & restroom facility expansion.
4. All vehicles including trucks, loaders, excavators and all vehicles used for the business shall be stored behind the fencing.
5. The entry gate must be effectively screened and made opaque to prohibit views of the property from Goodrich Road.
6. The structures, site, and screened fencing shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced.
7. There shall be no business operation parking, storage, refuse or display outside of the fenced-in yard area.
8. No vehicles, stored materials, or debris shall be visible from Goodrich Road, or within the area identified as leased to Lakeside Sod and Seed.
9. The drive lanes and the yard shall be kept in a maintained condition, so as to prevent excessive dust that may cause a nuisance to the surrounding properties and neighborhood.
10. No new vehicular access points shall be added to Goodrich Road from the property.
11. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all non-residential lighting with the exception of security lighting shall be turned off no later than one hour after the close of business.
12. No on-site dumping of materials brought from off-site, including concrete, or snow.
13. Any temporary stockpile of stone and milling shall be located behind the existing berm, and shall not be visible from Goodrich Road.
14. Business hours of operation are to be no greater than Monday-Saturday, 7:00 a.m. to 5:00 p.m.
15. No additional future business operations or operators shall locate on this site unless reviewed and approved by the Town.

The applicant has heard, understands, and agrees to all of the conditions with the exception of the business hours. Mr. Neuman requests the business hours be extended to 7 days a week.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 3

This Little Pig
Traditional Neighborhood District

Requests a recommendation of a modification to the existing Temporary Conditional Permit for outside dining at 10651 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10651 Main Street, on the southwest corner of Main Street and Sawmill Road.

An existing 0.5-acre property in the Hollow Traditional Neighborhood District, it contains an existing principal structure formally home to The Cornerstone Bar & Grill.

The applicant is requesting a recommendation to the Town Board for the modification to an existing Temporary Conditional Permit (TCP) for outside dining. The current TCP for the property allows for outside dining on the east side of the property between the building and Sawmill Road. The applicant seeks to relocate the outside dining to the west side of the property, between the building and the adjacent parcel; to include a new concrete slab, awning, boulders, fencing, and tables / chairs.

The Town Board referred the current proposal to the Planning Board in May of 2023. Since that time, the applicant has modified the proposal per comments received.

The Planning Board is a recommending body to the Town Board.

Mandy and Jeff Cooke were both present to represent their request.

Mr. Cooke explained that the new proposed outside dining area is in a much safer, well protected location than where the previous outside dining area was located.

Mr. Lahti reviewed the code for impervious surfaces in the Traditional Neighborhood District (TND), pointing out that currently the site consists of mostly parking lot. The small space of grass that exists will become concrete for the dining area.

Mr. Lahti asked the applicants if they would be willing to put in additional landscaping in other areas of the site to help balance it.

Mrs. Cooke explained that there will be some grass remaining in the proposed dining area, and they also plan to clean up and landscape the parking area.

The applicants explained that they plan to clean up and either plant grass or landscape many of the existing areas that are not as appealing.

Mr. Lahti noted that the dumpster is not currently shielded, and needs to be.

Mrs. Cooke noted that in previous discussions with the Planning Board Executive Committee, they indicated that the applicant would be given one year to complete the shielding for the dumpster, and the lines on the parking lot.

Mr. Lahti stated that it is a nice business, with a great plan for outdoor dining. Adding some landscaping would only enhance the property.

Mr. Lahti asked about the lighting for the proposed outdoor dining area, and what time it would be turned off.

Mrs. Cooke responded that the lights are only plug-in garden lights located under the awning.

Mr. Lahti asked if one hour after the close of business would be acceptable to the applicant.

Mr. and Mrs. Cooke responded yes.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati to **recommend modification of the existing Temporary Conditional Permit to the Town Board** for This Little Pig Restaurant outside dining, located at 10651 Main Street, per the plans received in the Planning Office on May 15th, 2023, subject to the following conditions being met:

1. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the site.
2. Applicant shall stripe the parking lot and screen the dumpster within the first year of permit issuance, and prior to consideration of permit renewal.
3. Any future proposed site or structure modifications subject to Town review.
4. Structures, site, landscaping, and screening shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced.
5. Landscaping will be added to the rear parking lot area of the site along the border of the retaining wall with the adjacent property.
6. Outside music shall be limited to piped-in speaker or unamplified music, and shall not exceed typical volume of the surrounding area.
7. Outside dining lighting shall be limited to decorative type lighting located beneath the canopy, shall not shed beyond the property lines, and shall be turned off not one hour later than the close of business.
8. Outside dining area should not substantially contain more than sixteen (16) tables, with four (4) chairs per table.
9. Boulders shall be placed wholly on the applicant’s property along the west property line, per the approved plan.
10. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.

The applicant heard, understands, and agrees to the conditions.

ON THE QUESTION:

Mrs. Salvati suggested a modification for condition no. 7 regarding lighting beneath the canopy.

The modification was made to condition no. 7.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 4

Local Pizza and Catering
Traditional Neighborhood District

Requests a recommendation of a Temporary
Conditional Permit for outside dining at 8885
Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 8885 Main Street, at the southeast corner of Main Street and Cameron Drive.

It is an existing .5-acre parcel located in the Harris Hill Traditional Neighborhood District, containing a principal structure used by an existing pizza shop and catering facility.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit for outside dining. The outside dining area is proposed to be located in front of the building on the pavement, containing 8-10 tables, and surrounded by stone boulders and planter pots.

The Town Board referred the proposal to the Planning Board in April of 2023. Since that time, the applicant has modified the proposal per comments received.

The Planning Board is a recommending body to the Town Board.

Peter Hammerl, owner of Local Pizza and Catering was present to represent his request. Mr. Hammerl explained that they decided to go even further with protection of the patio by including stackable boulders around the area, as well as placing rebar secured in to the ground, behind the boulders.

Mr. Johnson asked Mr. Hammerl when his ice cream season is.

Mr. Hammerl explained that it depends on the weather, but generally April until approximately the end of September. The hours of operation will be the same as the pizza and catering part of the business. Currently they are open until 8:00 p.m. during the week and 9:00 p.m. on Friday & Saturday, but anticipate raising those hours by one hour during the summer.

Mr. Johnson asked Mr. Hammerl if he intends to install a fence and two additional parking spots along the fence line.

Mr. Hammerl responded yes.

Mr. Johnson asked Mr. Hammerl what his fence materials are.

Mr. Hammerl responded it is a standard 4 ft. vinyl fencing with additional posts for protection. Once the fence has been installed, the two concrete barriers will be removed.

Mr. Johnson confirmed that all ice cream sales will be conducted from the front window.

Mr. Hammerl responded yes.

Mr. Johnson asked Mr. Hammerl what his plan is to keep people from parking in the front along the fenced wall.

Mr. Hammerl responded that they plan to start by posting signage indicating no.

Mr. Hammerl explained that they will also be installing 4 ft. vinyl fencing in between the limestone boulders on the inside, with the limestone boulders and rebar in front of the fencing.

Mr. Johnson asked about patching and sealing the parking lot.

Mr. Hammerl explained that they plan to patch and seal the whole parking lot, and also add new stripes and parking bumpers.

Mr. Johnson confirmed that there will be 8-10 tables with chairs in the ice cream area.

Mr. Hammerl responded yes, and there will not be any other chairs in the sidewalk area.

Mr. Johnson asked how many parking spots total will be on the site.

Mr. Hammerl responded that they hope to have a total of 12 spots.

Mrs. Salvati noted that no parking spots can be located within the right-of-way.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Johnson, seconded by Jason Geasling to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Local Pizza and Catering outside dining, located at 8885 Main Street, per the plan received in the Planning Office on May 22nd, 2023, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Applicant shall stripe the parking lot and install a fence along the east property line as per the approved plan within the first year of permit issuance, and prior to consideration of permit renewal.
3. Any future proposed site or structure modifications subject to Town review.
4. No parking shall be located within the public rights-of-way, or within the vehicular drive lanes.
5. Placement of stacked stones and planted pots to surround the outside dining area as per the approved plan.
6. Structures, site, landscaping, and screening shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced.
7. Outside music shall be limited to piped-in speaker or unamplified music, and shall not exceed typical volume of the surrounding area.
8. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.

9. Outside dining area should not substantially contain more than ten (10) tables, with four (4) chairs per table.
10. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.

The applicant has heard, understands, and agrees to the conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Robert Sackett	Aye		

MOTION CARRIED

Meeting **adjourned** at 8:40 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist