

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

November 9, 2021

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held virtually at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Ed Young (absent) Ken Heidle Greg Keyser Devin Kowalske
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Terry Skelton, Trustee Mike Metzger, Engineer Andy Gernold Kodi O'Neil Dan & Sue Wiedemer Tim Shriver, Murphy Car Dealership

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:23 pm due to technical difficulties with setting members up for their first virtual meeting.

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

**Application #9706 for Site Plan Approval: 358 S. Cascade Dr., Michael Murphy, Car Dealership, Springville, NY, SBL 347.06-1-11.2.**

**Application #9702 for Subdivision: 0 Mill St., Dan and Sue Wiedemer, Springville, NY, SBL 335.20-2-13.**

**Application # 9359 for Site Plan Approval: Andy Gernold/Metzger Civil Engineering, Springville, NY, SBL 335.15-8-21.11, 335.15-8-23 and 335.14-2-5.**

The first Public Hearing that Chairman Muhlbauer addressed was application #9702, subdivision request. Ms. Kodi O'Neil and Mr. and Mrs. Wiedemer were present and went on to explain why they were seeking a subdivision. Ms. O'Neil would like to purchase 20 feet of a vacant lot that the Wiedemer's own. Ms. O'Neil would like to put in a driveway on the property. The remaining property left of the vacant lot would be added to the Wiedemer's neighboring property. In an essence the vacant lot would be split and added to the two bordering properties.

All necessary paperwork has been filed with any requiring parties.

With that in mind, the Planning Board declared this application a Type II SEQR, requiring no further action. Member Greg Keyser made the motion, seconded by Member Devin Kowalske, all in favor, none opposed.

Chairman Muhlbauer then asked for a motion to approve application #9702 as presented for Subdivision approval. Member Greg Keyser made the motion, seconded by Member Ken Heidle, all in favor, none opposed.

*The vote went as follows:*

- |                         |               |
|-------------------------|---------------|
| • <i>Bob Muhlbauer</i>  | <i>aye</i>    |
| • <i>Greg Keyser</i>    | <i>aye</i>    |
| • <i>Ed Young</i>       | <i>absent</i> |
| • <i>Ken Heidle</i>     | <i>aye</i>    |
| • <i>Devin Kowalske</i> | <i>aye</i>    |

*Application #9702 approved.*

The next application before the Planning Board is for:

**Application #9706 for Site Plan Approval: 358 S. Cascade Dr., Michael Murphy, Jim Murphy Car Dealership, Springville, NY, SBL 347.06-1-11.2, CIP District.**

Mr. Tim Shriver was present on behalf of the applicant. Mr. Shriver stated that the applicant would like to build a 50x60, 3000 square foot pole barn on the adjacent property where they just demolished the old car wash. The purpose for the pole barn would be for cold storage and there will be some kind of stone driveway to connect the two parcels. The pole barn would not be on the same parcel as the car dealership and the properties are not owned by the same people. It was agreed by both owners to use this property for the dealership. This site plan meets all setback requirements as if the building was just for that property.

All necessary paperwork has been filed with any requiring parties.

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 Greg Keyser made the motion, seconded by Member Ken Heidle, all in favor, none opposed.

Chairman Muhlbauer then asked for a motion to approve application #9706 as presented for Subdivision approval. Member Greg Keyser made the motion, seconded by Member Ken Heidle, all in favor, none opposed.

*The vote went as follows:*

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

*Application #9706 approved with the following stipulation:*

*-If the business ever gets sold, utilities will be connected at the parcel with the pole barn.*

The last application before the Planning Board is for:

**Application #9359, a continuation for Quaker Spring Manufactured Housing Community, Mr. Andy Gernold along with his representatives from Metzger Civil Engineering for property address 297 W. Main St., SBL 335.15-8-21.11, 335.14-2-5 and 335.15-8-23, Zoning District CIP Commercial.**

At this time the Planning Board was pleased with the remarks to Marquis Engineering review.

The Planning Board felt that the need to revisit part II and part III of the SEQR for Site Plan. The Planning Board discussed each question in part II with minimal impact on the environment, therefore a motion for a Negative Declaration was made by Member Greg Keyser, seconded by Devin Kowalske, all in favor, none opposed.

The Planning Board further discussed the need for sidewalks and it was decided that they were not going to require them. At this time waivers for section §200-61 were considered (see attached).

Chairman Muhlbauer then asked for a motion to approve application #9359 as presented for Site Plan with Special Exception approval. Member Greg Keyser made the motion, seconded by Member Devin Kowalske, to approve with stipulations the Site Plan for a Special Exception use for Quaker Spring Manufactured Housing Community. The stipulation would require Village Board approval for a Developers Agreement. The Developers Agreement is to include at minimum an easement for the electrical service for the project and to relocate the easement for the use of the Village land for the old water tower and cell antennae.

*The vote went as follows:*

- |                         |                              |
|-------------------------|------------------------------|
| • <b>Bob Muhlbauer</b>  | <b>aye, with stipulation</b> |
| • <b>Greg Keyser</b>    | <b>aye, with stipulation</b> |
| • <b>Ed Young</b>       | <b>absent</b>                |
| • <b>Ken Heidle</b>     | <b>aye, with stipulation</b> |
| • <b>Devin Kowalske</b> | <b>aye, with stipulation</b> |

*Application #9359 approved with the following stipulation:*

***-The stipulation would require Village Board approval for a Developers Agreement. The Developers Agreement is to include at minimum an easement for the electrical service for the project and to relocate the easement for the use of the Village land for the old water tower and cell antennae.***

Lastly, Chairman Muhlbauer asked for a motion to approve the minutes from the October 12, 2021 Planning Board meeting. Motion was made by Ken Heidle, seconded by Devin Kowalske, all in favor, none opposed.

At 8:30 pm, Chairman Muhlbauer asked for a motion to adjourn. Member Ken Heidle made the motion, seconded by Member Greg Keyser. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

## ***Attachment 1:***

### **§ 200-50 General procedures and conditions.**

**G.** Waiver of conditions. The Planning Board is authorized, when reasonable, to waive or modify any preestablished special conditions and safeguards for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver may be exercised in the event that any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit. No waiver or modification of any special condition or safeguard is permitted unless the Planning Board shall determine that all the general standards in § **200-51** of this article are met and that the application of the special condition and safeguard is unnecessary.

### **Items highlighted in yellow were agreed to be waived.**

### **§ 200-61 Licensed mobile home park or trailer camp.**

The lot area shall be not less than five acres, and a proposed site development plan for the entire site, prepared by a licensed professional engineer, shall be submitted for approval. The initial development shall cover at least two acres, and subsequent additions shall be not less than one acre each. The site development plan shall reflect the following minimum standards and features:

**A.** A street system with paved roadways having a minimum width of 20 feet and with curbs or gutters, giving unobstructed access to all mobile homes or house trailer spaces and **having at least two access drives to and from the public street.**

**B.** Established mobile home or trailer spaces of not less than 2,400 square feet, with a minimum width of not less than 40 feet; provided, however, that the overall site area per space shall be not less than 5,000 square feet. Individual spaces shall be clearly defined by permanent markers at each corner.

**C.** Each mobile home or trailer space to have:

**(1)** A **forty-foot-wide driveway** from the street with a sixteen-foot all-weather hard, paved surface.

**(2)** A stabilized gravel mobile home stand.

**(3)** A four-inch concrete patio 10 feet by 18 feet in area and a three-foot-wide paved walk out to the driveway.

**(4)** An inconspicuous fuel-oil storage shelter.

**(5)** Suitable weatherproofed utility connections.

**D.** Separate off-street and off-driveway parking facilities for automobiles and tow vehicles outside of the required yards at the rate of one such space per each mobile home or trailer.

**E.** All mobile homes and accessory structures shall be at least 30 feet apart.

**F.** Mobile homes or trailers shall be set back at least:

**(1)** One hundred feet from the right-of-way line of any public street or highway.

**(2)** Twenty-five feet from mobile home court streets.

**(3)** One hundred feet from all other property lines, except that where such property line is also a zone district boundary line for a residential district, the setback shall be 200 feet.

**G.** On-site stormwater drainage system, including provisions for well-drained mobile home spaces, interior private streets and other public areas, as well as consideration for natural watercourses.

**H.** Sewage disposal and water supply systems approved by the Erie County Health Department shall be provided at each mobile home and trailer space. The individual sewer connections shall have a P-trap.

**I.** A fire-protection system in accordance with standards of the National Fire Protection Association recommendations and as required and approved by local fire district officials.<sup>u</sup>

[1]

*Editor's Note: See Ch. 73, Building Construction and Fire Prevention.*

**J.** A complete electrical system in conformance with National Electrical Code provisions and the New York State Board of Fire Underwriters or other authorized agency, including underground service cable and outdoor lighting along all interior streets, entrances and exits and in public open spaces, with at least one one-hundred-watt lamp fixture approximately 15 feet above the ground for each 100 feet of street length and an equivalent level of lighting over public open spaces.

[Amended 12-1-1997 by L.L. No. 6-1997]

**K.** Garbage and trash collection points so located that no mobile home is more than 100 feet from such a point, equipped with an adequate number of metal garbage cans with tight-fitting covers and appropriately screened from view.

**L.** Centrally located public telephone, separate and adequate sanitary facilities for men and for women and emergency public water supply; provided,

however, that drinking water facilities shall not be placed in any toilet room or water closet compartment.

**M.** A laundry facility and an outdoor drying yard with suitable uprights to supply at least 50 square feet of drying space per mobile home or trailer space. Such drying yards shall be conveniently located and suitably screened from view.

**N.** The location of other desired community facilities.

**O.** An equipped recreation facility with an area equivalent to the proportion of one acre per 100 mobile home or trailer spaces in the court, but having an area of not less than 1/2 acre in any case.

**P.** A walkway system of paved or stabilized gravel all-weather paths along interior streets and leading to public open spaces.

**Q.** All accessory structures in a mobile home park shall comply with the building code,<sup>21</sup> this chapter and such other codes, ordinances and regulations as are applicable.

#### § 200-51 **General standards.**

For every such special exception use, the Planning Board shall determine that:

**A.** Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in Article I.

**B.** The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

**C.** The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.

**D.** The site is particularly suitable for the location of such use in the community.

**E.** The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.

**F.** The proposed use, particularly in the case of a nonnuisance industry, conforms to the chapter definition of the special exception use where such definition exists or to the generally accepted definition of such use where it does not exist in this chapter.

**G.** Access facilities are adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion; and further, vehicular entrances and exits shall be clearly visible

from the street and not within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.

**H.** All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.

**I.** There are off-street parking and truck loading spaces at least in the number required by the provisions of Article **VII**, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further, the layout of the spaces and driveways is convenient and conducive to safe operation.

**J.** Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

**K.** Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

**L.** The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in §§ **200-52** through **200-81**, if any.