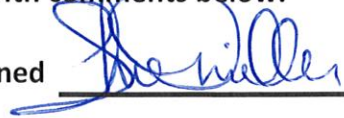


APPROVAL OF MINUTES DATED March 22, 2023

Popeye's Meeting #1

Due to minutes of above meeting being mailed to all members of the Planning Board
I the undersigned do hereby approve said minutes as mailed, or disapprove with comments below.

Signed 

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**PLANNING BOARD MEETING
POPEYES BY LIBERTY RESTURANTS
WEDNESDAY, MARCH 22, 2023 AT 5:30**

PRESENT: Chairperson Shari Miller, Member Paul Bowers, and Member Jordan Cooper.

ABSENT: Member Carl Brandt and Bob Price.

ALSO PRESENT: Secretary Kyle Coughlin, Supervisor Pagan, Code Enforcement Officer, Ryan Mourer, Dave Kron, Richard Mackowiack, Ben Gloss, and Brett Steenburgh.

Chairperson Miller opened the meeting with the Pledge to the Flag.

She then informed the public that the legal notice that was posted on March 15th, 2023.

“NOTICE OF SITE PLAN REVIEW MEETING

NOTICE IS HEREBY GIVEN THAT; the Town of Dunkirk Planning Board will meet on Wednesday March 22, 2023 at 5:30 p.m. at the Town Hall, 4737 Willow Road, Town of Dunkirk. The purpose of the meeting is to review the site plans submitted by Brett Steenburgh on behalf of Popeyes located on Section 96.04; Block 1: Lot 14 of the Chautauqua County Tax Map. All person’s interested shall be heard at said meeting.”

Brett Steenburgh began the presentation on behalf of Liberty Restaurants. He showed Planning Board Members the Site Plan and pictures of what the future development will likely look like. The proposed location would be at 10518 Bennett Road in front of Plaza 59 and the movie plex. Liberty Restaurants is proposing a 2,532 sq. ft. fast food restaurant with a double lane drive thru. The restaurant will have 24 seats. He discussed the flow of traffic, architectural design, and landscaping of the property.

He further explained that the franchisee had concerns with pedestrian traffic, drive thru traffic, and accessibility for people with accessible needs. The goal of the franchisee is to keep drive thru traffic away from pedestrian traffic.

Mr. Steenburgh continued his presentation explaining that the dumpster will be located in the back and will be screened in with stone that will match the structure. It will not be a cheap looking vinyl covering that most restaurants utilize.

He then went on to explain the drainage situation for the site. He stated that it was tricky, there will be a ½ acre of disturbance. The drainage on site is flat and goes in every direction. There are catch basins that then drain into the crooked brook creek. He went into a more in-depth discussion regarding the drainage.

Mr. Steenburgh explained the sewer situation for the property. He stated that there is a grinder pump they will utilize. The entire plaza is on a grinder pump system due to a culvert. They plan to connect to the existing water system on site. It will be a 2-inch service. They will not have sprinklers because it is not required by NYS.

Mr. Steenburgh explained the landscape plan and the simplicity the franchise owner would like to keep. They want minimal maintenance so that the site always looks good without a lot of care.

Code Enforcement Officer, Ryan Mourer explained to the Planning Board Members that this project will be located within the C2 district. This is an allowed use within that Commercial District therefore, this project did not need to be heard by the Zoning Board. There are no present setback issues or gross size issues, that the board would need to address. He stated that he would need to look into the sprinkler issue further to verify that they are not necessary, he thought that under 50 would mean they are not required but he would need to check that. Ryan also stated that he would need to verify that the landscape coverage is appropriate and meets requirements.

He told Members that DOT will be involved with all the curb cut issues and the approval of those.

He told Brett, the applicant, that DOT approval on Bennett Rd. – Route 60, is difficult and might not get approved.

Mr. Steenburgh explained that they are prepared for that and would still proceed with the project, without the curb cut onto Bennett.

CEO, Ryan Mourer also explained to Mr. Steenburgh that when getting approval for permits, the land owner, Plaza 59 will have to address any violations on the property as a whole before he will be able to issue any permits.

Mr. Steenburgh understood.

Chairperson Miller explained that her largest concern with this project would be traffic backing up onto Bennett Rd. and the curb cut onto Bennett. She stated that she felt no curb cut would be better.

Mr. Steenburgh showed Members the alternative plans, without the curb cut. He stated that the franchise owner, Liberty Restaurants shares their concern of safety.

Chairperson Miller asked how many customers per hour is typical for Popeyes.

Mr. Steenburgh stated that he was not sure. At peak hour he estimated roughly 50.

CEO, Ryan Mourer wanted to share with Mr. Steenburgh that not only would he need to get DOT approval to create the curb cut but to also use the existing curb cut. Ryan told Board Members that they could make a recommendation with contingency being placed on the DOT approval.

Member Cooper asked if DOT does not approve the curb cut, would the access be from the existing curb cut to the Plaza there.

Mr. Steenburgh stated that would be the plan.

Chairperson Miller then asked about the fuel tanks that were once located on the property.

Ryan Stated that was before his time as CEO and could not speak to what happened there.

Mr. Steenburgh discussed the process the DEC goes through in contamination of sites. It would be information he would be able to find through their database.

Chairperson Miller asked if there were any other sites that they had looked at in the Town of Dunkirk.

Mr. Steenburgh stated that they did not and the franchise owner had put a significant amount of time and money into this site already.

Chairperson Miller shared concerns regarding runoff water. She asked the CEO if that was a Planning Board concern or a CEO concern.

CEO, Ryan Mourer shared the same concerns and stated that it would be something up his alley. He stated that he planned on asking the Highway Superintendent about these issues once project was approved. State and County would be involved because it's a state road but the water flows onto the county road.

Dave Kron, a member of the public explained the drainage issues and water flow in that area.

Supervisor of the Town of Dunkirk, Juan Pagan, explained that he received a call over the past weekend to delay with flooding issues in the cross road Vineyard Drive.

Chairperson Miller said that this business could add to the existing issues.

Mr. Steenburgh stated that he would look into the drainage issue and do an evaluation of how much water is going into the catch basin and emptying into Crooked Brook. He stated that they could fix the issues by utilizing filtrators, based on the drainage study.

Chairperson Miller asked if the members had any other concerns.

Member Bowers stated that all of his concerns were address or shared.

Member Cooper stated that his concern was with the curb cut/entrance and that is in DOT hands.

Chairperson Miller moved onto the next part of the meeting to discuss correspondence. She shared correspondence received from the Chautauqua County Planning Department. The letter stated:

“Dear Chairperson Miller,

This letter is in response to your Municipal Zoning referral received in full by this office on March 15th, 2023 regarding a site plan to erect a Popeyes drive thru restaurant at Tax Parcel 96.04-1-15. This parcel is located within the C-2 Highway Business Zoning District.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of State Route 60. I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern.

However, in order to help the Town with its decision, I offer the following informal comments:

1. It is recommended that any proposed construction and development efforts consider the appearance and character of the neighborhood properties with regards to the projects building design, layout, landscaping, signage, lighting, etc.
2. Any necessary access changes to and from this property should be designed in accordance with generally accepted engineering standards to minimize potential traffic safety problems associated with vehicular movement between the property and adjacent roadways. The appropriate highway or transportation departments should be contacted if the right-of-way, driveways, ditches, etc. are to be modified.

If you have any questions regarding this matter, please contact our office at (716)661-8900.”

Chairperson Miller asked any of the public if they would like to make any comments or ask any questions.

Supervisor Pagan asked if they had discussed signage and if they would need to go in front of the ZBA for that.

Mr. Steenburgh stated that had not yet been determined.

Chairperson Miller stated that she felt that until the studies they asked for were received, she would rather table the decision until April 12th.

She asked the other members for their thoughts on this.

Member Cooper stated that his concern was the curb cut and traffic flow, which will be addressed by DOT, he stated he would move forward with a recommendation contingent on that.

Member Bowers stated he agreed with Shari and would like more information before making a decision.

A motion to Table the decision until April 12th was made by Member Bowers. The motion was second by Member Cooper and carried.

Adjournment:

With no further business for the Planning Board, a motion to adjourn the meeting was made by Chairperson Miller. The motion was second by member Cooper and carried.

Respectfully submitted,

Kyle Coughlin
Secretary to Planning