

**PLANNING BOARD MEETING**  
**AUGUST 25, 2020 AT TOWN HALL**  
**SOUTHERN CHAUTAUQUA FEDERAL CREDIT UNION**

**PRESENT :** Chairman Jay Warren, Craig Lyford, Peter Miller, and Bob Price.

**PRESENT VIA ZOOM:** Shari Miller.

**ALSO, PRESENT:** Jim Crowell, Acting Code Enforcement Officer, Ryan Mourer, Kyle Bentley, Secretary to planning, Richard Purol, Juan Pagan, Andy Johnson, Rick Larson, Randall Knisley, John Felton, and Mark Bargar.

With all notices having been properly posted and published on August 19, 2020. Chairman Warren called the meeting to order at 6:01 p.m.

Chairman Warren stated the purpose of the meeting tonight was is to review the site plan application from ECO strategies for Southern Chautauqua Federal Credit Union to construct a Credit Union located on section 96.02; Block 02; Lot 2.1 of the Chautauqua County Tax Map.

No Correspondence was received for or against the future development of this property. No persons attended the meeting via zoom.

Chairman Warren recited the purpose of site plan review from the Town of Dunkirk Zoning Book.

“Future Development in the Town of Dunkirk will influence the quality of life for all residents in the town of Dunkirk. To ensure development conforms to the Region’s Comprehensive Plan, the following procedures for Site Plan Approval have been established here. Unless otherwise provided and as regulated by the Town of Dunkirk Subdivision Law, site plan review and site plan approval shall be required for all uses, buildings and structures that require site plan review and approval as outlined in this chapter. The town Board shall act upon site plans following review and recommendations from the Planning Board and a public hearing. Fees outlines and adopted by the Town will apply to all site plan reviews. Unless otherwise provided and as regulated by the Town’s subdivision Law, in all multi-family commercial, industrial, open space, cluster and planned unit developments, as well as in any project requiring a Zoning district amendment, a site plan approval shall be required.

1. For all new construction of structures other than one- and two-family units;
2. The erection or enlargement (over 20 percent of total floor space) of all buildings except one- and two-family structures;
3. Any change in use or intensity use which will significantly impact the characteristics of the site, in the assessment of the Town Zoning Enforcement Officer and after careful review of this Chapter, in terms of parking, loading, access, draining, utilities, traffic or other environmental impact for any commercial, industrial or multi-family use;
4. Any use or structure in a flood hazard area;

5. All special permit, variance or rezoning applications.”

Chairman Warren introduced members in the audience to the representatives of the Credit Union. He stated that attending the meeting was Supervisor Purol, Councilman Pagan, and Acting Code Enforcement Officer, Jim Crowell.

He then had representatives from Southern Chautauqua Credit Union introduce themselves to the board.

After the introductions, Chairman Warren asked Credit Union representatives that when it comes to the portion of the meeting where they begin presenting and discussing, that they state their name for the record.

**SITE PLAN APPLICATION**

Chairman Warren began the review process of the Site Plan Application by going through line by line what was listed on the application.

First on the application the Planning Board reviewed the name and address of the applicant along with the naming agent.

After reviewing this, the property information was listed with the Tax Parcel number of the property. The board reviewed the total acreage and lot dimensions on the application. (3.5 Acres & Frontage: Route 60-610.4' Depth: Williams St. 529.5')

The adjacent property was listed with its tax parcel number, with its total acreage, frontage, and depth.

The Zoning Classification was C-1 in the area of the proposed project.

After reviewing this part of the application members found concern with the proposed lot coverage and building coverage that was listed on the application.

Member Lyford asked applicants if this was on a survey or the site plans for reference.

Representative of ECO strategies Andy Johnson, stated it was and showed Member Lyford where to find this information.

Chairman Warren continued to review the application.

Chairman Warren asked why the present land use that was listed as “Agricultural.”

Andy Johnson stated that it's currently a hay field. He stated that historically it's been known to be used for agricultural purposes.

The Planning Board continued reviewing the application, the next part of the application that was reviewed was “Proposed Building Information.”

Chairman Warren asked what 1.5 Story's meant, as this was an answer on the application.

Andy Johnson stated that it's a 1 story building but there will be a raised area above and that's why they answered 1.5 stories to that question.

Chairman Warren reviewed the side lot figures and asked members if they had reviewed these and if they seemed accurate.

No one had questions about the side lots and Code Enforcement Officer, Jim Crowell confirmed them to be accurate.

Chairman Warren began reviewing Page 4, the last page of the Site Plan Application.

Chairman Warren had a question regarding if there were any wetlands within this area.

Andy Johnson stated that there were no official wetlands on any maps he reviewed. He stated that per SEQRA review they have to review anything near the project and the closest thing to that area was about 1 mile from the project was a rare plant and animal sensitive area and 1 mile south was an archeological sensitive area. He stated that other than these findings there were no other sensitive areas present.

Member Peter Miller asked where they found this information.

Mr. Johnson stated that this information is located on the DEC resource mapper. He stated that they also checked the federal wetlands map to be sure of their findings.

He further explained that they even went to show the old farm swales that were on the property, he showed member's where these were shown in reference to the site plans of the proposed project.

Chairman Warren then asked about the SWPP plan.

Andy Johnson stated he had a copy if the Planning Board would like to look at it.

Board Member's reviewed the copy that was presented to them.

Chairman Warren asked who will be performing the SWPP.

Mr. Johnson stated that he will be the one doing it. He stated there will be copies of these inspections and reports for Code Enforcement and DEC to review at any time on site.

Chairman Warren suggested putting up a SWPP mailbox so it would be more accessible.

Andy Johnson stated he would be glad to do that.

### **SEQRA**

The Board began reviewing this application.

While beginning review of the Short Environmental Assessment Form, discussion of DOT approval for a curb cut onto Bennett Rd. was discussed. Chairman Warren asked if approval had been given.

Andy Johnson stated that their application with DOT was under review.

Chairman Warren shared concern with this potentially interfering with the water project that would be occurring in the near future.

Andy Johnson stated that it would not interfere with this.

Chairman Warren asked if it would interfere or be able to connect to the Sewer.

Supervisor Purol stated that Sewer was located in the back of the property.

Andy Johnson concurred with Supervisor Purol's statement and further explained that it would not be a problem.

Chairman Warren then asked if there would be a road cut in the back of the property near Arrowhead Dr. or Williams St.

Andy Johnson stated that they would be applying for a road cut in the back of the property as well.

Chairman Warren asked if they had filled out an application with the Town.

He stated that they had not yet done that.

Supervisor Purol explained that the Highway Superintendent would look at it and the application is here and give them one before they leave this evening. He stated it's a very simple process.

Chairman Warren stated that the highway Superintendents approval of this road cut would then be a condition of approval then.

Chairman Warren then had further questions about the Water connection process and sewer connection process. He stated that the water connection would be through North County Water.

He asked Supervisor Purol if there was a process for that yet.

Supervisor Purol stated that there was an application they will be able to fill out. They will need a meter pit at the road.

Chairman Warren then questioned the answers for question 5. Question 5 stated "Check all uses that occur on, are adjoining or near the proposed action:" checked off was rural, commercial, residential, and parkland. Chairman Warren specifically questioned what park was near there.

Andy Johnson stated that he marked Parkland because of the Cemetery located near the proposed project.

Chairman Warren confirmed there were no parks located in that area.

Chairman Warren then moved onto Page 2 of the application. He there confirmed with Code Enforcement Officer, Jim Crowell that appropriate approval for the use of the property occurred. He confirmed it had.

Chairman Warren stated he had concerns with the answer to 8-part a. He asked for what the estimated vehicles were per hour.

Andy Johnson stated 4-5 cars per hour, relatively a low traffic impact.

Member Lyford asked how many employees will be employed at this branch.

CEO, John Felton stated 3 or 4 Bank Tellers, depending on the date and time. 1 branch manager, and a loan officer.

Shari Miller asked what the current membership was at the credit union.

John Felton stated that their membership is open to anyone who lives, works, worships, or is in school within Chautauqua county. He stated that they were the first credit union to have this as a designation and share this with Inner Lakes Federal Credit Union.

Chairman Warren stated that they meant to ask how many members were part of the Credit Union.

John Felton stated there was about 16,000 members.

Shari Miller stated that even though they were taking a hay field and constructing a credit union on it with 16,000 members and saying on item 8, part A there will not be any change in traffic from the current use to the proposed change. She stated that she felt there was going to be a change for the obvious reason that you are taking a vacant hay field and constructing a credit union on it.

John Felton, CEO of the Credit Union asked the board to be mindful that there are 5 other branches in Chautauqua county. And not a single branch has experienced 16,000 members in a days' time. He stated that while there might be an increase in traffic, he feels it will be a minor increase.

Andy Johnson stated that he could present the paperwork that was submitted to DOT, to show the expected amount of traffic. They did a part 1 traffic study for the curb cut application and this information was required on that application. When they did the part 1 study it put the traffic impact in a low impact category according to DOT, that's how they were able to determine the traffic impact would not be substantial.

Member Peter Miller asked what the representatives considered substantial because as he looked over the plans, he noticed there was 40 parking spaces and 3 drive thru lanes. He stated that he felt that meant that they must be anticipating a heavy traffic volume.

Mr. Felton stated that the Brocton branch sees less than 5 per hour. Lakewood does roughly 30 members per hour. Jamestown experiences a similar amount to Lakewood, with about 25 per hour.

Andy Johnson stated that this branch is designed to be relatively smaller than the other facilities.

Member Peter Miller stated that the intersection of Bennett Rd. and Williams St. is already a traffic problem so any increase would make an impact in his opinion.

Member Shari Miller added that she felt that substantial is a subjective term. She stated that it was hard for her to not argue that there would not be a substantial increase in comparison to the current levels of traffic, when you look at the word "substantial."

Andy Johnson stated he based his answer off of the DOT's interpretation of substantial traffic.

John Felton stated that his estimates of traffic were done based off of hourly transactions each branch had. He stated that doesn't consider phone transactions, online transactions, and then of course in person transactions. He stated that he could easily produce a study of just in person transactions.

Member Shari Miller stated that it might be necessary for John to do that study because the board shouldn't approve the credit union to over build a site if they won't receive as many transactions as they originally estimated.

Chairman Warren stated that 3 Planning Board Members are concerned with the traffic patterns in regards to the intersection. So, based on that he would advise them to consider moving the curb cut to William's street and Arrowhead Dr. rather than Bennett Rd.

Andy Johnson stated that he hoped to re-assure the Planning Board that if the DOT were to approve the proposed curb cut, they are the most concerned with safety and know the most about traffic patterns. They will be willing to change their plans based on the thoughts DOT provides to them. He stated that the three plans were as follows:

1. An ingoing and outgoing curb cut on Bennett Rd.
2. An exit only curb cut on Bennett Rd. to help facilitate traffic.
3. Take the curb cut out all together

Member Lyford stated that they needed to be aware of the ongoing problem they have in the Town. He stated that they have traffic problems on Vineyard Dr. which is why they are trying to avoid curb cuts on Bennett Rd.

Supervisor Purol stated that just down the road from this site Northern Chautauqua County Dental was approved to put up a new dentist office. They also wanted a curb cut onto Bennett Rd. and DOT was quick to deny them of this but they were able to keep the Bennett Rd address for the building.

Member Shari Miller stated that she wanted to just understand what the representatives of the credit union were saying. She asked if the Credit Union was going to be anticipating 5 patrons an hour.

John Felton stated he wasn't actually prepared to answer that question so he was unsure.

Andy Johnson stated that he could give the Planning Board part 1 of the DOT submittal that has the information the board is looking for.

Chairman Warren asked when the request was submitted to DOT.

Andy Johnson stated it was in the previous Spring, Pre-Covid.

Chairman Warren asked when they wanted to begin construction.

Andy Johnson stated they wanted to begin as soon as possible. Given they were put behind schedule due to COVID, they are anxious to get started.

Chairman Warren asked Andy that in his experience with DOT, how long does it take DOT to respond to a permit application.

Andy Johnson stated the turnover time is timely. He stated that they had hoped for a conditional approval with the 3 options for the curb cut. Being whatever decision DOT made the Planning Board would be okay with and also approve. He further stated that he did not believe the curb cut

was completely out of character in examining the surround properties that have multiple curb cuts or driveways.

Rick Larson stated that by doing the exit only option on Bennett Rd., it will help filter traffic that banks experience in their parking lot. He stated that this option would help filter the drive thru traffic rather than having the vehicles go back through the parking lot. Not filtering traffic out of the parking lot from the drive thru can lead to accidents in the parking lot.

Member Shari Miller stated that she thought it sounded like pedestrian traffic was possible by the sound of the estimates.

Andy Johnson stated that no, they weren't expecting pedestrian traffic but he would get the part 1 study that was submitted to DOT for the Planning Board to look at more in depth. He stated that in that part 1 study they did for the DOT, they were put in a low impact category.

Chairman Warren asked members to move on and revisit this if deemed necessary.

Board members began discussing the retention pond located towards Arrowhead Dr.

Member Miller asked how deep the pond would be.

Andy Johnson stated it would be 3 feet deep.

Chairman Warren asked about the smaller two retention ponds on the property.

Andy explained those two retention ponds would be the rain gardens.

He also explained the detail the credit union was providing in terms of landscaping plans. He stated they planned to plant 16 trees and use the vegetation to assist with drainage.

Chairman Warren asked where the drop inlets would be located on the property.

Andy Johnson stated that there were drain inlets on the road but they would not be connecting to them. He stated they would not be doing any drop inlets because of the green infrastructure they went with.

Chairman Warren stated that he felt another condition would need to be the upkeep of the rain gardens because they have a tendency to get out of control in other properties located within the Town.

Member Lyford stated that he felt that 17-part b should be checked yes rather than no.

Andy Johnson reviewed and agreed that Mr. Lyford was correct, that item needed to be changed to read as marked yes, rather than no.

Chairman Warren summarized the review of the short environmental form contingences for approval of the site plan: that for item's 10 and 11 required the review and approval of the entities in charge of that. (These being the North County Water District for water supply hook up and City of Dunkirk for sewer hookup.) Another Condition being the review and approvals for number 13 and 14. (These being reviewed by the DEC.)

### **SITE PLAN CHECKLIST**

Chairman Warren stated he found the plans to be satisfactory. Everything was labeled and clear to understand.

Chairman Warren had a question about possible future development.

John Felton stated the only thing they have that would be labeled as future development would be a garage, that would be used for storage.

Member Shari Miller asked where snow removal was shown on the plans.

Andy Johnson stated he thought it wasn't shown on the plans because the lot was large and there were not any plans for curbs. Andy showed on the plans where they could remove the snow.

There were many options shown to members.

The only curving was located within the drive thru.

Member Shari Miller wanted to clarify that there was not an area designated for snow removal or storage. That they would just be pushing snow from the impervious area to the pervious area. Andy Johnson stated that was correct and showed the areas that would occur at.

Chairman Warren explained the board asked this question because they wouldn't want this to affect the parking or safety of traffic.

Member Shari Miller had questions about the color of the building. She stated that the other branches did not have a cookie cutter appearance. She asked if these colors were set in stone or still to be negotiated.

Rick Larson stated that they were going to try to use colors they have used on other branches, since these colors have created their brand. They are two standard colors. There would also be a brick material used on the building as well and a sample was shown to the planning board of this material and color.

Member Miller stated that the Planning Board's goal for Bennett Rd. as it is a residential area is to make the buildings look more subtle and less business like.

Rick Larson stated that the material of the building is actually a residential material so they are more subtle and should blend in with the area very nicely. The brick had never been used in any previous branches so this was something that could be changed easily.

Member Shari Miller suggested that they go with a more subtle brown sandy tone rather than the red brick tone that was shown as an example.

Chairman Warren stated that something more tone down would be appropriate since per the comprehensive plan for the town, this will be the corridor for residents and tourists we want something more visually appealing. He stated that these were not stipulations, just suggestions. Chairman Warren had more concerns regarding the new hydrants that would be installed with the future water project. He stated that it would be a condition that North County Water Department and East Town Fire Department had a meeting with the Credit Union about fire protection.

Member Shari Miller asked where the sprinklers would be located, she did not see them on the site plans.

Rick Larson stated that was because there was not going to be any sprinklers at this site. He explained that per NYS regulations, they are not required to have a sprinkler system.

Chairman Warren stated that is something Code Enforcement Officer, Jim Crowell will have to inspect and deal with; as that is his jurisdiction.

Member Peter Miller stated that he was pleased with the landscaping presentation but had some concerns with the location of parking that was near Bennett Rd. on the plans. He asked if they could potentially move that to the green space or include more landscaping. He further explained his concerns were with the danger of the gases that the pavement will emit.

Andy Johnson stated that they have tried their best to do that already in the site plan that was presented.

Member Peter Miller stated that he didn't understand the need for all the extra parking.

John Felton explained that this is the first site they have acquired that isn't small in size. With that being said, he stated the goal was to utilize as much of the space as possible. They wanted to spread out parking so the traffic lanes weren't tight and therefore prevent clustering of traffic within the parking lot.

Member Shari Miller also stated that if there was going to be only 5 or 6 members an hour then she could not understand the additional parking along Bennett. She stated she thought it wouldn't be necessary for the number of members that was estimated per hour. She also stated that if the curb cut was aloud on Bennett Rd., (She pointed out that she did not support that nor did she

believe that the DOT would support that.) then the parking spots could act as another traffic hinderance.

John stated that they could shrink it but that the Credit Union already has branches that are small, one of the points of this branch was the large space.

With no further questions regarding the Site Plan Checklist, the Planning Board moved forward with the applicant's presentation of the floor plan of the Credit Union.

Rick Larson did the presentation.

After finishing his floor plan presentation, he asked Planning Board Members if they had any questions.

Member Lyford asked if (what was presented) was all on one floor.

Rick Larson stated that he was correct, it was all on one floor, handicap accessible.

Member Lyford had questions about the drainage and how they would reach the swales.

Randall Knisley, architect from Larson Karle associates showed on the site plans how the drainage would work.

Chairman Warren asked if that was approved by the DEC.

Randall Knisley stated that everything was approved by the DEC.

Member Peter Miller stated he had one major concern. The future revisions to the zoning book would make Bennett Rd. a commercial residential area. This area has had air quality issues without any major development. He explained as well as this being an issue, we also do not want drive-thru's because they are also dangerous. And per the Comprehensive Review of the Town of Dunkirk, he stated that the Planning Board has the duty to protect the Town's residents. He further stated that he will not vote for a drive-thru. He stated that they set this as a precedent because of the complications that have been experienced on Vineyard Dr. in the Town of Dunkirk. Member Peter Miller went on to explain the threats of obesity drive-thru's impose. The air quality still being has main concern, the drive-thru will be a main contributor to poor air quality.

Andy Johnson stated that he understood his concern but they went above and beyond what the green infrastructure requires of them to help mitigate air quality. He stated the 16 trees that they planned to plant would assist in mitigating air quality control.

Member Peter Miller stated that it might mitigate but it will not solve it nor will it stop it.

Chairman Warren stated that he understood Mr. Miller's concern but that was not something the Planning Board can regulate as there are not any laws in place for that.

Member Peter Miller stated that the comprehensive plan still needs to be followed regardless.

Chairman Warren asked Planning Board Members if there were any more questions.

Member Shari Miller stated she had concerns about the drive-thru. She stated that while she understood that most banks and credit unions have ATM's and drive-thru's, it means that there is 24-hour access, which therefore means 24-hour traffic. She explained she was part of the team that worked on both the Comprehensive Plan and the revisions to the Zoning Book. She stated that they are looking for both thoughtful and respectful development. This is the Development residents want near their home. Residents have expressed concern that they do not want to see Bennett Rd. become another Vineyard Dr.

She stated that she was not in support of a drive thru what so ever. She asked if there were plans that had an ATM and plans that didn't have a drive-thru.

John Felton stated that they had an ATM that would be located within the building but they did not consider plans of a building without a drive-thru.

Member Shari Miller stated that there then is potential 24-hour traffic.

John Felton stated that yes, the ATM would have 24-hour access and the night drop for after hours. This is common for most Banks and Credit Unions.

Member Shari Miller stated that was her concern. She stated she welcomes thoughtful development to the Town and that is something the representatives of the Credit Union should consider.

Chairman Warren again asked if any other Members had questions or if there was any public comment.

There was no public comment or correspondence.

Chairman Warren then began the discussion between Planning Board Members.

He stated that there was a list of conditions, he asked if Planning Board Members wanted to approve, disapprove, approve with conditions, and or reconvene after DOT approval.

Andy Johnson asked Planning Board Members to be mindful of the timeline they have for construction. They had already experienced delays due to COVID. He stated that he felt if they could approve 90 percent of the project, they would be willing to come back for the remaining when deemed appropriate.

Chairman Warren asked if Planning Board Members were receptive of another meeting. He asked what everyone thought about this. He stated he understood there are concerns with the drive-thru but that is not something they can enforce.

Member Peter Miller asked if they could put the building up and wait to put the drive-thru up after the landscaping was completed.

Andy Johnson stated that is something that would go hand in hand. He didn't believe that they could not do the drive thru and paving after the landscaping.

Member Peter Miller stated that won't mitigate the air pollution that they will cause then.

Andy Johnson stated that he felt the board should keep in mind the area we are located in. He stated this wasn't even similar to a place like Los Anglos where everything is located in close proximity. He stated they have exceeded the requirements for green infrastructure. What more could the Planning Board need to see from them he asked.

Randall Knisley asked Planning Board Members to keep in mind that with COVID, drive-thru's have become an essential aspect of Banks and Credit Unions. That is where most business is performed.

Member Peter Miller stated that the COVID pandemic was temporary while air quality was permanent.

Member Shari Miller stated that she would hate to put the precedent that drive thru's are allowed for future development. She stated that she would hope to leave tonight with your team looking into how many members you will actually serve and if it would warrant a 3 bay drive-thru.

Chairman Warren stated to Planning Board Members that he wanted to remind everyone that in regards to the drive-thru they do not have the authority or power to tell them they can't have one.

Member Peter Miller stated he disagreed with that statement.

Chairman Warren stated that was fine, that while he had a right to his opinion and feelings about the drive-thru situation there was not a law or ordinance in place. He stated that the Comprehensive Plan is not the Zoning Book. He stated they do not have the authority to make this a condition. He asked Planning Board Members if they could get past the topic to make a decision on what to do.

The Secretary to Planning, Kyle Bentley discussed the conditions with the Planning Board members. The conditions they discussed with were:

1. Approval of water from North County Water Department for the water hookup. (Item 10 on the SEQRA application.)
2. Approval of Sewer from the City of Dunkirk for the Sewer hookup. (Item 11 on the SEQRA application.)
3. Coordination of fire protection with East Town Fire Department and North County Water Department.
4. Designate a specific area on the site for snow removal.
5. Change 17-part B on the SEQRA application to be checked yes and not no.
6. DOT approval for a curb cut.

While discussing the potential conditions for approval of the project, The CEO of the Credit Union, John Felton, his Lawyer, and the Seller of the property left the room for a private discussion.

After their discussion and further discussion with the Planning Board Members, they were unable to come up with an agreement on how to proceed forward with a decision. Representatives from the Credit Union felt it was a good idea to table the meeting with no decision made. The Credit Union Representatives decided that they would reconvene with their board members and decide how to proceed from there.

Respectfully submitted,

Kyle Bentley  
Secretary to Planning Board.