

APPROVAL OF MINUTES DATED

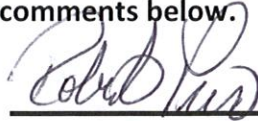
April 12, 2023

Popeyes 2nd Site Plan Meeting

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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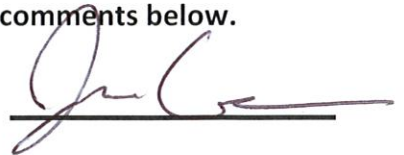
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**PLANNING BOARD MEETING
POPEYES BY LIBERTY RESTURANTS
WEDNESDAY, APRIL 12, 2023 AT 4:30**

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

ABSENT: Member Carl Brandt.

ALSO PRESENT: Secretary Kyle Coughlin, Supervisor Pagan, Councilwoman Jean Crane, Councilwoman Priscilla Penfold, and Brett Steenburgh (Liberty Restaurant Representative).

Chairperson Miller opened the meeting with the Pledge to the Flag at 4:30 p.m. She then informed the public that the legal notice that was posted on March 24th, 2023. "NOTICE IS HEREBY GIVEN THAT; the Town of Dunkirk Planning Board will meet on Wednesday April 12th at 4:30 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 Liberty Restaurants located on Section 96.04; Block 1: Lot 14 of the Chautauqua County Tax Map. Following this meeting will be a Workshop for the Planning Board. All interested persons shall be heard at said Site Plan Review Meeting. If there are any questions contact the Town Clerk's Office at 716-366-3967."

Brett Steenburgh stated that he was the engineer representing Liberty Restaurants. He asked Member Price if he wanted a summary of what happened at the previous meeting since he was not there.

Member Price declined and stated that he could continue by discussing the changes/updates for the Board.

Mr. Steenburgh stated that he made an attempt to address everyone's concerns from the last meeting.

The first concern that was addressed was the curb cut onto Bennett Rd. The curb cut was eliminated completely and they will use the existing curb cut to the plaza. Eliminating the curb cut did two things for the project:

1. It takes all the traffic and has it flow to the existing curb cut.
2. It also leaves the project with 16 parking spaces. This is additional parking compared to what was previously presented. Doing this makes the site independent.

By making the site independent, they no longer have to worry about the concern regarding taking away from the businesses that are already at the Movie Plex Complex.

The next concern was the drive thru. He stated that between the two lanes there has enough space for 21 – 22 vehicles. In most cases that is more than sufficient. The only day he would expect there to be an issue is on opening day.

He then went on to explain the drainage analysis that was provided. He stated that they would not put any additional strain on the drainage system in that area. (Crooked Brook Creek) He explained the path of the drainage to the Board in further detail.

Another concern Mr. Steenburgh addressed was the number of trip generations. The number of trip generations in a hour is 62; 31 entering, 31 leaving. He said that it was roughly 1 per minute in the peak hour. (The traffic study was done at a Rochester location and used for comparison.) The last concern he addressed was the soil contamination. He discussed the closure letter from the DEC, and noted that the language has been included in the updated drawings. The closure letter reads as follows:

“This office reviewed the groundwater and post-excavation soil sample laboratory analysis results. The results exceed our soil guidance values and New York State groundwater standards. However, based upon site conditions represented in your report, the Department will not require any further work at this time. This site will have a status of ‘inactive’. Please note, any soils generated during future site excavations from the contaminated area must be tested and analyzed by an approved laboratory from New York State’s Environmental Laboratory Program (ELAP). If sample results exceed guidance values listed in the Department’s STARS Memo #1 (Petroleum Contaminated Soil Guidance Policy), the excavated material will require remediation or proper disposal. For further information, please refer to the Department’s website at www.dec.state.ny.us/website/der/spills.”

This concluded Mr. Steenburgh’s presentation.

Chairperson Miller asked if he had received any correspondence from DOT.

Mr. Steenburgh said he did not and more than likely he would not hear from them before the Town.

Chairperson Miller asked if the Town had received any correspondence from them.

Secretary Coughlin stated that they had not.

Chairperson Miller told Mr. Steenburgh that she appreciated that all of the Board’s concerns were addressed. She asked if any of the other members wanted to share any thoughts or concerns.

Member Cooper asked if DOT would still need to approve the use of the existing curb cut.

Mr. Steenburgh stated that to his knowledge, they would not need any approval to use that curb cut. He stated he wouldn’t expect DOT to get involved until the contractor files for utility permits.

Member Price stated that all his concerns were addressed.

Member Bowers arrived late and Chairperson Miller gave him a summary of what had already occurred. She asked if he had any additional comments or concerns.

Member Bowers did not have any additional comment.

A motion was made by Member Cooper to forward the project to the Town Board, with a recommendation to approve it. The Motion was second by Member Bowers and carried unanimously.

Adjournment:

With no further business for the Planning Board, a motion to adjourn the meeting at 4:55 p.m. was made by Member Bowers. The motion was second by member Price and carried.

Respectfully submitted,

Kyle Coughlin
Secretary to Planning