

**PLANNING BOARD MEETING
BENDERSON DEVELOPMENT ON BEHALF OF STARBUCKS
WEDNESDAY, APRIL 26, 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, Town Clerk, Rebecca Yacklon, Code Enforcement Officer, Ryan Mourer, Braden Carmen with the Observer, Ron Stahley, and David Zuppelli on behalf of Benderson.

Chairperson Miller opened the meeting with the Pledge to the Flag at 4:31 p.m. She then informed the public that the legal notice that was posted on April 13th, 2023. "NOTICE IS HEREBY GIVEN THAT; the Town of Dunkirk Planning Board will meet on Wednesday April 26th 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 James Boglioli on behalf of Benderson Development Company located on Section 96.04; Block 1: Lot 26.2 of the Chautauqua County Tax Map. 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."

The presentation began by David Zuppelli on behalf of Benderson Development. He explained the location of the project to Board Members. He stated that the project would be in the out building next to the TOPS Plaza. Benderson is proposing a Starbucks Restaurant with a drive thru lane. They will add the drive thru, through delineation and landscape islands. Starbucks will have their own access and patio front the other businesses within the building. He explained that AT & T will shift down to where GameStop is located now. . (GameStop will be leaving the premises.) This is so Starbucks can take over the end of the building and add the drive thru lane. There will be a small bump out addition for the drive thru itself other than that, there will be no other additions. He asked the Planning Board if they had any questions or comments.

Chairperson Miller had a question about the stacking and how many cars will fit from the beginning of the drive thru to the bump out.

Mr. Zuppelli stated that it was roughly a 13-car stack.

Chairperson Miller asked how many cars go through in a 1-hour period.

Mr. Zuppelli stated that was dependent on the location. He would not expect heavy volume at this proposed location.

Chairperson Miller shared her concern with cars stacking at peak hours and how this can be mitigated.

Mr. Zuppelli stated that they do not expect it to ever back up into the road but they do anticipate it backing up into their Plaza drive. He explained that the plan is to make the entrance to the left of TOPS a one-way drive to assist with any traffic issues. He showed examples of this on his presentation.

Code Enforcement Officer, Ryan Mourer, asked if Mr. Zuppelli was just familiar with Benderson's end of the project or Starbucks.

Mr. Zuppelli stated that he was a Civil Engineer for Benderson. So, he was not familiar with the Starbucks end of things. He is only familiar with Starbucks because he has designed 6-7 Restaurants for them.

CEO, Ryan Mourer asked questions about the different direction's vehicles can enter the drive thru from.

Mr. Zuppelli showed that there was 3 possible ways to enter the drive thru.

CEO, Ryan Mourer stated that he did not like the idea of 3 different ways of entering the drive thru. He stated that there were too many variables and chaos could ensue. He explained he was in favor of the business but he is concerned with the drive thru situation.

Chairperson Miller asked about the west entrance becoming a one-way entrance. She asked if there was consideration of making it so you cannot enter the drive thru from that entrance.

Mr. Zuppelli stated that was an option he could explore.

Member Price stated that would still leave two different directions for entering the drive thru. It's better but there will still be issues.

CEO Ryan Mourer agreed that there will be issues with the ability to enter from two directions too. He stated that you will get 3 or 4 cars coming from one direction and 3 or 4 cars coming from the other direction and merging. The merging will be a mess. He asked if there was a way to design curbing to prevent this from happening.

Member Bowers stated that he was concerned with the drive thru traffic blocking the handicapped parking.

Members discussed potential measures to help mitigate traffic and the stacking of vehicles.

Member Bowers continued the discussion about traffic with concerns on the SEQR application. He stated that there was a question regarding traffic and when they answered this question, they stated that they did not anticipate a change in traffic. He felt that was incorrect because there will be more traffic from the drive thru at that location than what is there currently.

Mr. Zuppelli stated that they most likely answered it that way because it is an existing building.

Mr. Zuppelli asked the Planning Board Members for guidance and direction on how to improve the traffic issues and concerns here.

Members discussed measures and options with Mr. Zuppelli.

SITE PLAN CHECKLIST:

No concerns.

SITE PLAN APPLICATION:

No concerns.

SEQR APPLICATION:

Question #8 – Regarding no change in traffic. This needs to be changed to reflect that there will be an increase in traffic from the proposed drive thru.

Chairperson Miller suggested providing a traffic study from Starbucks.

Mr. Zuppelli stated that he could provide that information.

Question #9- about state energy code. It was checked Yes and the part below that was to be answered if checked yes, was not answered.

Mr. Zuppelli explained that was because it's an existing building. It would be considered an existing feature of the building.

Member Cooper stated the question said it must meet the standards or it can exceed.

Mr. Zuppelli stated that since the building is existing, they would assume it at least meets the state energy codes.

Question #17 – Storm water discharge question. Within blue prints Member Bowers saw proposed change to the drains.

CEO Ryan Mourer stated that because this is an existing building, they will not be required to add additional drainage. They may need to put a grease trap in though.

Mr. Zuppelli stated that they had proposed adding the grease trap.

CORRESPONDENCE:

CHAUTAUQUA COUNTY DEPARTMENT OF PLANNING:

“Dear Chairperson Miller,

This letter is in response to your municipal zoning referral received in full by this office on April 20th, 2023 regarding a site plan to develop a Starbucks drive thru restaurant at Tax Parcel 96.04-1-26.2. 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 County Road Vineyard Dr.

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 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 project’s 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.”

DOT:

No correspondence received, not a state road or right-of-way.

DEC:

No correspondence received.

PUBLIC COMMENT:

No Public comment.

PLANNING BOARD RECOMMENDATION:

All members agreed to table a decision until more information can be provided.

A motion to table the recommendation and schedule another meeting was made by Member Cooper. The motion was second by Chairperson Miller and carried.

ADJOURNMENT:

With no further business for the Planning Board, a motion to adjourn the meeting at 5:08 p.m. was made by Member Price. The motion was second by Member Bowers and carried.

Respectfully submitted,

Kyle Coughlin
Secretary to Planning