7:30 P.M.

Present: Chairwoman, Joyce Majewski;
Board Members: Ed Zimmer, Bob Bennett and Madeleine Cotts.

Absent: Augie Gates and Bob Warner

Chairwoman Joyce Majewski approved Madeleine Cotts to be a voting member.

Also present: Gary Campo, Town Engineer; David Berger, Town Attorney; and Carle Truman, Fire Marshall.

1). <u>Approval of Past Minutes</u>

Motion by Ed Zimmer to approve the November 2010 minutes, second by Madeleine Cotts. Motion passed with all members voting in favor.

2). <u>California Grill, 912 Vestal Parkway East</u>
BCTMP#157.19-3-1.2
Requesting permission to leave the outside tent up for the season

Greg Winsor, owner, presented the request to install the 2,400 sf tent in the same place as last year. He went over the conditions placed on him by the Board last year and would follow them again this year. Gary noted that Mark Dedrick, Code Enforcement, had conversations with the State regarding the need for a variance in the placement of the tent and noted that NO State review was now necessary.

Last years concerns:
1). State variance. - *No longer needed*.
2). Parking requirements. – Gary advised that the lower banquet room can not be used during times that the tent is* being used, so parking is OK.
3). The Tent will be removed by 9-30-11.
4). Because of the need to schedule for events a head of time. this request for approval for future years was explained. The Board authorized Gary to review the prior year's complaints and must* decide if he can approve these permits. If not, the owner will have to attend a Planning Board meeting.
5). An Entertainment permit will be required by the Town Clerk.
6). Bathroom fixture numbers were reviewed and they meet the requirements.
7). The basement banquet room is not to be used during the tent events.

The following were additional items that need to be included:

1). Limit capacity to 140 people
2). Provide 2 clearly marked exits in excess of 72" wide
3). Provide 4 fire extinguishers
4). No cooking under the tent

*Typo - corrected - 2/10/2011

5). No smoking under the tent, no smoking signs to be installed.
6). Mechanical blocking will be placed along the support poles on the southern side. 7). A Tent permit must be obtained from Code Enforcement.

Motion to approve with above conditions was made by Bob Bennett, second by Ed Zimmer, with all members voting in favor.

3). <u>Chuckster's Family Entertainment Facility</u>
1915 Vestal Parkway West
BCTMP#172.11-3-15
Phase 2 proposal, electric go karts, and batting cages.

Chairwoman Joyce Majewski explained at this time she does have a business relationship with them, which does cause a conflict of interest regarding this matter, and she then recused* herself.

Timothy Bailey – Engineer Joseph Underwood – co-owner
Mark Blasko –co-owner Randy Stutzman – co- owner

Phase two of this site is proposing to include electric go-cart track and batting cages. Since the original plans were brought to the Planning Board in April and July of 2009, one change has been made and that is the direction of the batting cages. They will now be located on northwest side, making them more visible.

The go-cart track is 849 feet long and 22 feet wide with a three foot bumper on the interior of the track.

The batting cages are 5 stall cages, with a 10 ft wide asphalt walk and benches to watch.

They are not going to increase the parking area. They plan on using the existing gravel parking area at this time. Bob Bennett questioned the parking knowing the amount of people/cars that was there in summer/fall of 2010. They do have an overflow area for parking which they feel will take care of any issues that may arise.

Gary stated that we gave them a break concerning the gravel parking lot in phase one with the intent that when phase two came into play it would be paved. Plans for the overflow will have to be submitted, the plans will show the designated area, graveled and graded with bumper blocks installed, so the Planning Board will know the number of parking spaces.

Bob Bennett asked if phase three is contingent to the success of phase two or it is a definite that it is going to happen? They are confident on phase three happening next year.

Town Attorney asks about the noise level on the go-carts. They state they are electric carts and they make noise equivalent to a golf cart. Mr. Berger would like the decibel

*Typo - corrected - 2/10/2011

levels in writing. He also asked where the nearest property line is, which Gary states is the Parkway, 150-200 feet away. Gary provide previously submitted noise levels, the consensus is that noise will not be a problem.

Lighting for the area is the same as the golf course, there are no issues as long as there are no glare issues with traffic on the Parkway and Route 17.

Check list:

- Uses are OK, Zoning Board approved all four phases in 2009;
- Setbacks are OK;
- Parking was discussed;
- Drainage is OK - this work was included in the original SWPPP.
- Landscaping not discussed but the golf course was done nicely;
- No elevation review;
- Lighting was discussed;
- Dumpster is screened;
- Grades are OK;
- No sprinkler system, with a hydrant on the Parkway;
- They are not in the flood plain;
- No restaurant or vehicle grease separator;
- The 239 was sent to the County on 1/3/11;
- No Town Board items;
- No ZBA issues.
- SEQR is attached;
- Fire Knox box and street numbers are installed;
- They do have a back flow device;
- Engineered stamped plans received;
- They are in the Water/Sewer District;

Gary will figure out the Planning Board fees.

Food vendors can be set up at the site as long as the permits are obtained via the Town Clerk's Office and they are removed from the site when the season closes.

They need a permit from the DOT for construction of a temporary driveway.

Restrictions for the paving requirements of parking: Permission was granted to extend, for another year, the use of the gravel parking. They have plans to develop over the existing parking lot in Phase 3 and do not wish to have to remove the blacktop at that time. If they don't come in with plans for Phase 3 in 2012, they will have to come back to Planning Board in Spring 2012 anyway, since the permission for the gravel will expire for the 2012 season.

*Typo - corrected - 2/10/2011

Motion by Bob Bennett to approve the short environmental assessment form, second by Madeleine Cotts, Vote: Ayes: Bennett, Cotts, Zimmer: Abstain: Joyce Majewski. Nays: None.

Motion by Bob Bennett and seconded by Madeleine Cotts for the approval of the site plan subject to the conditions as stated earlier by Gary Campo, Town Engineer. Vote: Ayes: Bennett, Cotts, Zimmer: Abstain: Joyce Majewski. Nays: None.

Meeting adjourned.

Engineer's report (prepared outside of this meeting)

A. **Change of tenant, 109 Rano Blvd, BCTMP# 158.14-2-13**
Space previously used by Asian Nail Salon, to be occupied by Dr. John Penfield, Penfield and Associates.

B. **Change of tenant, Portobello Plaza, 1101 Bunn Hill Road, BCTMP#159.13-1-35**
Space previously used by BG Pizzeria, to be occupied by Consol's Family Restaurant business.

C. **Change of tenant, Pizzeria Grill, 108 Sunset, BCTMP#206.09-3-40**
Space previously used by the Tile store, to be occupied for the pizzeria/grill take out service.

D. **New pavilion at the Vestal Elks Club 2071 Vestal Parkway West, BCTMP#17.14-1-16,** reviewed and approved.

E. **Change of tenant, 130 Front Street, BCTMP#157.79-1-32**
The Flower Company by Tito to occupy space for the flower business, with a good portion of the business being done via the internet.

F. **Change of tenant, 100 Vestal Road, BCTMP#157.18-1-4**
Julie Mix, ***Morning Light Landscape***, to occupy space previously used by the mattress store.

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