

PRESENT Norman Machelor, Doreen Albee, Joe Sorce, Nick Schaefer, Josh Janese, Shannon Fundis

CALL TO ORDER Chairman Machelor called the meeting to order at 6:35pm

MINUTES A motion was made by Nick Schaefer seconded by Joe Sorce and passed unanimously to approve the April 10, 2023 minutes.

OLD **453 Center – Gather Façade**

BUSINESS Chairman Machelor asked HPC Chair, Loretta Frankovitch who was present, what the decision was made by the Historic Preservation Commission regarding 453 Center Street. Frankovitch said that nobody was here to present the proposal, our board asked for a new application and that is what we got. It was not unanimous, but our board approved the project, as they felt we should move forward.

Machelor asked each of the Planning Commission members to express their opinion on this project.

Joe Sorce said I feel he did not put forth what he meant to do initially. This should not have happened; he did not come back to us. Regarding the initial concern with the windows opening outward into the right of way, or inward and potentially into to patrons; why couldn't the windows move up or down, or side to side? What is to stop him from doing this again?

Josh Janese said the work done to the façade of this building is not what was originally submitted. What is to stop other businesses from drastically changing their plans without approval?

Nick Schaefer said a nice plan was initially brought to us, and somewhere in the middle, it was changed. The owner tried to sell us on it that the work done is the same as the original plan, but it is not. We have procedures, and he didn't remember he had a plan or procedures to follow. It is not fair to those that follow the rules and procedures. The work is done now, but it is a shame.

Doreen Albee said there is a defined process for what needs to occur. We try to work with people; if issues arise, we have an open ear. On March 15, 2023, which is 55 days ago, our board was not in approval of the work done to the building and asked the owner to come back with a full site plan, and that has still not occurred.

Chairman Machelor said if when working on a project you find out it is not practical, you should come talk to the Planning Board before spending the money. We are in a bad spot; we try to be as cooperative as we can. We want back up when people don't follow the rules. Machelor presented a section of the Village Code as an option on how to proceed:

'From time to time the planning commission may review the development plan to ascertain that the requirements of these regulations are being complied with. If, in its determination, it finds that the development plans not being complied with, the planning commission may order a recession of the plan approved. The recession shall become effective 20 days after written notice to the owner and posting upon the premises unless within that time the village board reaffirms its approval of the development plan by a three-fourths vote. The planning commission may in its discretion extend the effective date of the recession of approval and may also withdraw its order prior to the effective date of termination. The village board shall have the right at any time to rescind its approval should it find noncompliance with the development plan. On the effective date of an order rescinding a plan approval, any building permit and/or certificate of occupancy heretofore issued with respect to the plan shall be automatically revoked and terminated.'

Joe Sorce said we are not saying we don't like it, but he did not follow the proper protocol. Albee added that procedures were not followed.

A motion was made by Doreen Albee and seconded by Joe Sorce to follow the process enumerated by Chairman Machelor to order a recession of the plan, in that the Planning Board does not approve of the existing façade that was completed at 453 Center Street.

Clerk Fundis polled the board, and the motion passed with the following results:

Sorce – YES Janese – YES Albee – YES Schaefer – YES Machelor - YES

125 S. 1st Street & 65 Center Street – Retaining Wall

Revised plans were not submitted, nor plans to include an application for 115 S. Water Street for the proposed retaining wall that will be on all three properties, as requested at the previous Planning Commission meeting.

A motion was made by Doreen Albee seconded by Nick Schaefer and passed unanimously to table the proposal for retaining walls at 125 S. 1st & 65 Center Street, pending an application for 115 S. Water Street.

NEW
BUSINESS

415 Ridge Street – Sign Application

Plans for a sign to be placed on a railing were proposed by Phil Viverito for 415 Ridge Street. The images proposed were not what the final sign will look like. Chairman Machelor stated the Planning Commission would like to see a proposal with a finished product before it can be approved. Machelor added that he is not in favor of a sign placed on the railing. Suggestions were made for a ground sign or a two-faced sign to be suspended from a lamppost.

A motion was made by Josh Janese seconded by Doreen Albee and passed unanimously to table the sign application for 415 Ridge Street pending further details.

906 Center Street – Tops Proposed Addition

Owner of Tops, Anthony Dimino, presented plans for an addition to the west side of the building, to enclose the area where some of their seasonal merchandise is kept, with 3 garage doors that would remain open during business hours, and would be closed after business hours to aid in security. This will also allow us to put the seasonal items kept in the vestibule in the new addition, to clean up that area.

Joe Sorce told Dimino he appreciated him for bringing this before the board.

Dimino said that I have done many projects in the last ten years, and I have made it to almost every meeting. If you want something done, you have to be here.

Doreen Albee inquired about any changes to fire access and parking. Dimino said there would be no changes.

Building Inspector/Zoning Officer Candella asked if bollards were going to be put in front to protect it; Dimino said no, there is already a concrete curb there. Candella added that there was no second exit in the new addition, and suggested an emergency exit with a crash bar be added on the east side of the building.

A motion was made by Doreen Albee seconded by Josh Janese and passed unanimously to approve the proposed addition as presented for 906 Center Street, with the inclusion of an emergency exit door on the east side of the addition to be added to the plans.

DEPUTY CHAIR REPORT Doreen Albee informed the Planning Commission of notice of a public hearing in the Sentinel to revise sections of the code regarding abutting neighbors being required to give a written approval before a fence could be placed on a property line, and the requirement for business that serve alcohol outdoors to obtain written approval from abutting properties.

Mayor Welch said these are old sections in the code that are not practiced anymore.

Albee said there is a presentation on certified local government programs at the Williamsville Youth and Family Center on May 17, 2023 from 6-8pm.

ZONING OFFICER REPORT Candella said he reached out to the business located at 547 Center about a small sign they have on their door; I told them they need to fill out a sign application and submit to the Planning Commission for approval.

Candella asked that a decision be made on what direction to go in with sandwich board signs.

Albee asked Candella about the status of the temporary construction fence at the WellNow location. Candella said they are not finished yet; first, they will need to build a retaining wall, grade the area, then they will be able to construct a permanent fence and add shrubs.

DISCUSSION

Code Amendment Proposal - Sandwich Board Signs

A discussion ensued on code revisions regarding sandwich board signs. Doreen Albee proposed revisions to the Planning Commission. Mayor Welch said as requested by Albee, I contacted the Department of Transportation, and they said that they do not allow this in their right of way, but are not able to fully police them.

Machelor said that I do not want to grant approval for any of these that would make the village liable.

The discussion ensued on the proposed changes, and the ability for an appeal to be made. Welch said anybody can ask for an appeal.

Machelor mentioned the businesses with special circumstances, such as Sgt. Pepper's Hot Sauce Etc., Brewed, and Bottled. Welch said they could be reviewed case by case, and there are suggestions for other options, such as projecting signs.

A motion was made by Josh Janese seconded by Nick Schaefer and passed unanimously to approve the Village Code amendment language as proposed for Section 13 – Sign Regulations for Sandwich Board Signs, and to present to the Village Board of Trustees for consideration and approval.

ADJOURN A motion was made by Josh Janese seconded by Joe Sorce and passed unanimously to adjourn the meeting at 7:29pm.

Shannon Fundis, Clerk