

**MEETING OF THE  
TOWN OF ALLEGANY PLANNING BOARD**

**Monday, March 11, 2013  
at 7:00 p.m.  
Allegany Town Hall  
52 W. Main Street, Allegany, NY**

**AGENDA**

**Salute to the Flag**

**Minutes**

February 11, 2013

**Old Business**

Bonaventure Square:  
Amendment to Site Plan

**New Business**

None

**Other Business**

Zoning ordinance update:  
Temporary Uses: Section 5.02 (includes temp. auto sales)  
Definitions relating to Dimensional Regulations

**Correspondence**

None received

**Next Planning Board meeting:  
Monday, April 8, 2013**

**Town of Allegany Planning Board  
Meeting Minutes**

Monday, March 11, 2013 at 7:00 P.M.  
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED April 8, 2013

**Present:**

Frank DeFiore, Chairman  
Pete Hellier  
Rick Kavanagh  
Helen Larson  
John Sayegh

**Also Present:**

John Hare, Town Supervisor; David Koebelin, Town Board; Carol Horowitz, Town Planner; Mark Alianello, Town Consulting Engineer; Kinley Corporation Representatives: Jason Crisafulli, Mike Giardini, Charlene Rhodes, Rodney Gleason; Philip Winger, St. Bonaventure; Donald Sue; Lynette Semsel, Secretary; Townspeople

---

Chairman DeFiore opened the meeting with the Pledge to the Flag at 7:00 PM. He then asked if there were any corrections or changes to the minutes of the February 11, 2013 meeting.

*Mr. DeFiore made a motion to approve the minutes of the February 11, 2013 meeting as written. 2<sup>nd</sup> by Mr. Sayegh. Ayes all. Carried.*

**Old Business:**

**Bonaventure Square: Amendment to Site Plan**

Mr. DeFiore asked Mrs. Horowitz to summarize the staff reports presented earlier to the Board.

***March 7, 2013 Staff Report:***

The first part of the report is an analysis of Mrs. Horowitz's opinion of how Kinley's proposal complies with the Bonaventure Square Development Plan, which contains the criteria established by the Town Board, as the Zoning Ordinance criteria. She highlighted the following:

**Building Bulk and Height:** New drawings received show the height of the mixed-use building to be 49 ft. which is within the P-D limit of 60 ft. The tower entry feature is 53 ft., the same height as it was when the building was only two stories. In her opinion, Mrs. Horowitz said it would be more of an imposing feature if the tower were 60 ft.; however, since the 53 ft. complies with the approval, Kinley can make the final decision.

**Architectural Standards:** The development plan requires that the project has to conform to the guidelines in the Corridor overlay district. With regard to architecture, the Zoning Ordinance suggests, rather than mandates, different textures, colors and detailing along the façade. Kinley will be using the same materials for the multi-purpose building that were previously approved for the apartment building. The style is somewhat altered and the building now will have a flat roof; however, it still has different materials and textures along with numerous window openings.

**Vehicular Circulation:** At the March 4, 2013 meeting, the Planning Board suggested a second entrance/exit from Route 417 at the southern point of the temporary gravel parking lot. Since that

meeting, Mr. Giardini discussed this possibility with NYS DOT. It appears the driveway could be sited to meet the state's recommendations for driveway separation but Kinley will still have to apply and get approval. Mrs. Horowitz spoke with Jerry Dzurhoff, Town Code Enforcement Officer, in reference to the one entrance/exit to the development. His opinion was that only one entrance/exit was not sufficient to provide adequate fire protection. Mrs. Horowitz has made it a suggested condition of approval that the driveway be added. There was discussion from the Board on whether the section that is one-way would have to remain as such. Mr. Alianello stated that making it two-way probably would not have much of an impact in Phase 1; however, the one-way section was an integral element in the original overall site plan. If there is no compelling reason to change it, his opinion was to leave it one-way. Mr. DeFiore agreed, saying it could always be changed after the completion of the project.

***Supplemental March 11, 2013 Staff Report:***

**Fire Lane/Parking Issues:** Mrs. Horowitz stated that Jerry Dzurhoff also indicated a concern over the fact there were no fire lanes in Phase 1 of the development. On the previous plans and on the plan that was approved in 2011, there was a fire lane in front of the stand-alone building. That fire lane was removed in order to add nine parking spaces. Mrs. Horowitz recommended reinstating the original fire lane. Fire access will get looked at during the building code stage. At that time, the building code may require additional fire lanes. Reinstating the fire lane now will cause the loss of nine parking spaces and additional fire lanes could reduce the total even more. With this in mind, a condition for approval was added to address both the parking and the fire lane issues. The Planning Board should set a minimum number of parking spaces that must be provided in Phase 1. At the last meeting, the Board decided the revised site plan with 484 parking spaces provided adequate parking. That determination was based on the parking analysis with the scenario that used Allegany's Zoning Ordinance parking standards and factoring in the shared parking analysis, which resulted in 473 spaces; however the Board did not establish a minimum number of parking spaces that needed to be maintained. After discussion, the Board decided that the nine parking spaces should be removed, that the fire lane should be shown in front of the stand-alone building, and that a minimum of 473 parking spaces would be required in Phase 1.

Mr. Sayegh asked what the procedure is if Kinley cannot meet the required 473 spaces. Mrs. Horowitz explained. Since the Town Board did not set a specific figure in its P-D approval but set a standard that there should be adequate parking, it is up to the Planning Board to determine what is adequate. This figure could change over time due to site development or, for example, recommendations from a traffic engineer. At some point in the future, if it appears they can no longer meet the parking space requirement, Kinley can come back to the Planning Board and request a change in the figure explaining their reasons for the request. The Board then has the chance to reconsider what is adequate.

Mrs. Horowitz read and explained the recommended conditions of approval in case there were questions from the Board. Many of the conditions are verbatim from the prior approval. Some prior conditions were removed as satisfied. A few new conditions have been added due to changed circumstances:

*Page 2 – 2.* The entire set of drawings from the prior approval is still valid. The only amendment the Board is approving is for revisions to the layout that are shown on the site plan: change in number of parking spaces, change in building location, phasing in utility plan. Otherwise the project sponsor must still abide by everything that is in the complete set of drawings as approved in 2011.

*Page 3 – 3.* Before any building permit is issued, the project sponsor must demonstrate fire flow. Mr. Hellier questioned if the current plan means they do not have a looped supply. Mr. Alianello explained it is looped. It is coming off the 12" at the southwest corner and looping into Castle Drive in the back. However, the line on Castle Drive is only a 6" line so it is not a significant source of supply but will still function as a loop in terms of ordinary operation. He is okay with this as long as Phase 2

includes an ultimate loop back onto Route 417. He does have a concern though. It is conceivable that, if the mixed-use building requires a 2000 gallon a minute flow for its sprinkler system, it may not be possible to get that flow until Phase 2 is built. If that is going to be the case, a solution could be to take their service directly off the 12" on Route 417. However, even if service is taken from Route 417, the water line still needs to be built due to the need for fire hydrants. Phase 1 will have three hydrants serving it. One hydrant is currently located on Route 417 by the southwest corner of the property. There will be two hydrants added as part of Phase 1, the northwest corner above the hotel and one by the entrance off Jonathan Way in the back coming in off the northwest corner of the mixed-use building. An additional hydrant is also currently located on Route 417 at the west end of Phase 2.

*Page 3 – 4 & 5.* These conditions refer to the stormwater drainage plan requirements. Mr. Alianello asked if the Notice of Intent was ever filed. Mr. Giardini answered, "Yes." Therefore, all the applicant will have to do is file a NOI to indicate there is a new development. No. 5 also adds the "applicant shall submit revised grading plans."

*Page 3 – 6.* The applicant must get an easement for the stormwater runoff that will flow off site to property still owned by St. Bonaventure. Mr. Kavanagh said he was under the impression that the premise of doing a Planned Development District was to have all the property under one ownership. Mrs. Horowitz said they can phase it. The Development Plan which was approved by the Town Board is still in place; therefore, this is just a temporary condition.

*Page 4 – 9.* Before they begin any work on any infrastructure proposed to be dedicated to the Town of Allegany, the project sponsor must obtain a Public Improvement Permit (PIP) from the Town Board. This is similar to a building permit and includes payment of a fee which will allow the Town to hire a consultant to inspect the work, to ensure that it is built to all specifications.

*Page 5 – 21.* This condition is new as it refers to the temporary gravel parking area east of the mixed-use building and requires that, after a two year period from the issuance of a Certificate of Occupancy for the mixed-use building, a paved parking area that can accommodate 126 parking spaces be provided on site. The Planning Board shall review and approve the lot prior to paving as an amendment to this site plan approval. Mr. Alianello stated that, when it is paved, it will change the stormwater conditions substantially; therefore, he recommended adding to the condition: "*As part of that application, the applicant (project sponsor) shall submit a plan to address changes to the stormwater management system to the Town's Consulting Engineer for his review and approval.*"

Mr. Alianello suggested that one other bullet point needed to be added to Conditions 2 a: *Change the notation on the stand-alone 12,000 sq. ft. building from "retail" to "office."*

Mr. DeFiore thanked Mrs. Horowitz and Mr. Alianello for their work on this document.

***Mr. DeFiore made the motion to approve the amendment to the Bonaventure Square site plan, as shown on the Site Layout, Drawing # C-1, prepared by Lauer-Manguso & Associates, revised 2-25-13, as further revised below, and with the following conditions:***

- 1. This approval is only for Phase 1 of the Bonaventure Square development. Subsequent phases of development shall require site plan review and approval from the Town of Allegany Planning Board.*
- 2. This approval is an amendment to the site plan approval granted by the Planning Board on August 8, 2011. All the plans, drawings and documents approved as part of that approval (plan set dated 8-19-11, which include plans by Lauer-Manguso & Associates, engineering by Wm Shutt Associates, and lighting plans by IBC Engineering) are included in this approval, except as modified below:*

- a. *The site layout shown on Overall Site Layout Plan, Drawing C-1.0, prepared by Lauer-Manguso & Associates, Architects, July 29, 2011 is superseded by the site layout shown on **Site Layout, Drawing C-1**, prepared by Lauer-Manguso & Associates, Architects, revised 2-25-13. The 2-25-13 Site Layout is herein further revised to include the following:*
- *Delete the nine parking spaces along the north side of the pedestrian plaza and restore the fire lane, shown on the 2011 site plan, in this area.*
  - *Add a driveway connecting the southern end of parking area 5 to Route 417 (also see Condition 12).*
  - *Add this note: "A Utility Easement is to be granted to the Town of Allegany following the private loop road to be known as Jonathan Way. This easement shall be 50 feet in width or as otherwise shown on this plan and shall provide the Town of Allegany with the rights to ingress and egress on the private roadway to gain access to the publically owned sanitary sewer mains and the publically owned water lines, and shall provide the rights to construct, reconstruct, operate, and maintain the sewer lines, water lines and appurtenances including valves and hydrants."*
  - *Remove the notation "50' wide" from Jonathan Way, and instead add a reference to the note above.*
  - *Delete the note "temporary gravel drive" from Jonathan Way in the Phase II area, since this is not proposed to be constructed at this time.*
  - *Change the notation on the stand-alone 12,000 sq. ft. building from "retail" to "office."*
- b. *The building elevations for the entertainment complex, which were approved in 2011, are superseded by the building elevations for the Mixed Use Building shown on Drawing A2-0, prepared by Lauer-Manguso & Associates, Architects, dated 3-6-13.*
- c. *Drawing C-4.0, Utility Plan-West and Drawing C-4.1, Utility Plan-East, both dated 8/19/11, remain in effect, except that the construction of water and sanitary sewer systems will be phased, as follows:*
- *The sanitary sewer line east of manhole No. 6 at the connection to the existing sewer at Castle Drive will not be constructed as part of Phase 1. The sanitary sewer manhole No. 6 shall be constructed with a stubbed pipe exiting the manhole toward the east, for a minimum of 18 feet of pipe. The stub pipe shall be plugged to the satisfaction of the Town's Sewer Superintendent and the Town's Consulting Engineer.*
  - *The portion of the water line loop from the interconnection on Castle Drive east to the east property line and down Jonathan Way along the east property line to the 12 inch main on Route 417 will not be constructed as part of Phase 1, but the balance of the line with hydrants will be constructed in Phase 1.*

*All work shall be conducted pursuant to these drawings and documents, except that the Town Highway, Water, and Sewer Superintendent and/or Town's Consulting Engineer may approve minor changes to the plans for water supply, sanitary sewer, drainage, road, utilities, and similar site features in order to resolve technical issues that may arise during detail design work and/or construction.*

3. **Fire Safety: Prior to issuance of a building permit for each building**, the project sponsor shall demonstrate that the fire flow in the buildings meets NYS Fire Code minimum requirements. If necessary to meet the required fire flow, buildings may directly access the 12 inch line on Route 417, notwithstanding the approved utility plan. The 8 inch loop with hydrants described above will be constructed in either event.
4. Applicant shall file a Notice of Intent (NOI) with NYSDEC and the necessary waiting period shall have transpired before any site work can begin.
5. Before site work can begin, the applicant shall submit revised grading plans, stormwater plans and SWPPP phasing sheets for review and final approval by the Town's Consulting Engineer.
6. If any stormwater runoff will flow off site to an existing ponding area on adjacent vacant property not owned by the applicant, the applicant shall obtain an easement from that property owner for the right to discharge stormwater onto that property. All stormwater runoff will be confined to the area that constitutes the Bonaventure Square P-D Zoning District. A copy of the easement agreement shall be provided to the Town along with the revised SWPPP phasing sheets.
7. Prior to relocating the sanitary sewer line and installing any new sanitary sewer lines, the applicant shall obtain approval from NYS Department of Environmental Conservation on behalf of the Town. No work can be conducted until approval has been obtained from NYSDEC and the approved plans have been provided to the Town Engineer and Town Sewer Superintendent. An application to NYSDEC was submitted in 2012.
8. Prior to installation of new water lines, the applicant shall obtain approval from the Cattaraugus County Health Department (CCHD) on behalf of the Town. No work can be conducted until approval has been obtained from CCHD, and the approved plans have been provided to the Town Engineer and Town Water Superintendent. An application was submitted in 2012.
9. **Prior to start of work on any infrastructure proposed to be dedicated to the Town of Allegany** or any town of Allegany Special District, the project sponsor will obtain a Public Improvement Permit (PIP) from the Town Board.
10. **Prior to the issuance of a Certificate of Occupancy** for any building, the Town Board shall be offered dedication of water lines and sanitary sewer lines, and the appropriate easements for these facilities. The offer of dedication shall be accompanied by a map and by a legal description of the easements.
11. Prior to performing any work within the right-of-way (ROW) of NYS Route 417, the project sponsor shall apply for and obtain a Highway work permit from NYS Department of Transportation for curb cuts, pedestrian crossing signs, crosswalk striping, landscaping that may be included within the ROW, and any other features intended to be included in the ROW. A copy of the Highway Work Permit shall be provided to the Town of Allegany Code Enforcement Officer (CEO).
12. A driveway connecting the southern end of parking area #5 to Route 417 shall be provided, subject to the review and approval of NYSDOT. This is intended to be a temporary site feature to provide more than one means of access to the site during Phase 1. The feasibility of keeping this as a permanent driveway will be assessed during the review of future phases of the development.

13. *The loop road is not proposed to be dedicated at this time, but if the project sponsor intends to pursue an offer of dedication in the future, provided legal issues surrounding location of privately-owned site features in a public right-of-way can be resolved, the project sponsor may want to obtain a PIP (Public Improvement Permit) for the road as well. If a PIP for the road is not obtained, the Town Board will not have adequate assurances that the road was constructed to town standards, and therefore could not accept dedication, if it were to be offered in the future.*
14. *In order to ensure that the site features are constructed as shown on the approved plans, **prior to the issuance of a Certificate of Occupancy for any building**, the project sponsor shall provide a signed, stamped Letter of Certification from a licensed professional engineer, surveyor, landscape architect and/or architect stating that the project (or that portion of the project associated with a particular building), as built, complies with the approved plans. This certification shall include all non-public and non-structural features, such as landscaping, fencing, lighting, sidewalks and pedestrian paths, pedestrian plaza, storm sewers and drainage features and parking. The Certification shall include as-built drawings of the site. The Certification shall include the loop road, unless a PIP is obtained for that site element.*
15. *At a minimum, all plantings shall conform in size to the schedule contained in Section 4.14(E)(8) of Zoning Ordinance.*
16. *The project sponsor (applicant) shall obtain any approvals that may be needed from abutters in order to remove and replace fencing and/or existing trees and shrubbery. Prior to any construction or activities on an abutting property, the project sponsor shall provide documentation to the Town's Code Enforcement Officer of permission for such activities.*
17. *The project sponsor (applicant) and any subsequent owners shall permanently maintain all landscaping and fencing to the same or greater level as shown on the approved landscaping plans. This includes the perimeter fencing and landscaping that provides a buffer to abutting property owners, as well as landscaping that is interior to the site. Fencing and plants shall be replaced as necessary. If landscaping and/or fencing is not adequately maintained, the project will be in violation of the approved site plan and the Planning Board will take action to rescind the site plan approval, which will result in a rescinding of one or more Certificates of Occupancy for buildings on the site.*
18. **Signage.** *Signage on all buildings shall be similar in terms of design, materials, and colors. All signs must comply with the Zoning Ordinance regulations, including restrictions on the number and size of signs, unless a variance is obtained from the Town's Zoning Board of Appeals. Except for the informational kiosk in the pedestrian plaza, no pole, ground or freestanding signs are allowed.*
19. *Pursuant to Performance Standard 8e of the Development Plan for Bonaventure Square, **prior to the issuance of a building permit for any building on the site**, the project sponsor will post in an escrow account an amount to be mutually determined by the Allegany Town Board and by the project sponsor, but which amount will be adequate to conduct a post-development traffic assessment. The purpose of the assessment is to determine if a traffic signal at the main entrance onto Route 417 is warranted. The traffic assessment will be conducted within one year of full development of the site. The traffic study will be presented to NYSDOT. Any traffic control devices which are recommended*

*by the traffic assessment and approved by NYSDOT shall be provided at the expense of the current property owner(s) of Bonaventure Square.*

20. *The project sponsor shall calculate the design speed of the loop road and shall post speed limit signs. Appropriate speed limit signs shall be posted **prior to the issuance of the first Certificate of Occupancy on the site.***
21. *The temporary gravel parking area to the east of the Mixed Use Building (parking area #5) is approved for two years from the issuance of a Certificate of Occupancy for the mixed use building. After that two year period, a paved parking area that can accommodate 126 parking spaces shall be provided on site. Prior to paving, the Planning Board shall review and approve the paved lot, as an amendment to this site plan approval. As part of that application, the applicant (project sponsor) shall submit a plan to address changes to the stormwater management system to the Town's Consulting Engineer for his review and approval.*
22. *Adequate lighting shall be installed in temporary parking area #5, before the issuance of a Certificate of Occupancy for the Mixed Use Building. Lighting can be installed either on poles or on the building wall. Lighting fixtures may be temporary until the parking lot is paved. This lighting shall maintain the lighting standards included in the lighting plan approved in 2011; **the applicant shall present a lighting plan for the lighting in parking area 5 for the review and approval by the Planning Board before the lighting is installed.***
23. *In order to maximize the available parking spaces in temporary parking area #5, bumper guards shall be installed and the individual parking spaces shall be identified by signage.*
24. *A "left-turn only" sign shall be installed at the north exit driveway from temporary parking area #5, to direct drivers to the paved road. In addition, a "do not enter", "emergency vehicles only" or similar sign shall be posted at the temporary gravel drive leading to Castle Drive.*
25. *The parking configuration may need to be revised in order to provide adequate fire lanes pursuant to the Fire Code. To ensure adequate parking, the applicant shall provide a minimum of 473 on-site parking spaces to serve the Phase 1 development. Adequacy of parking shall be revisited during review of site plan application(s) for subsequent phases of development, and a revised shared parking analysis to evaluate current and proposed site conditions, prepared by a traffic engineer, may be required as part of an application for subsequent development phases.*
26. *At the property line, light levels cannot exceed 0.2 footcandles; the frontage along Route 417 is exempt.*
27. *The final design of the sliding emergency access gate on Castle Drive shall be developed in consultation with input from the CEO, Highway Superintendent, Fire Department and Village of Allegany Police Department. The gate will be provided at the expense of the project sponsor (applicant). The gate will be installed **prior to the issuance of the first Certificate of Occupancy for the site.***
28. **Timing of installation of landscaping and other site improvements:**

- a. **Prior to the issuance of a Certificate of Occupancy for the Mixed Use Building, the following features shall be completed and installed:**
  - Parking areas 2, 3, 4 and 5, including the landscaping in these parking areas
  - Pedestrian plaza/courtyard
  - Pedestrian crosswalk across Route 417 (unless this feature is not permitted by NYSDOT)
  - All landscaping along the frontage of Route 417 west of the main entrance and east of the main entrance in front of parking area #3.
  - Landscaping in the pedestrian plaza/courtyard and around the mixed use building.
  - All site lighting associated with the pedestrian plaza and mixed use building, including temporary lighting in parking area #5.
- b. **Prior to the issuance of a Certificate of Occupancy for the hotel, the following features shall be completed and installed:**
  - Parking area 1
  - Pedestrian walkway between parking area 1 and the hotel, and between the hotel and the Mixed Use Building.
  - Landscaping associated with the hotel and with parking area 1
  - Site lighting associated with the hotel and parking area 1
- c. **Prior to the issuance of a Certificate of Occupancy for the stand-alone office building, the following features shall be completed and installed:**
  - Parking Area 2
  - Landscaping and lighting associated with Parking Area 2
- d. **Phase I perimeter fencing shall be completed prior to the issuance of the Certificate of Occupancy for the first building in Phase I.**
- e. **Landscaping between the loop road and the property line shall be completed prior to the issuance of the Certificate of Occupancy for the final building in Phase I.**

*However, if the weather or season of the year prevents landscaping and/or other amenities from being installed timely, the CEO may issue a temporary Certificate of Occupancy, for up to one year, to allow time for landscaping to be properly completed.*

**Mr. Hellier seconded the motion.** Mr. DeFiore asked for discussion.

Mr. Kavanagh said, “Actually I would like a little further discussion. I think that we are in oversight and I would actually like to add a motion too that we open the debate back for a public hearing again for the people in the area. What I am citing for the reasons for that is that we do have a major change in architecture. We are also going to throw a 300 and some foot gravel parking lot 300 feet away from their houses. We promised them an architecture that has a picture that has been sitting out in front of the site for over a year and we are building something that looks absolutely different. The change of use pushes the apartments back into the lot farther than what was originally proposed and I think they should be able to voice their opinions on that. This is quite a bit different. We were sold a destination location and that no longer exists.”

Mr. DeFiore asked, “Didn’t we, a couple of months ago, make a motion on whether or not this would require a public hearing and we opted not to?”

Mr. Kavanagh stated, “My motion is that we retract that and have a public hearing.”

Mr. Sayegh said, “Point of order. There is a motion on the floor and it is either voted down or it is passed. We are in the discussion phase.”

Mr. DeFiore then called for a vote on the motion on the floor to approve the amendment to the Bonaventure Square site plan, with the conditions outlined.

*Mr. Kavanagh – nay; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye. Mr. DeFiore – aye. Carried.*

After the vote, Mr. Kavanagh said, “This is the second most prime piece of property in Cattaraugus County and we are going to have a 300 foot gravel driveway and I am here to tell you anybody sitting at this table, if it was 300 feet away from your house, you wouldn’t want all that dust all summer long. It’s pavement. They are going to have to address the issue anyway.”

## **Other Business**

### **Zoning ordinance update**

#### **Temporary Uses: Section 5.02 (includes temporary auto sales)**

Mrs. Horowitz spoke with Wendy Tuttle regarding the March 5th revision on the temporary auto sales and Wendy found no problems with it. The Planning Board then went over Section 5.02 which is a complete rewrite of the temporary use section of the ordinance. They then discussed Section 5.02 (C) Temporary Motor vehicle sales. For purposes of this section, a motor vehicle will include automobiles, boats, campers, recreational vehicles, mopeds, motorcycles, snowmobiles, trucks and similar vehicles. Since there are a number of motor vehicle event sales which take up a lot of space, Mrs. Horowitz said they should have their own section in the ordinance. Mr. Sayegh proposed a subsection to cover other types of temporary sales. Mrs. Horowitz suggested it could be written to include “for profit” activities only. Not-for-profits would be exempt. This would eliminate problems to the Girl Scouts, Boy Scouts, Salvation Army, etc.

Previously the temporary motor vehicle sales, such as those at Walmart, were covered under the peddler’s permit process. In speaking with Town Attorney Wendy Tuttle, Mrs. Horowitz said they came to the conclusion that the peddler’s permit did not apply because auto sales are held in one location rather than “door to door” sales. .

The new process for these tent sales will be a two-phase process. It requires the property owners to get a special use permit which would allow them to conduct (or allow someone to conduct) four events under the special use permit for one year from the date of permit. Once the property owner gets the special use permit from the Planning Board, the actual event sponsor, be it the owner or an outside seller, would apply to the Code Enforcement Officer (CEO) for a temporary event permit. This permit is for one event only and has a limit of 30 consecutive days. Similar to a building permit, the temporary event permit would list contact information for those actually doing the event, including the responsible party on site. .

Example: DDR (owner of property at Walmart) would get the special use permit which is good for one year and allows them to have four events. The car dealer would have to get the temporary event permit which is good for thirty consecutive days. If DDR allows the same car dealer to do all four events, DDR would not need to get more than the one permit for the year; however, the car dealer would need to get four temporary event permits—one for each event. If there is a problem, both DDR and the car dealer who has the temporary permit will get cited.

A permit fee hasn’t been set at this time; however, Mr. Sayegh suggested the possibility of charging a security deposit that could be refunded if conditions are met, in addition to the permit fee.

Before the Planning Board recommends Section 5.02 to the Town Board, Mrs. Horowitz will add a Subsection D that addresses other temporary sales events and present it to the Planning Board at the next meeting. Without giving an actual fee, the required security deposit should be added to the application. In that way, it will be covered when the applicant will acknowledge it when certifying the document.

**Identification Badges**

Mr. DeFiore said the badges will probably be done by the next Planning Board meeting.

*Mr. DeFiore moved to adjourn. 2<sup>nd</sup> by Mrs. Larson. Ayes all. Carried.*

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lynette K. Semsel". The signature is written in a cursive style with a large initial "L".

Lynette K. Semsel  
Secretary