

A public hearing was held by the Town Board of the town of Villenova, held on [September 21, 2020](#) at 7:28 PM at the [Town Highway Building](#), 1088 Butcher Road, was called to order by **Yvonne Park**, to consider the application of Caveman Self Storage LLC for a Special Use Permit to operate a self-storage business at 11 Route 322, tax map section block and lot 187.0-1-17, together with related fence, sign, and details per the application, located in an ARI Agricultural/Residential District.

Present:

Yvonne Park	- Supervisor
Sarah LoManto	- Councilmember
Keith Butcher	- Councilmember
Nathan Palmer	- Councilmember
Donald Chase	- Councilmember

Others Present:

Donald Michalak	- Town Attorney
David Crossley	- Code Enforcement Officer
Applicants – Randall & Denee Feinen	
Sue Palmer	
Trisha Beitz & Giana	

Recording Secretary:

Julie Goodway	- Town Clerk
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***A MOTION was made by Sarah LoManto and seconded by Nathan Palmer to open the public hearing, which motion was duly adopted;

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

Town Attorney Michalak summarized the notice and purpose of the hearing to be a request by Caveman Self Storage LLC, for a Special Use Permit to operate a self storage business in an agricultural/residential district by special use permit under Section 401 (C); as well as comments regarding state environmental quality review.

The public hearing was opened for public participation and summarized as follows:

The applicant is present, the application is on file and there were no public comments.

***A MOTION was made by Keith Butcher and seconded by Sarah LoManto to close the public hearing and convene the special meeting, the motion was duly adopted.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

A special meeting of the Town Board of the Town of Villenova, held on September 21, 2020 at 7:30PM at the Town Highway Building, 1088 Butcher Road, was called to order by Yvonne Park, Supervisor to consider the application of Caveman Self Storage LLC for a Special Use Permit to operate a self-storage business at 11 Route 322, tax map section block and lot 187.00-1-17, together with related fence, sign and details per the application, located in an ARI Agricultural/Resident District.

Present:

Yvonne Park	- Supervisor
Sarah LoManto	- Councilmember
Keith Butcher	- Councilmember
Nathan Palmer	- Councilmember
Donald Chase	- Councilmember

Others Present:

Donald Michalak	- Town Attorney
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Sue Palmer	
Trisha Beitz & Giana	

Recording Secretary:

Julie Goodway	- Town Clerk
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***A **MOTION** was made by Sarah LoManto and seconded by Nathan Palmer to make the following determinations under the State Environmental Quality Review Act:

- a. Type of action. It is determined that the action is an excluded exempt Type II Type I unlisted action.
- b. Other involved agency or agencies: none _____.
- c. Lead agency: The Zoning Board of Appeals shall act as lead agency.

the motion was duly adopted.

Adopted:	Park	- aye
	LoManto	- aye
	Butcher	- aye
	Palmer	- aye
	Chase	- aye

The Town Board reviewed the Short Environmental Assessment Form “Part 1 – Project Information” submitted by the applicant.

The Town Board reviewed the Short Environmental Assessment Form “Part 2 – Impact Assessment” to be completed by the Town Board.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Special use application to Villenova Town Board for business of self storage in ARI - Agricultural / Residential district			
Project Location (describe, and attach a location map): 11 Route 322 tax map 187.00-1-17			
Brief Description of Proposed Action: Renovate two existing buildings for self-storage together with associated improvements, lighting, fence, sign etc. Applicant is the buyer under contract to purchase the property contingent on zoning approval			
Name of Applicant or Sponsor: Caveman Self Storage LLC		Telephone: 716-392-3477 E-Mail: feinentruststep@gmail.com	
Address: 1265 Rte. 39			
City/PO: PO Box 188, Forestville		State: NY	Zip Code: 14062
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO <input checked="" type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			YES <input type="checkbox"/>
a. Total acreage of the site of the proposed action? 4 acres b. Total acreage to be physically disturbed? 1.00 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4 acres			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations? <i>interpretation - application pending ZBA Tam Board</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>on information belief, Lorant Motors conducted remediation which rec'd government clearance</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Coweman Self Storage, LLC</u> Date: <u>9-9-2020.</u></p> <p>Signature: <u>Parbelle J Ferry</u> Title: <u>Mgr</u></p>		

PRINT FORM

***A MOTION was made by Keith Butcher and seconded by Nathan Palmer to accept the Short EAF as complete, the motion was duly adopted.

- Adopted:**
- Park** - aye
 - LoManto** - aye
 - Butcher** - aye
 - Palmer** - aye
 - Chase** - aye

***A MOTION was made by Sarah LoManto and seconded by Keith Butcher to complete Part 2 of the Short EAF by answering the questions as follows:

No, or small impact to [X] all Questions 1,2,3,4,5,6,7,8,9,10 & 11

the motion was duly adopted:

Adopted: **Park** - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**
 Chase - **aye**

***A MOTION was made by Yvonne Park and seconded by Sarah LoManto to complete Part 3 of the Short EAF as follows:

- [] positive declaration - due to potential impacts an environmental impact statement is required
 [X] negative declaration - proposed action will not result in any significant adverse environmental impacts
 [] conditioned negative declaration - to which the following conditions are imposed – no conditions

Adopted: **Park** - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**
 Chase - **aye**

SPECIAL USE PERMIT

The application with supporting information and short EAF were reviewed. Discussion was had, as pointed out by the County Planning Board, that Section 614 of the Town Zoning Local Law prohibits flashing, intermittent or moving lights. The applicant stated that the proposed steady LED illuminated sign complies.

There was further discussion of the County Planning Board recommendation that enough space be provided at the Route 322 entrance gate to allow at least one car to wait without blocking traffic. The applicant stated that per the application plan the gate entrance will accommodate a large moving truck off the road before the gate approximately 27 feet, and there will be a second truck delivery gate on the other road.

***A MOTION was made by Sarah LoManto and seconded by Yvonne Park to make the following determinations with regard to the special use permit application:

Recitals:

- a. Publication. Notice of public hearing and special meeting was duly published in the Dunkirk Observer
- b. Posting. Notice of public hearing and special meeting was duly posted on the town bulletin board.
- c. General Municipal Law section 239-m notice is [] mandatory [x] optional, and has been duly given to the Chautauqua County planning board
- d. General Municipal Law section 239-NN notice is [x] mandatory [] optional, and has been duly given to the Chautauqua County planning board, [x] the town of Dayton, [x] the village of South Dayton, [x] the applicant, and [x] neighbors
- e. Referral to the Town Board [previously the Planning Board] is [] mandatory [x] optional and it is determined to (___ refer) (x not refer).
- f. "Local Option" letter has been received from the Chautauqua County Planning Board dated [September 16, 2020](#).
- g. General Municipal Law section 809 disclosure from the applicant has been received with no persons disclosed in accordance therewith.
- h. "Local Option" letter has been received from the Chautauqua County Planning Board dated September 16, 2020.
- i. General Municipal Law section 809 disclosure from the applicant has been received with no persons disclosed in accordance therewith

Findings

- a. Application. The application received complies with section 1002, previously applicable to the planning board.
- b. As the applicant is a purchaser under real estate contract contingent upon zoning approval the applicant has standing, and the owner is not a necessary applicant.
- c. Plan. The plan for the proposed development submitted with the application showing location of buildings, parking, traffic, landscaping, etc. complies with section 1002(4)(c) and contains the pertinent information deemed necessary by this board.
- d. Pursuant to section 1002, standards, the location of the use is 11 Route 322, tax map section block and lot 187.00-1-17, ARI district.
- e. The applicant owner is Caveman Self Storage LLC.
- f. Nature and intensity of the use. The proposed use is as follows: Self Storage, located in existing building.
- g. History. This property was previously operated for many years as an automobile dealership and so is no longer a grandfathered, non-conforming use; to be renovated including related site improvements per the application.

- h. Adjacent land. The proposed special use will not discourage or interfere with appropriate development and use of adjacent land nor impair the value thereof.
- i. Comparison to permitted uses. The proposed special use will not be more objectionable to nearby properties by reason of noise, lights, or other characteristics of its operation than of any permitted uses.
- j. Development conditions. As required by section 1002(4)(b), the board has considered the development conditions set forth in section 601 as follows: (1) traffic, (2) safety, (3) health, (4) character of the neighborhood, (5) public costs, (6) environmental protection, (7) nuisances, (8) land use preservation, (9) aesthetics and finds no adverse impacts or considerations.
- k. Neighborhood. The proposed use, subject to the conditions and safeguards imposed, is in harmony with the local zoning law and will not adversely affect the neighborhood and meets the requirements imposed by such zoning local law.
- l. Fence. The application is deemed an application for approval of the proposed fencing as set forth in the application and is found to be acceptable and approved pursuant to Section 615 as amended by Local Law No. 1 of 2014.
- m. Sign. The application is deemed an application for approval of the proposed sign as set forth in the application and is found to be acceptable and approved pursuant to Section 614.
- n. Conditions. The following conditions and safeguards are imposed: no conditions

and in addition, the standard requirements of the zoning local law, and such other and further laws, rules and regulations as may be applicable, remain fully applicable.

Determination

The requested special use permit is therefore [] denied [X] granted [] granted with conditions as set forth above; and shall further constitute a permit for the proposed fencing and sign as set forth in the application.

This decision is to be filed in the minutes of the Town Board and filed in the office of the Town Clerk, with notice given to the applicant, and filed with the County Planning Board.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

Other business of the board;

***A MOTION was made by Sarah LoManto and seconded by Keith Butcher that WHEREAS Highway Abstract #10 with vouchers #119 – 121 totaling \$18,928.07 were submitted, reviewed and approved for payment.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

with no further business and privilege of the floor extended with no comments;

***A MOTION was made by Sarah LoManto and seconded by Donald Chase to adjourn meet of the board at 7:52PM.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- aye

Respectfully Submitted:
Julie Goodway
Town Clerk