

**MINUTES OF THE STAFFORD PLANNING BOARD
MEETING OF June 09, 2021**

PRESENT:

William VanAlst -Chairman
Anita Taylor -Board Member
Carol Queal - Board Member
Lindsay Yoder -Board Member
Sharon Valyear-Gray - Board Member
Richard Squires - Acting Board Member

Walt Kershenski – Recording Secretary

ABSENT:

Paul Tenney - Board Member
Mary Ellen Schmidt - Board Member

OTHERS PRESENT: Steve Foster, Phyllis Darling

**NOTE: This meeting was held through Video Conferencing using ZOOM.
Per NYS Executive order 202.15. Meeting is being recorded.**

Chairman VanAlst noted that ZOOM Meeting invitations have been mailed to adjacent property owners and The Red Osier Landmark Restaurant regarding Timothy Adams application for a SUP/Site Plan approval and a scheduled Public Hearing. The Public Hearing Notice was also published in the Batavia Daily News and posted on the Bulletin Board at the Town Hall with instructions on how to join the meeting via Zoom video conferencing. Also posted on the Town of Stafford WEB site.

PUBLIC HEARING:

Application by Red Osier Landmark Restaurant for Site Plan Approval/Special Use Permit to Expand Restaurant for Outdoor Seating – Enlargement of an existing non-conforming use. TMP 10.-2-74.2, 6492 Main Road

Chairman VanAlst called the Public Hearing meeting to order at 7:02 p.m.,
Chairman VanAlst then read the following Public Notice for the Order for public hearing:

LEGAL NOTICE OF PUBLIC MEETING/HEARING

Notice is hereby given that the Planning Board of the Town of Stafford will hold a Special Planning Board Meeting via a Zoom virtual session on Wednesday June 9, 2021 @ 7:00 PM;

The Planning Board will also conduct a rescheduled Public Hearing at 7:00 p.m. on the same date and time via the same virtual session regarding an application for a Special Use Permit by the Red Osier Landmark Restaurant to construct an outdoor dining pavilion and related improvements. Said Planning Board will convene at the same time to hear from all persons in connection with such matters. Public comment regarding the Special Use Permit will also be accepted in writing or by email (tcstaf@rochester.rr.com) at the Stafford Town Hall until noon on Tuesday, June 8, 2021. If you have previously submitted written comments, you do not need do so again. The application and supporting documents may be examined at the office of the Town Clerk, 8903 Route 237, Stafford, NY during normal open hours.

By Order of The Stafford Planning Board, William VanAlst, Chairman
Instructions for joining the ZOOM meeting are given below.

Topic: Stafford Planning Board Meeting

Time: Jun 9, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81075259678?pwd=K0ZaeGEwWlFuMWN0VWFGb3RlVjlvdz09>

Meeting ID: 810 7525 9678

Passcode: 258485

One tap mobile

+19292056099,,81075259678#,,,,*258485# US (New York)

+13017158592,,81075259678#,,,,*258485# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 810 7525 9678

Passcode: 258485

Chairman VanAlst explained that the Public Hearing is being held again due to an error in the Public Hearing Notice for May 26 concerning the Zoom connection information. Chairman VanAlst then called upon people present via Zoom to speak on the topic of issuing a Special Use Permit to Mr. Timothy Adams to construct an outdoor dining pavilion for the Red Osier Landmark Restaurant. No one spoke. Chairman VanAlst then read an email from Charlotte Maser who expressed concerns regarding outdoor music. Chairman VanAlst then displayed an updated site plan and application and asked the owners of the Red Osier to describe what they are proposing. Chairman VanAlst then read the Genesee County Planning Board's 'Notice of Final Action' which was for approval.

Chairman VanAlst again asked for any public input. Hearing none the public hearing was closed at 7:13 PM

Chairman VanAlst called the regular meeting of the Town of Stafford Planning Board to order at **7:14 p.m.**

1. Approval May 26, 2021 Meeting Minutes:
Will be approved at regular meeting 6/23. 2021

2: OLD BUSINESS:

Application by Red Osier Landmark Restaurant for Site Plan Approval/Special Use Permit to Expand Restaurant for Outdoor Seating – Enlargement of an existing non-conforming use. TMP 10.-2-74.2, 6492 Main Road.

Motion was made by Planning Board Member Yoder and seconded by Planning Board Member Queal to rescind Resolution from the May 26, 2021 meeting.

Motion passed 6 to 0.

Motion was made by Sharon Valyear-Gray and seconded by Carol Queal to offer the following Resolution:

**RESOLUTION FOR SPECIAL USE PERMIT 21-01
TOWN OF STAFFORD PLANNING BOARD**

June 9, 2021

RESOLUTION BY: Planning Board Member Valyear-Gray

SECONDED BY: Planning Board Member Queal

WHEREAS, an application for a Special Use Permit under Section 182-14, paragraph C(2), regarding expansion of an existing, non-conforming use, and Section 182-50, Special Use Permits, of the Town of Stafford Zoning Ordinance was received from the Red Osier Landmark Restaurant to enlarge an existing non-conforming use on their property at 6492 Main Road by installing a 30’x40’ outdoor dining facility with covered and fenced enclosure, 10’x20’ portable shed and other minor improvements as detailed in their application; and

WHEREAS, a Short Environmental Assessment Form was completed by the applicant and submitted to the Planning Board for review under SEQR; and

WHEREAS, The Planning Board determined that it was lead agency for the SEQR review, and, upon review of the EAF, determined that no significant adverse environmental impact would be created by this proposal; and

WHEREAS, a public hearing was duly held via Zoom virtual meeting on June 9, 2021, at which time no major public concerns were raised on the proposal; and

WHEREAS, the County Planning Board has recommended approval of the Special Use Permit application; and

WHEREAS, the applicant has developed a site plan which satisfies the concerns of the Planning Board relative to access, parking and buffer zones, and meets the criteria set forth in Section 182-50, paragraph D, items 1-8; and

WHEREAS, the Planning Board has determined that the conditions of Section 182-14, **paragraph C(2) have been satisfied by the proposal;**

Special Use Permit No. 21-01 be issued to the Red Osier Landmark Restaurant to enlarge an existing non-conforming use on their property at 6492 Main Road by installing a 30’x40’ outdoor dining facility with covered and fenced enclosure and other minor improvements as detailed in their application as shown on the site plan on file with the Town and as described in the application, with the following condition:

1. Outdoor dining facilities shall have the same hours of operation as the indoor portion of the restaurant. In no case shall seating for outdoor dining extend beyond 10:00 PM.

2. Outdoor music focused on the enjoyment of outdoor diners shall cease 30 minutes prior to the close of the outdoor dining.
3. Outdoor dining and music as described in (2) above shall comply with all aspects of the Town of Stafford Code Section 126 Noise.
4. Lighting for the outdoor dining area shall be Dark Sky compliant, and shall not be allowed to extend onto other properties. All lighting of the dining area for the purpose of dining shall be turned off within 60 minutes of closure of the dining area.
5. The outdoor dining facilities shall comply with all requirements of the NYS and Genesee County Health Departments

Motion made by Planning Board Member Valyear-Gray and seconded by Planning Board Member Queal to approve Resolution for SUP 21-01

Roll call vote as follows 6 to 0

Taylor	Yes
Yoder	Yes
Queal	Yes
Valyear-Gray	Yes
VanAlst	Yes
Squires	Yes

3: No new Business

4.) Correspondence/Workshops/Reports/General Information

5.) Adjournment:

A **Motion** was made by Planning Board Member Valyear-Gray and seconded by Planning Board Member Squires to close the Planning meeting at 7:26 PM.
Motion was passed 6 to 0.

Walter Kershenski, Planning Board Recording Secretary
Approved at the June 23, 2021 meeting