





21 at the bottom and there are three items under code 149-36 that are asked for. The first one is C.2 and that is for proposed contours. There is really no work being done other than the construction of some sidewalk on the east side of the building to get out of the parking lot and Mr. Boorady stated he had no problem with this waiver of the contours, however but the sidewalk that is going in may need spot elevations or contours for ADA accessibility.

M. David Hals came forward and he is a licensed professional engineer for this project. Mr. Hals was sworn in by the Board Attorney. Mr. Hals stated this is the former Bograds site on Hamburg Turnpike. Mr. Hals stated what they are proposing is basically to renovate the existing space by Bograds, occupy that with Valley Health Services and we are proposing an emergency access door on the back side and the emergency access door requires a concrete pad 4' x 4', and that is what the coverage is being increased by, the 4'x4' pad. Mr. Hals stated that does not have to be ADA accessible, it is literally for emergency access because the space requires a secondary emergency access. Tom Boorady asked if that has to have a sidewalk that leads out to the parking lot. Mr. Hals stated no it does not, we do not want it to lead to the sidewalk we do not want to encourage people to come to that door. We want that door for emergency access only. So in this case stated Mr. Hals, that is the only improvements being done on site so we are requesting the waiver for the contours and spot elevations. Tom Boorady stated he has no engineering objections do not have contours and spot elevations, I don't know if you want to take each item individually or just decide on all of the waivers as one. Chairman Trowse stated he felt comfortable with the waivers done as one unless someone has a problem. Jim Talerico asked if someone could explain the contours to him. Tom Boorady stated it was topography and spot elevations around the building and parking lot. Mr. Talerico asked why is that required now and never before. Mr. Boorady stated it is part of the site plan requirement. Mr. Talerico so originally when Bograds was there we waived it? Mr. Boorady stated no, there is no new construction on the outside other than a concrete pad for egress purposes, so since they are not constructing anything I don't believe that the board needs topography or elevations to show you how far above sea level it is and what the pitches are, they are not building anything on the outside. Mr. Talerico stated okay.

Mr. Boorady stated again there were no objections to the waivers from the engineering standpoint.

Rick Malanga asked which entrance we are talking about. Mr. Hals stated if you are standing on Hamburg Turnpike looking at the front of the building, the same parking areas to the right, there is actually a secondary parking area for the hair salon on the corner, that is actually owned by the same owner and that parking lot for the hair salon is actually being used by both uses. Mr. Malanga stated so it's the first door on the side of the building from Hamburg Turnpike. Mr. Hals stated it is a secondary door on the easterly side of the building, there is not a door there today. Mr. Hals stated so we are adding an emergency exit on the side and there will be a pad for the exit of that door. Chairman Trowse stated so basically tonight, do we need that testimony tonight if we are only doing a completeness, wouldn't that be part of the testimony during the next phase.

John Barbarula stated you can make a decision to grant the waivers now if you feel you have sufficient information, therefore then the applicant will just need to address the variance they need when they come before us, if you don't feel you want to grant the waivers now, then they would have to present that during the hearing but we have never done things that way stated Mr. Barbarula. Chairman Trowse stated he was comfortable.

Sal Poli stated based on Mr. Boorady's recommendations, I would like to make a motion to accept the waivers. Chairman Trowse stated he seconded the motion.

Tom Boorady stated that was only one waiver and there are two more unless Mr. Poli was making a motion for all of the waivers. Mr. Poli stated he was accepting the waivers and deeming the application complete.

Mr. Barbarula stated you can make a motion on the contour waivers, if you want to do that, we do a roll call and Tom goes on to the next two waivers, or we hear the next two waivers. Mr. Poli stated he was sorry, he thought that the waivers were complete. Mr. Barbarula stated if you want to wait, let Tom complete the other two waivers. Mr. Poli stated he would wait.

Mr. Boorady stated the second waiver is 14-36 C(7) – Location of existing buildings and other structures within 100 feet of the subject site. The Applicant has requested a waiver due to the very minor nature of the proposed site improvements being limited to construction of a 4 'x4' concrete pad outside an exit door. Mr. Boorady stated he had no engineering objections to this waiver. Mr. Barbarula stated there is no legal objection to this waiver due to the site plan be approved.

Mr. Boorady stated the third waiver is 149-36 C(17) – The proposed location, direction of illumination, power and time of proposed outdoor lighting, including type and height of stanchions to be employed, radius of light and intensity in foot-candles. Mr. Boorady stated the inspection that he did he saw five or six lights around the building that were missing or bent over or in disrepair, not even sure if they were functioning, so although this is really minor in nature, they aren't doing any work to the outside, I do believe some sort of lighting plan should be provided, since I don't think they are going to put in any new lighting, they might just replace heads, you could consider giving them a waiver subject to my review of it later if you do approve this use, and that way you don't have to get bogged down in the hearing discussing the small details of lighting, I can approve that later if it is comfortable to the board. Chairman Trowse stated so looking at it we have an existing light poles and existing lights, correct? Mr. Boorady stated yes. Chairman Trowse stated some of them are in disrepair, so basically it might be changing a bulb or fixture on top of it and those lights were in the original site plan and they are already accounted for, so we are not adding anything new, if anything you are improving what the lights that are there using the existing poles. Mr. Hals stated everything you said is correct, we are not proposing any new lights except for one and I will explain what that is, and there are at the hair salon the lighting is not turned on and it has to be brought up to engineering operational, there are light poles on the Bograd's sign and that sign there are fixtures that are not working. The property owner has been notified they are required to make the repairs to the

lighting and to bring the lights up to operational for basically what is approved on the site plan. We are proposing one light and that will be above the doorway that we are adding to the outside as required by code to have the entrance lit, it's not going to be offensive, just lighting at the doorway. Mr. Barbarula stated from a legal standpoint, what I think you should do is say you should require that all the lights that Tom Boorady reviewed would have to be fixed. John Barbarula stated if the landlord knows that the waiver is not going to be granted and the lights taken care of, I guarantee the landlord will do it, but if you grant the waiver for the bunch we may never get those lights fixed. Chairman Trowse stated so basically with the lighting, we can grant the waiver under the guidelines that it will be approved by Tom when completed. Mr. Hals stated did you say the lights have to be repaired before the hearing? Mr. Barbarula stated then it would be subject to our engineer.

Ms. Razin stated that this is a medical facility and safety is important so they would want the lighting fixed as quickly as possible, so if you give us a timeline that is reasonable, we will get the landlord to make sure it's done. Mr. Barbarula stated we are not an enforcement board, however, the board could leave it as approval from the board engineer. Tom Boorady stated they should have a plan at the same time they are issued building permits, that way they know what they are building, if they wait for the CO there is always a rush. Mr. Barbarula stated we are not an enforcing board and yet people will complain to us. Ms. Razin stated so we adding notes to the site plan are you comfortable with that? Mr. Boorady asked what do you mean by notes. Mr. Hals stated we will specify which heads have to be replaced and the lighting has to be brought up to code prior to the CO being issued.

Chairman Trowse stated he has no problem with that. Mayor Carelli stated wouldn't you just state that all the lights, the existing fixtures, have to be in good working order prior to an approval, because if you say oh we're going to fix the ones that are broken and okay there are three that are broken and next week two more break.....Mr. Barbarula stated the Mayor's suggestion is fine, if you do that there is no legal objection to the board granting the three waivers and if the board does that you can go right into deeming the application complete.

James Talerico stated, the lighting plan that is there, was approved when. Tom Boorady stated the last time they were before the board, I'm not sure which tenant that would have been. Mr. Talerico stated so it was the original site plan? Mr. Boorady stated I believe those are the original when the site was developed. Mr. Talerico stated this is going to be a medical facility, how many hours of operation are you going to be running. Mr. Barbarula stated you are getting into testimony that will be heard on the application. Mr. Talerico stated if we are talking about lighting. Mr. Barbarula stated but if we take the Mayor's suggestion that all of the lights that are on the approved site plan have to be in good working order. Mr. Talerico stated so does that mean once we hear the application, we can't amend that. Mr. Barbarula stated no if you find there is additional lighting that you feel should be incorporated, you could certainly amend it.

John Barbarula stated that the three waivers are going to be granted, their lighting waiver would have a specific designation that it's conditioned on all if the lighting on the site that is approved be in working order.

Sal Poli stated he makes that motion, and Rick Malanga seconded the motion.

**ROLL CALL: Ayes: Poli, Malanga, Carelli, Pellegrini, Scilingo, Talerico, Sheps  
Trouse, Roberts  
Nays: None  
(9 Ayes – 0 Nays 0 Motion Carried)**

Chairman Scott Trouse set forth the motion to deem this application complete, subject to the checklist items on page three of Mr. Boorady's letter Items 1, 2 & 3, Items 4 & 5, Item 6, Item 7 and Item 17, standard items, Sal Poli seconded the motion.

**ROLL CALL: Ayes: Trouse, Poli, Carelli, Pellegrini, Roberts, Malanga,  
Scilingo, Talerico, Sheps  
Nays: None  
9 Ayes – 0 Nays – Motion Carried**

The hearing is scheduled for April 7, 2022 at 7:30 p.m.

**Note: Michael Reilly stepped down from the dais for the Valley application due to having property within 200' of the application property. The Valley application is completed and Mr. Reilly rejoins the board on the dais 7:55 p.m.**

**CANCEL MEETING FOR MARCH 3, 2022:**

Due to lack of agenda Chairman Scott Trouse set forth the motion to cancel the meeting scheduled for March 3, 2022. Motion seconded by Sal Poli.

**ALL IN FAVOR / Motion Carried**

**OTHER:**

Councilman Pellegrini stated he had a question for the board attorney. Councilman Pellegrini stated if we have an application for a variance or anything on one of the houses that are close to the condos, can we waive sending notices to every condo owner and just send it to the association and let them distribute it. There was a brief discussion and the Board Attorney stated he would research it and let him know the answer at the next meeting.

**ADJOURNMENT:**

Thereupon Chairman Scott Trouse set forth the motion seconded by Bobby Roberts to adjourn the meeting.

Meeting adjourned at 8:05 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary