

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Sergeant-at-Arms Joseph Sherman.

Roll Call: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
Jim Rathman
Joseph Sherman
Gerald Greenan
Jeffrey Schieber, Code Enforcement Officer
Matt Palmieri acting Town Attorney
Rachael E. Kruszka, Recording Secretary

Absent - Joseph Ciancio
Anthony Nigro

Chairman Niederpruem read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

APPROVAL OF PROOFS OF PUBLICATION

Motion by Rathman, seconded by Sherman, to receive and file the proofs of publication and posting of legal notices.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Mendola, seconded by Sherman, for the approval of Minutes #2014-01 of January 09, 2014.

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Sherman, for the approval of Minutes #2014-02 of February 13, 2014.

Ayes: All

Noes: None

Motion Carried

Old Business

SPR2014-01

A request from F.J. Wailand Associates Inc. for approval of revisions made to the site plan for property located at 1709 Union Road for a 10,800 sf cold storage building

Chairman Niederpruem stated the Planning Board was looking for in the plan an updated Environmental Assessment form, which was received, a petition for Emergency Vehicle access letter from the adjoining neighbor and an updated survey and site plan / drainage plan along with the rendering of the structure.

Frank Wailand from F.J Wailand Associates Inc. submitted a new survey for the drainage swale in question as to whether it was on Armstrong Brands property or the adjoining property. It is in fact on the petitioner's property and also provided a letter from the adjacent property to the south. Indicating there is no problem having drainage into that swale, because at some point it does drain onto their property.

Chairman Niederpruem wants to see the letter from the south property, as it was a question for tonight site plan.

Mr. Greenan questioned if the letter is stating they have permission to drain through the ditch that on the parcel next door.

Mr. Wailand states that it is a parcel that Great Lakes owns, the swale is not continuing on their property but at some point it does goes onto adjacent property.

Mr. Greenan further commented as to where the outfall goes after it gets through 1234 Acquisition, LLC

Mr. Wailand states it proceeds towards Union Rd.

Mr. Greenan states, is it fair to say there would not be any change in flow towards Union Rd after acquiring the property.

Mr. Wailand states there will be no change, nothing has been altered outside of addressing the concerns from the January meeting, including the green issue and the USGS Demographics survey, and everything will flow, one concern was, since we are building, a slight burn onto the building with 1,3 slope, there may be some run off to next door to Armstrong, Mr. Wailand has a letter stating they will not have a problem with this as it will be minimal and Armstrong is committed to a 10-15 year lease agreement with the possibility to buy after 10 years.

Chairman Niederpruem questions who the owner of the building will be.

Mr. Wailand states the Weisbeck's will be the owners; the property belonged to Bob Metzger but has since passed and left property to his daughter Tammy, who married Lee J. Weisbeck.

SPR2014-01 (continued)

Mr. Rathman comments that having visited the site there is so much material between the new berm and the existing building, is there adequate room for fire apparatus to get through there.

Mr. Wailand states that there is currently stuff piling up there but it will be cleared out, as shown on the plan there is access to the building on all four sides, with a letter from Armstrong allowing them to have access from the east side of the building.

Mr. Rathman further comments, as to how a vehicle could get through there, with so much debris, in fact how will the water from the berm get through to the drains.

Mr. Wailand states that it is a work in progress and some of the debris has been cleared

Mr. Rathman is concerned with how the water on the new site is going to get across the paved area, currently it looks like swamp land

Mr. Wailand states it will be corrected when the new drainage system is put in.

Mr. Rathman further comments as to how that is going to correct the rest of the drainage on the site, the site is so low and wet, when Mr. Rathman was surveying the site there was little ponds all over the site. If you have the paving there, how will it get over this area. Mr. Rathman adds that there is no indication on the site plan for grading beyond the berm going around the building. Mr. Rathman further comments that raising the area where the building is going up 3ft, still keeping the rest of the area low because no grading will be done.

Mr. Wailand states that the owners of the property will make sure no ponding will go on, and it is also the owners concern for the drainage to be adequate to prevent ponding. Mr. Wailand also states they are good keepers of land and will care for the property and drainage.

Mr. Mendola adds that the board can assume as part of the condition that the property owners will clean up the debris and so on that Mr. Rathman mentioned before at the base of the berm.

Mr. Wailand states that it can be a condition to the site plan and they are good stewards of the land and intend on having a well-kept industrial park

Chairman Niederpruem directs the board and the public to Code Enforcement Officer Jeffrey Schieber, on the notes from the Engineering department.

Code Enforcement Officer Jeffrey Schieber comments on the letter from West Seneca Engineering Department that the submittal was originally made at the January meeting, there was a new SEQR form in place, and since has been corrected, ensure the 8 inch water discharge is located on the subjects parcel unless an easement is obtained by the owner, these were the only issues with the Engineering department, Mr. Schieber further states he followed up with a second submittal to the Engineering Department with the revised set of drawings and there is no issues at this time

SPR2014-01 (continued)

No Comments received from the public.

Motion by Greenan, seconded by Sherman, to issue a negative declaration in regards to SEQR filing that there are no significant environmental issues for the revised site plan at 1709 Union Rd on the basis of studies prepared and submitted.

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Chairman Niederpruem, to grant site plan approval at 1709 Union Rd for the use of cold storage use only, conditioned upon 1) there will be no ponding on the site; 2) the debris behind the building be removed.

Ayes: All

Noes: None

Motion Carried

New Business Communications

SPR2014-03

A request from Mike Berger of Sutton Architecture to re-zone from R-60A to C-1 to allow for a child daycare and site plan review at 14 Center Rd.

Chairman Niederpruem states the board received the request to re-zone from R-60A to C-1 to allow for a child daycare and site plan review. Chairman Niederpruem suggests that this site plan was already properly re-zoned.

Code Enforcement Officer Jeffrey Schieber comments that neighbors were notified with in 250ft radius of the site plan and was properly published two weeks prior to tonight's meeting. The applicant sought out all the variances. Mr. Schieber further states that ultimately this re-zone will have to be approved by the Town Board.

Motion by Greenan, seconded by Chairman Niederpruem, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem states for point of order, that there is 2 items 1) re-zone from R-60A to C-1; 2) site plan review at 14 Center Rd. Chairman Niederpruem questions that the re-zone was referred to the Planning Board by the Town Board, the planning board has never addressed both re-zone and site plan review for one parcel in the same meeting,

Code Enforcement Officer Jeffrey Schieber states the site plan review could be addressed at the Town Board, the Planning Board can confer with the Matt Palmieri the Town Attorney, but the thought was while Sutton Architecture was here, have the Planning Board review the site plan as it was completed.

SPR2014-03 (continued)

Matt Palmieri the town attorney states that one way to handle the site plan review is to approve it conditionally upon the Town Board approving the re-zone. Therefore, saving Sutton Architecture from returning to the Planning Board after the re-zone is approved by the Town Board.

Chairman Niederpruem states the Planning Board received an application for site plan referral to Erie County, application for site plan approval, as part of the SEQR application, a letter from Erie County Highway Department siting their requirements for the property, the short form and a letter from the applicant on the hours of operation.

Mr. Greenan questions who the lead agency is on this site plan and re-zone.

Mr. Palmieri states the Town Board is the lead agency, this site plan is only in draft form, the town attorney further states the Planning Board can condition 2 items 1) the Town Board finding the Negative Declaration; 2) the Town Board approving the re-zone. Mr. Palmieri comments that the Planning Board can offer advice and/or recommendations but the Town Board has the final approval on the site plan.

Chairman Niederpruem state there is no SEQR determinations on the site plan review, the Planning Board can make a conditional approval for the site plan review if the board wishes, contingent upon the Town Board accepting it.

Mike Berger of Sutton Architecture on behaves of Connie Scioli for the property located at 14 Center Rd, asking for a re-zone for what used to be a medical office into a daycare facility. Mr. Berger states they did receive variances regarding parking and the setback from ZBA (Zoning Board of Appeals), also received a favorable mention from Erie County regarding the use of parking and contingent upon getting Erie County Highway work permit.

Mr. Greenan questioned if there will be any external structural changes to the building.

Mr. Berger responded there would be no changes structurally to the exterior of the building maybe painting and sprucing up but no major renovations. Mr. Berger states it will be almost entirely interior work.

Mr. Greenan questioned to any changes in paving.

Mr. Berger responded the existing paving would be used, existing parking lot layout being re-used, Mr. Berger comments that they will be reducing access to Center Rd, creating a one way path of traffic for the vehicles, to try and improve entering and existing of the facility.

Chairman Niederpruem asks Mr. Berger to explain the proposed plan for flow of traffic for the publics' knowledge. Chairman Niederpruem also adds to brief the public on the ZBA meeting and what the ZBA had to say.

SPR2014-03 (continued)

Mr. Berger explains that vehicles will enter only from Briarwood Rd, and then exit only onto Center Rd. Mr. Berger continues to explain they needed a variance on setback of parking and a variance on the amount of parking based on the occupancy of the building and needed variance on isle way for the vehicles, its required 30 commercial spaces we were only able to provide 24, the parking spaces we were able to provide 24, the requirement was for 41 spaces and the set back for parking was 10ft, and zero setback, and received approval for all the variances

Chairman Niederpruem states there are also letters from Erie County and direct Mr. Berger to discuss them with the public also.

Mr. Berger comments that Erie County Highway Department sent a letter after they reviewed the plan and felt that the reduction of the driveway of Center Rd is okay and would be better than the uncontrolled access as is present, parking along the front is acceptable as is, and the number of parking spaces is not a concern at this time.

Chairman Niederpruem questions if there is plans for any exterior lighting of the site and what the planned hours of operation is.

Mr. Berger states the lighting is as existing, streetlights are present and the lights on the building will be re-used.

Connie Scioli the applicant comments on the hours of operation to be 6:30am-6:00pm

Chairman Niederpruem also comments on the limited parking spaces, what is the applicant going to do when there is snow like the 2014 winter. Chairman Niederpruem further questions will there proposed snow removal

Mr. Berger states there will be snow removal and is planned for the playground area behind the building. There will be a removable fence in place for the summer months to enclose the playground and in the winter months will be removed so snow can be removed from the parking lot and piled in that area of the playground

Mr. Berger states that it is striping to acknowledge no parking

Mr. Rathman suggests pulling the parking stops back, because where they are currently located on the plan, people will pull their vehicles right up and block the pedestrian walkway, as well and parking into the landscaped areas.

Mr. Berger states it will be done

Mr. Rathman refers to the plan that the Emergency Access isle has to be 8ft wide for van accessibility, the plan says it meets the ANSI code by 60 inches, but the state code says it has to be 8ft wide. Mr. Rathman further states he cannot tell because there is no scale on the plan for the measurements.

Mr. Berger responds that the last parking space is a bit wider so there is room to fix the spacing for the Emergency Access isle

SPR2014-03 (continued)

Mr. Sherman questions whether there will be a dumpster on site to help control trash and garbage pick-up, the town supplies businesses one 95 gallon trash tote and one 65 gallon recycling tote, should this be adequate for this business. Mr. Sherman further questioned as to the location of the totes

Mr. Berger responds that the Town of West Seneca garbage will be sufficient enough and the supplied totes for the nature of this business. Mr. Berger further states that the totes will be stored at the rear of the building along the fenced area

Mr. Rathman states that on the north side, the plan says there is a fence, Mr. Rathman questions if the current fence will be used or a completely new fence be installed.

Mr. Berger responds there is an existing fence along the north side that the applicant will piggyback, along the open property line the applicant will be installing a new removable fence to enclose the playground area and back up to the rear of the building.

Mr. Rathman states that there is a requirement for parking lot screening between a residential and commercial property

Chairman Niederpruem noted that the public may have concerns about the screening because of headlights when entering from Briarwood, Chairman Niederpruem further states that the first home immediately north of the property line is going to get the headlights of the cars onto their property. Chairman Niederpruem also states, there will then be a need for some sort of fencing along the north property line of the parcel.

Mr. Berger responded the current fencing wraps around, comes from the corner of the building, up to the property line, back up to the back corner of the property line and all the way over approximately 30ft. and the applicant will be adding a separate removable fence coming back up to the building

Chairman Niederpruem states that the area in question is at the first turn from Briarwood into the lot, the headlights as they turn will be in the neighbors view

Mr. Berger responds that the fencing will eliminate the issue of the headlights.

Chairman Niederpruem questions Code Enforcement Officer Jeffrey Schieber if there was anything from the Building Department

Mr. Schieber states the variances were addressed, and adds that screening could be done with fencing or decorative landscaping

Mr. Sherman questioned if there will be signage to direct people to the proposed flow of traffic, preventing people from entering the exit only

Mr. Berger responds that the applicant will post "one way" at Briarwood and "Do not enter" at Center Rd signs at the enter and exist driveways

SPR2014-03 (continued)

Mr. Rathman questioned what the distance is between the existing building to the north side of the property line

Mr. Berger states the distance 30ft

Mr. Sherman questions if there will walkway space and or designated areas for walking, so people are not randomly walking through the parking lot to their vehicles from the front entrance

Mr. Berger states that the applicant will provide a striped path at the entrance and extend it out as much as possible without the confusion from the striped parking spaces. Mr. Berger further states that there is three walkways and will be striped off for access and there also sidewalks along the building.

Karen Lucachek of Green Meadow Dr would like to know how many children will this daycare accommodate, and Ms. Lucachek states she is not familiar with 14 Center Rd is located, and suggests that it would be helpful if the plans were facing the public, so there is a visual.

Mr. Berger responds that there will be approximately 50 children in the daycare facility, and shows Ms. Lucachek on the site plan where 14 Center Rd is located

Chairman Niederpruem explains that 14 Center Rd is near the old Kepler Music Store

Amy Carpenter of Woodward Crescent is concerned that one 95-gallon tote will not accommodate the daycare, and will not be enough storage for garbage

Mr. Sherman questioned the ages of the children at the daycare

Mr. Berger states the ages range from infant to school age and state regulations will dictate how many from each age group per the size of the classrooms and how many teachers / teacher's aide, there are

Mr. Schieber adds in response to Woodward Crescent neighbor, that the West Seneca Highway Department allows owners to purchase additional totes should they need them, if the trash becomes an issue the applicant can purchase more

Connie Scioli the proposed owner of 14 Center Rd, states that as of right now, Mrs. Scioli has 2 daycare facilities that houses 16 children at each facility and she uses one 95-gallon tote for her personal garbage and both locations garbage and the tote is still not filled up all the way at the end of the week

Susan Kims of Covington Dr is questioning the type of existing fence it is and the new fence being installed, will it be a wooden fence or chain link, and will it be high enough for screening

SPR2014-03 (continued)

Mr. Berger responds that it will be a chain link fence because it has to be durable to be able to be removed and replaced when needed, and also states it will be up to the existing fence but not attached to it, and if the fence needs to be higher than 4ft the applicant will comply with that.

Motion by Greenan and seconded by Mendola that the re-zone from R-60A to a C-1 be an approved

Ayes: All

Noes: None

Motion Carried

Motion by Greenan and seconded by Rathman for conditional site plan as presented to be approved

On the question, Sherman questions how many egresses will the building have, and are all other doors going to be "exit only" except the main entrance.

Mr. Berger stated that every room would have to have an exit only door with some type of an alarm or lock as per state regulations including exit signs above all the doors.

Mr. Schieber states no sprinkler system is required because the building is small in nature and accessible by all four sides with the hose line.

Mr. Schieber also addresses what appears to be fencing on the north parcel has already been addressed and the neighbor's stockade fence runs out to Briarwood. Should the fence come down the applicant will then be responsible for shielding the cars from the neighbors.

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Sherman to close the public hearing

Ayes: All

Noes: None

Motion Carried

Adjournment

Motion by Chairman Niederpruem seconded by Sherman, to adjourn the meeting at 7.40pm

Ayes: All

Noes: None

Motion Carried


Rachael E. Kruszka
Planning Board Secretary