

**WEST SENECA TOWN OFFICES**  
**1250 Union Road**  
**West Seneca, NY 14224**

**WEST SENECA PLANNING BOARD**  
**Minutes #2015-04**  
**April 9, 2015**

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  
Joseph Ciancio  
Gerald Greenan  
Anthony Nigro  
Jim Rathmann  
Joseph Sherman  
Jeffrey Schieber, Code Enforcement Officer  
John J Fenz, Town Attorney

Absent - None

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

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#### **APPROVAL OF PROOFS OF PUBLICATION**

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

Ayes: All

Noes: None

Motion Carried

#### **APPROVAL OF MINUTES**

Motion by Ciancio, seconded by Mendola, to approve Minutes #2015-03 of March 12, 2015.

Ayes: All

Noes: None

Motion Carried

#### **OLD BUSINESS COMMUNICATIONS**

##### **SPR2015-02**

A request from Union Fire Company for site plan approval for property located at 1845 Union Road for construction of a new 27,000 sf mixed use fire station with club facilities, assembly use (disaster relief area) and off-street parking and amenities.

Motion by Greenan, seconded by Mendola, to remove the item from the table.

Ayes: All

Noes: None

Motion Carried

**SPR2015-02** (continued)

Kate Waterman Kulpa of EI Team represented Union Fire Company and stated Town Engineer David Johnson reviewed and approved the stormwater pollution prevention plan since the last meeting and Erie County Division of Sewerage Management also approved their application. Most of the storm water retention is underground and the site plan has not changed. Mrs. Kulpa stated the site is vacant except for a one-story concrete building with deteriorated drive. Their proposal for a 27,000 sf fire station will have ingress/egress from Union Road and Seneca Creek Road and will require no variances. The facility will house the fire station, administrative offices, and a large assembly room that can be used as a disaster relief area.

Mr. Rathmann questioned the possible presence of isolated wetlands, noting the site has potential hydric soils. He questioned if a wetlands walkthrough was done.

Hormoz Mansouri of EI Team responded that 95 percent of the site is clay and there is zero penetration of rain water. Information on wetlands was submitted to Erie County and they approved the project. Dr. Mansouri stated there is no isolated wetlands requirement in the Town of West Seneca.

Mr. Rathmann stated isolated wetlands are regulated through the federal government by the Army Corps of Engineers (ACOE). The Planning Board requires that an expert in the field do a wetlands delineation of the site to determine if there are isolated wetlands and the ACOE will then decide whether they are. Mr. Rathmann further questioned if a tree survey was done.

Mrs. Kulpa distributed a tree survey of the site and stated they were not aware they were supposed to submit this prior to the meeting. Dr. Mansouri stated there are 33 trees greater than 4" in diameter that will be removed and they will replace them with 33 trees.

Mr. Rathmann commented on the extensive planting indicated on the rendering along the front of the building and noted there is nothing indicated on the site plan.

Mrs. Kulpa stated renderings are conceptual, but they do intend to have stone around the building.

Mr. Rathmann stated he would rather see plantings, noting they are trying to make Union Road more attractive. He further stated some of the trees are planted in the stormwater retention areas and should be relocated. Handicapped accessibility is also needed to the playground, basketball and baseball areas. Mr. Rathmann referred to the storage units next door and stated water from there drains onto this site to a gravel area.

**SPR2015-02** (continued)

Dr. Mansouri stated there is a filtration system that sits next to the proposed parking lot and adjacent water will drain to that.

Mr. Rathmann questioned what work is being done on the initial phase.

Mrs. Kulpa responded the entire parking lot is included in the base bid along with the swale; the playground equipment and ball fields are alternates. Their client will choose which alternates they can afford at the time of the bid.

Mr. Rathmann commented on the arborvitae indicated on the plan and suggested some other type that deer will not eat. He further commented on the handicap accessible ramp on one access aisle but not the other and suggested extending the ramp. Mrs. Kulpa stated they will look at it and change it if the elevations work.

Motion by Greenan, seconded by Mendola, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Mr. Rathmann suggested hiring Earth Dimensions or another environmental consultant to walk the site and possibly do core samples. Their report will then go to the ACOE who may or may not come out for a review. Mr. Rathmann stated national wetlands maps show large designated wetlands, not isolated wetlands, and the vegetation on this site looks suspect. The Erie County Soils Map shows a good portion of the site is potential hydric soils.

Motion by Rathmann, seconded by Niederpruem, to table this item until the wetlands issue is addressed.

On the question, Mr. Rathmann asked that landscaping along the front and handicap ramps also be addressed.

Ayes: (4) Mr. Rathmann, Mr. Ciancio, Mr. Sherman, Chairman Niederpruem

Noes: (3) Mr. Greenan, Mr. Mendola, Mr. Nigro

Motion Carried

**SPR2015-07**

A request from Sean Hanley for site plan approval for property located at 1290 Center Road for construction of a new four unit townhouse with detached garages.

The petitioner requested this item remain tabled.

**NEW BUSINESS COMMUNICATIONS**

**SPR2015-04**

A request from Angelo Licciardello for site plan approval for property located at the northeast corner of Southwestern Blvd. & Leydecker Road for construction of a 10,000 sf retail/restaurant building, 60 parking spaces and on-site utility improvements.

Chairman Niederpruem stated along with application the Planning Board received a short environmental assessment form and a set of plans.

Chris Wood of Carmina, Wood, Morris represented Angelo Licciardello and stated their proposal to construct a 10,000 sf multi-tenant building at the northeast corner of Southwestern Blvd. and Leydecker Road, noting less than one acre of the 1.3 acre site will be disturbed. In accordance with Town Code they are proposing 60 parking spaces. The area adjacent to the property line on the north and east will not be disturbed and the landscape plan shows a row of arborvitae along the neighbors to the north. Comments were received from the Town Engineer concerning two minor drainage issues and they have no problem addressing these. Mr. Wood stated a wetlands walk through was done by a consultant and there are no wetlands on the property. Plans were submitted to NYS Department of Transportation (NYSDOT) and Erie County for approval of the curb cuts. No response was yet received, but he did not see a problem.

Mr. Greenan questioned if the parking had been changed from the previous plan submitted and if the drive-in speaker will be a problem. Mr. Wood responded the parking was reduced and scaled back from the condominiums to the north. Technology on the speaker has advanced so it should not be a problem, but there will be a row of shrubs that are not deer friendly and they will work with the neighbors on screening.

Mr. Sherman questioned if there is a proposed restaurant and if there will be a restriction on the hours of operation. Mr. Wood responded there is no specific tenant at this time and they will be amenable and agree to reasonable hours.

Mr. Mendola referred to the north property line and the possibility of noise and lights disturbing the residents. Mr. Wood stated that light level drops off quickly and is zero at the property line. The parking setback requirement is 10' and the setback proposed is 30'. The dumpster was also pushed to the east away from the residents. They can use a board on board fence rather than chain link.

**SPR2015-04** (continued)

Chairman Niederpruem wanted to protect the adjacent residents and referred to the retaining wall on the east property line. Mr. Wood stated there is also a retaining wall on the north property line and they could extend it up 42 inches or put a fence on top.

Mr. Mendola did not believe 42" would block the headlights. Mr. Wood suggested a six foot barrier and extending the fence farther east.

Mr. Rathmann noted a tree survey is required for trees 4" or greater in diameter.

Chairman Niederpruem stated the 30' area next to the house should be untouched during the clearing phase. Mr. Wood stated they want to stay under one acre disturbed and plan to put up a construction fence along that area during construction to prevent any activity in that area.

Mr. Sherman commented on the Leydecker Road entrance and suggested an island to help direct traffic. Mr. Wood stated there will be a right turn only sign upon entering.

Mr. Rathmann stated the DEC suggested there are hydric soils on site and a potential for wetlands. He questioned the validity of the wetlands delineation, noting the site is very wet. Mr. Rathmann further commented on the landscaping at the entrances that may be a problem with visibility and suggested something else with higher branches.

Robert Mortellaro thanked the Planning Board for addressing the neighbors' concerns and referred to the retaining wall that appeared to be 8' above the property. Lighting and noise from the drive-in was also a concern along with traffic. He further questioned the dumpster enclosure.

Mr. Wood responded the retaining wall is six feet above the parking lot grade and he indicated on the plan the length of the solid barrier. He agreed to put plantings on top of the berm and stated the dumpster will be covered and enclosed with a board on board fence.

Motion by Greenan, seconded by Mendola, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Mendola, to issue a negative declaration with regard to the proposed 10,000 sf retail/restaurant building at the northeast corner of Southwestern Blvd. & Leydecker Road.

Ayes: All

Noes: None

Motion Carried

**SPR2015-04** (continued)

Motion by Greenan, seconded by Sherman, to grant site plan approval for property located at the northeast corner of Southwestern Blvd. & Leydecker Road for construction of a 10,000 sf retail/restaurant building, 60 parking spaces and on-site utility improvements with the following conditions: 1) the retaining wall shown on the north line of the site plan shall be extended to a height of 6', material and final design to be at the discretion of the developer; 2) a tree survey shall be performed and submitted to the Code Enforcement Officer, and if necessary, trees replaced in accordance with the Tree Ordinance; 3) at the end of the 6' wall to be constructed along the north property line to the front of the apartments facing Leydecker Road, 6' of fencing or retaining wall shall be installed; 4) the existing berm in the northwest corner of the site shall have new plantings (boxwood or equivalent) to raise its height.

Ayes: All

Noes: None

Motion Carried

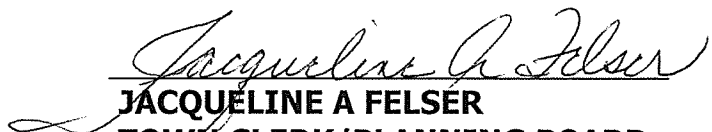
**ADJOURNMENT**

Motion by Greenan, seconded by Rathmann, to adjourn the meeting at 8:15 P.M.

Ayes: All

Noes: None

Motion Carried

  
**JACQUELINE A FELSER**  
**TOWN CLERK/PLANNING BOARD**  
**SECRETARY**