

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

WEST SENECA PLANNING BOARD
Minutes #2016-05
May 12, 2016

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
Jim Rathmann
Joseph Sherman
George Clifford
Margaret Greenan Bebak
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.

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Sherman, seconded by Mendola, to approve Minutes #2016-04 of April 14, 2016.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

2016-04

A request from Ebenezer Community Landings LLC for a special permit for property located at 4592 Seneca Street, being part of Lot No. 223, changing its classification from R-50 to R-50(S), for 48 detached single family patio homes with attached garages and 30 attached two-story townhome units.

Motion by Mendola, seconded by Sherman, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

2016-04 (continued)

Attorney Sean Hopkins represented Ebenezer Community Landings LLC and stated the plan was modified based on input received at the last Planning Board meeting. The revised plan incorporates 30' rear setbacks along Sky Hi Drive and only lots 25 – 27 do not comply, but they are not contiguous to any residences. Detention basins on the west portion of site were moved to other side of the site. Mr. Hopkins stated the project will comply with DEC quality and quantity standards and they will have fully engineered plans at site plan approval. They will also work with abutting property owners on landscaping.

Chris Wood of Carmina Wood Morris explained the proposed drainage and stated they will pick up water on the north and reroute it to the south detention basins. The developer also agreed to look at cleaning out the detention basins on the north properties adjacent to the site.

Chairman Niederpruem commented that 30' front setbacks are required and the plan indicates setbacks as little as 4'. He believes the buildings are too close to the road and need more curb appeal. Chairman Niederpruem further commented the site is overloaded with 67 dwelling units, noting the minimum lot size is only 5000 sf and the normal lot size is 8000 sf.

Mr. Hopkins responded a private driveway will service the development and the setback of the garage door from the edge of the pavement is 25'. Each patio home can accommodate four vehicles. He further stated the density is less than what is permitted under the zoning.

Town Attorney John Fenz referred to Section 278 of Town Law concerning cluster development and stated the average lot size shall not be smaller than what would be allowed under the lowest residential zoning.

Mr. Mendola commented on the proximity of the buildings to the road and expressed concern about access by emergency vehicles.

Mr. Hopkins stated the developer would have no problem moving the homes back 5'.

Chairman Niederpruem stated there is still a problem with lot sizes less than 8000 sf.

Mr. Hopkins responded not all lots are 5000 sf and 7100 sf is the average.

Mrs. Bebak stated the Planning Board is looking for the project to comply with the R-50 zoning. She further questioned the two-family units in the front.

2016-04 (continued)

Mr. Hopkins responded the units on the south side of the ditch are two-family attached townhomes with the appearance of a single family home. Mixed residential was incorporated in the project to target different markets.

Mr. Ciancio commented on the length of the road at 1600' and Mr. Hopkins responded it is the same as the previous project that was approved by the Planning Board.

Mr. Clifford commented he understood that developers want to maximize their investment, but they are trying to put 67 units in a space that should only accommodate 35.

Raymond Ball submitted his list of concerns about the project and specifically commented on the increase in density with less efficient use of space, an increased problem for emergency vehicles to access the site, drainage control for the northern part of the property, an increase in traffic and lack of curb appeal with homes setback too close to the road.

Susan Kims commented there is nothing smaller than R-50 zoning in the area and this is spot zoning which is done for economic and financial benefits.

James Bukaty commented on drainage problems and was concerned with the rear setback for the four houses at the end of the project that back up to his yard on Muriel Drive. Mr. Bukaty agreed the developer should be able to develop his property, but not at the expense of surrounding property owners.

Bill Dinderski commented on traffic concerns and stated the developer is trying to put two houses into each lot which is too much.

Mr. Hopkins asked the Planning Board to table the special permit request and stated the developer would like to revise the plan and will look at a density more in line with the previous project. He further stated they are confident they can make the drainage work and solve drainage problems for the Muriel Drive residents.

Kevin Curry of David Homes thought they would be able to address most of the issues presented and noted they are trying to work with the fact that West Seneca does not address patio homes in the Town Code. He stated experience has shown people are looking for small, single story homes and most will have only one occupant with no children. Mr. Curry further commented they build communities and want to do something appropriate for the area.

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2016-04 (continued)

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Sherman, to table this item until the next meeting pending receipt of a revised plan.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2016-04

A request from Frank Wailand for site plan approval for property located at 3254 Clinton Street for a 50,240 sf production facility with attendant site improvements.

Motion by Mendola, seconded by Ciancio, to open the public hearing.

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a full environmental assessment form, a property survey and a proposed drawing of the facility.

Planning Board members Joseph Sherman and Margaret Bebak recused themselves from this item due to a conflict of interest.

Frank Wailand represented Martin Monaco of Shell Fab & Design and stated his business has been located on Clinton Street for 16 years. Mr. Monaco is looking to expand the business and is unable to do so at the current location. Mr. Wailand stated the original plan has been revised and the stormwater pollution plan is still being prepared.

Chairman Niederpruem commented there is a lot of information in the environmental assessment form that is not completed. The survey also does not indicate where the property is, the Code Enforcement Office has some issues with fire code and the Town Engineer has issues with drainage. Chairman Niederpruem stated there is a lot of land and room for expansion, but they need to analyze the footprint.

2016-A (continued)

develop in the flood plain. A traffic impact study was prepared at the intersection of Caldwell Drive and Fisher Road which indicated a turning movement with 11.5 second delay and a proposed increase to a 13.5 second delay after the development.

Mr. Sherman referred to the traffic study and questioned if the intersection of Fisher Road and Orchard Park Road was included, noting the back up there is 8 to 10 vehicles and up to a five minute delay. He further questioned if an archaeological study was completed and expressed concern about emergency vehicle accessibility with no direct access and many turns.

Mr. Gow responded that intersection was not included in the traffic study because it is farther away from the development, but they did look at full build out of Princeton Estates. An archeological study was submitted and a letter was received from the State Historic Preservation Office (SHIPO).

Mr. Mendola suggested the developer investigate another way out of the subdivision and questioned how the retention pond will be accessed.

Mr. Gow responded a stub street to the west was previously proposed, but was not well received. An easement is necessary for maintenance of the retention pond.

Mr. Sherman questioned if the Croglio's will be developing the property themselves and Mr. Croglio responded Marrano will be the developer.

Code Enforcement Officer Jeffrey Schieber advised the project was sent out for SEQR and there is a 30 day window for comments that has not yet expired. He also understood Highway Supt. Matthew English might have an issue with the cul-de-sacs.

Leslie Adamczyk was in favor of the proposed project and questioned if there will be sidewalks, noting she would like to see an outlet to Orchard Park Road. Mr. Gow advised there will be sidewalks.

Jeffrey & Christine Wesley stated they were promised by Marrano there would be a buffer between their house and the adjacent property, but the current plan eliminates the buffer and wetlands. They understood there was an earlier plan submitted that kept the buffer, but they now believe Nicholas Croglio plans to place his home at the back edge of their property, eliminating their privacy. Mr. Wesley stated many of the current homeowners paid a high premium for private lots. They wanted to ensure there will be a buffer and that proper setbacks will be enforced.

Mr. Mendola questioned what they would consider a buffer and Mrs. Wesley indicated on the plan the area that Marrano had told them would remain.

2016-A (continued)

Mike Roberts stated he was assured in 2011 the original development would be the only project built, but it has continually expanded, dump trucks are constant and residents of Caldwell Drive have to deal with 10 to 15 years of construction. He commented the houses were sold under false pretenses and people are disillusioned. Mr. Roberts also did not believe it was wise to expand into the wetland area.

Jason Wiepert & Lindsay Romanchuk stated they were also told there would be a buffer when they bought their home and they requested that Marrano be present at the next meeting. Ms. Romanchuk commented on the possibility of speeding with the addition of 1500' of roadway to the end of Chancellor Lane and expressed concern for the safety of children in the neighborhood. She felt the subdivision is being overbuilt.

Vincent Croglio stated there is a lot of four wheel drive traffic on the property, which is a liability issue, and the wetlands is there because of poor drainage from topsoil being removed to build Route 219. Most of the area has no trees, just bushes, and they might only have to remove one tree. His brother is planning to live there and also wants privacy, so he will not encroach on another home. The lot sizes are considerably larger than the existing subdivision and one lot is almost eight acres. Mr. Croglio further stated they plan to own the creek and maintain it, they have a vested interest in the development and they do not want cut through traffic.

Mr. Sherman commented the Planning Board members must evaluate projects to ensure they meet the codes and fit into the Master Plan. Projects are approved based on their merits and they try to incorporate the residents' concerns.

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

Ayes: All Noes: None Motion Carried

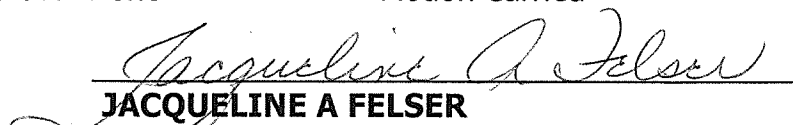
Motion by Sherman, seconded by Mendola, to table this item until the next meeting pending SEQR review.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Mendola, seconded by Ciancio, to adjourn the meeting at 8:50 P.M.

Ayes: All Noes: None Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD SECRETARY