

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

WEST SENECA PLANNING BOARD
Minutes #2016-06
June 9, 2016

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

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
Joseph Ciancio
James Rathmann
Joseph Sherman
George Clifford
Margaret Greenan Bebak
John Gullo, Senior 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 Rathmann, 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 Ciancio, seconded by Mendola, to approve Minutes #2016-05 of May 12, 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 31 detached single family patio homes with attached garages and 14 two-unit townhomes (28 dwelling units).

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

Ayes: All

Noes: None

Motion Carried

2016-04 (continued)

Attorney Sean Hopkins distributed revised plans for the proposed project and a comparison of the current project to previous plans submitted. The revised plan showed 31 detached patio homes on the north and 28 attached residential units (14 buildings with two units each) on the south. The comparison indicated the current project has five more units than the plan approved in 2014, but 24 percent less overall building footprint and 67 percent less building square footage. The roadway and infrastructure was scaled back from the plan that was submitted last month and the number of residential units was decreased from 67 to 59. Setback from the homes on Muriel Drive was increased to a minimum setback of 190 feet. The front setback was increased to allow for each unit to have a 30' driveway which is enough room for four parking spaces. Mr. Hopkins stated no variances are required for attached units, but the detached patio homes are preferred by empty nesters and seniors.

Mrs. Bebak stated the plan still does not conform to the R-50 zoning and there are setback violations. She referred to the less than 6' rear setback for building #26 which would not be large enough for a back yard patio.

Chris Wood of Carmina Wood Morris stated there is sufficient room on the side yard of building #26 for a patio.

Raymond Ball expressed concern with the setback on the far north and asked that deed restrictions be put on that parcel to prevent any future building. He was also concerned with the possibility of absentee landlords with the 14 two-family homes. Mr. Ball had concerns with the affect of the proposed project on Ebenezer Brook and also asked that the Highway Department perform maintenance work on the drainage ditch along Muriel Drive. He further suggested the sanitary sewer be videoed.

Senior Code Enforcement Officer John Gullo stated the special permit can be granted with a stipulation that no building is permitted on the northern property.

James Smith was concerned with the sewer system and surface water, noting Sewer District 13 has had problems with leakage. He suggested the sewer line under Sky Hi Drive be videoed.

Mr. Gullo responded the town has lined numerous sewer lines in Sewer District 13. The engineering department will also ensure it can handle the capacity and mitigation will be required.

James Bukaty understood that drainage from the project cannot run to the Muriel Drive properties, but questioned if this also applies during the construction phase.

2016-04 (continued)

Chairman Niederpruem responded that drainage is addressed before construction begins.

Brenda Frey was concerned the detention pond will hold water and attract geese, ducks, etc.

Mr. Wood explained the NYSDEC requires detention basins to be designed for a 100 year storm event and that is when it will be filled to the maximum. During smaller storm events it will not be filled to the maximum. It will be dry in between storm events and only have water for a couple days when there is a storm.

Mr. Hopkins stated the developer will agree to a 100' permanent buffer on the north property line and is also willing to work with the neighbors to try to improve their existing drainage issue.

Mr. Rathmann questioned the response to question #20 on the environmental assessment form concerning remediation of hazardous waste on the site and stated he would like to have a long environmental assessment form completed to have some questions answered.

Mr. Hopkins responded that question #20 was answered automatically by the computer program and there is no known information concerning the location but it was somewhere within one-half to one mile of the site. They will submit a long environmental assessment form at site plan if requested.

Mr. Rathmann commented on the lack of guest parking spaces and questioned if there will be a homeowner's association.

Mr. Hopkins stated they thought four spaces per unit was adequate and there will be a homeowner's association that will exclude parking of boats, rv's, etc. and maintain the landscape.

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

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Mendola, that the Planning Board offers no recommendation on SEQR for the proposed project at 4592 Seneca Street.

Ayes: All

Noes: None

Motion Carried

2016-04 (continued)

Motion by Sherman, seconded by Ciancio, to recommend approval of the request 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 31 detached single family patio homes with attached garages and 14 two-unit townhomes (28 dwelling units), conditioned upon: 1) obtaining the required variances, and 2) maintenance of a 100' permanent buffer on the north border of the property.

Ayes: (6) Mr. Sherman, Mr. Ciancio, Mr. Mendola, Mr. Rathmann, Mr. Clifford, Chairman Niederpruem

Noes: (1) Mrs. Bebak

Motion Carried

SPR2016-04

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

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

Ayes: All

Noes: None

Motion Carried

Frank Wailand of FJ Wailand Associates represented the Monaco's, owners of Shell Fab, and stated he received a review from the Town Engineer. All items listed can be mitigated and the dumpster will be located inside the building, so no enclosure is necessary. Information on the pavers was provided as requested. Mr. Wailand noted Shell Fab has been in business in West Seneca for 28 years. There are 42 full-time employees working one shift (6 am to 5 pm) and everything is enclosed in the building, so there is no noise issue and no emissions into the atmosphere.

Mr. Mendola commented on the location of the pavers 20' from the building and did not believe that was enough room for a fire truck.

Senior Code Enforcement Officer John Gullo stated the pavers have been used on other projects and suggested they be moved away from the building a little more.

Mr. Rathmann commented that the engineering and architectural site plan drawings contradict each other and need to be coordinated. He referred to the three garage doors and one man door and the land inventory for additional parking in the detention basin. Mr. Rathmann further referred to the planting along the front of the building in the storm water detention area and the bioretention basin on the west side, noting the grading goes beyond the property line.

SPR2016-04 (continued)

Mr. Wailand stated the drawings will be coordinated. There is currently parking for 53 vehicles, more than enough for current employees, and they could purchase an additional acre if necessary. He further stated EdBauer Construction owns the entire parcel and the site was raised several feet.

Chairman Niederpruem referred to the 12 points on the Town Engineer's checklist and recommended approval contingent upon final engineered plans.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Ciancio, to issue a negative declaration with regard to SEQR for the proposed project at 3254 Clinton Street.

Ayes: (5) Mr. Clifford, Mr. Mendola, Mr. Rathmann, Mr. Ciancio, Chairman Niederpruem

Abstentions: (2) Mr. Sherman, Mrs. Bebak Noes: None Motion Carried

Motion by Clifford, seconded by Mendola, to grant site plan approval for property located at 3254 Clinton Street for construction of a 50,240 sf production facility with attendant site improvements, contingent upon final engineered plans acceptable to the Town Engineer.

Ayes: (5) Mr. Clifford, Mr. Mendola, Mr. Rathmann, Mr. Ciancio, Chairman Niederpruem

Abstentions: (2) Mr. Sherman, Mrs. Bebak Noes: None Motion Carried

2016-A

A request for preliminary approval of the proposed 48-lot Croglio Subdivision located at the end of Chancellor Lane.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated he is recusing himself from voting on this project, but will continue to chair the meeting.

2016-A (continued)

Robert Pidanick of Nussbaumer & Clarke represented Nicholas and Vincent Croglia and requested a SEQR negative declaration along with preliminary approval of the proposed 48-lot subdivision. Of the 40 acre site, 15 acres along Smokes Creek will remain open space, preserved and owned by the Croglia brothers who will also live in the subdivision. A letter was received from the DEC dated May 23, 2016 specifying four concerns. The first was the presence of hydric soils on the property and a concern that there are federal wetlands. Earth Dimensions delineated the site and found .08 of an acre by the culvert, so a permit will be needed from the Army Corps of Engineers (ACOE). The second comment was a requirement for the storm water pollution prevention plan. This is already developed and has been submitted to the Town Engineer. The third item concerned the need for a downstream sanitary sewer capacity analysis and detailed engineering plans are with Erie County Department of Environment and Planning and the Erie County Water Authority. The last comment concerned location of the project in a 100 year flood plain and they have filed for a map amendment from FEMA to remove a portion of the lots. A letter was received from FEMA agreeing to the delineation, so no flood insurance is required. Mr. Pidanick stated an archaeological study was also performed and the NYS Historic Preservation Office signed off. Plans have been submitted to the various reviewing agencies and they hope to come back for final approval in August or September 2016.

Mr. Mendola questioned what happens at the right-of-way line on Lot #48 near the culvert.

Mr. Pidanick responded they expect to be able to grade within the right-of-way. The lots were made extra large to accommodate the area and the Army Corps of Engineers (ACOE) may require a deed restriction.

Mr. Mendola questioned if there will be a homeowner's association.

Mr. Pidanick responded there is no proposal for a homeowner's association. The detention basins will be on a public easement as proposed and the Town Engineer will have to render a final decision. Mr. Pidanick stated the Croglia's are developing the site, Marrano is the builder and Lots 1 and 12 will be controlled/owned by the Croglia's.

Mr. Sherman referred to Lot #48 and commented that it appears to be squeezed in to the development. He would like to see that lot kept as a buffer between the proposed development and the property owner in Princeton Estates.

Mr. Pidanick stated Lot #48 is a buildable lot and must meet side and rear setback requirements.

2016-A (continued)

Mr. Clifford agreed with the comments on Lot #48 and also suggested coming into the development at Lot #1 and then through Lot #9 or #10 to the avoid wetlands.

Mr. Pidanick responded that Mr. Croglio is planning to build his house on Lot #1.

Mr. Mendola questioned who will maintain the strip of land between the ditch and the wetlands area.

Mr. Pidanick responded the trees and foliage will remain in their natural state.

Mr. Ciancio requested clarification on the culvert under the road.

Mr. Pidanick stated there is a 30" culvert under the 60' road and the ACOE requires 20 percent of the culvert to be filled with an earthen bottom.

Mr. Mendola suggested changing the street name of Chancellor Lane as it is confusing to emergency vehicles.

Mr. Rathmann suggested the open space be designated conservation areas.

Mr. Pidanick responded that is a possibility and that area will be under the developers' control.

Chris Wesley stated she was told by Marrano the area adjacent to her home would not be developed. She asked that if Lot #1 is developed the setbacks be enforced.

Sue Shriver questioned the presence of federal wetlands on the site. She further expressed concerns about traffic and commented on the cars that race on Chancellor Lane. Mrs. Shriver asked for additional stop signs and a tree buffer.

Mr. Pidanick stated the ACOE first looks for total avoidance of the wetlands. Secondly, they look to minimize the impact and in this case less than one tenth of an acre will be affected. The ACOE may look for additional wetland creation in that area. Mr. Pidanick further stated a traffic study was done and with the small percentage of increased traffic they anticipate no significant adverse impact with the proposed development.

Jason Wiepert stated Lot #48 is useless to everyone and he would like to purchase it.

Vincent Croglio stated he had discussed this with Marrano and they are willing to sell Lot #48.

2016-A (continued)

Mr. Sherman questioned the timeframe for construction, noting Princeton South is another nearby Marrano project consisting of 52 homes and they normally do not compete against themselves.

Mr. Pidanick stated they will probably start the project next year, but will not do 48 lots at once. He anticipated a three to five year period for full build out.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Sherman, to issue a negative declaration with regard to SEQR for the proposed 48-lot Croglia Subdivision located at the end of Chancellor Lane.

Ayes: (4) Mr. Ciancio, Mr. Rathmann, Mr. Mendola, Mr. Sherman, Mr. Clifford

Noes: None

Abstentions: (2) Chairman Niederpruem, Mrs. Bebak

Motion Carried

Motion by Ciancio, seconded by Rathmann, to grant preliminary approval of the proposed 48-lot Croglia Subdivision located at the end of Chancellor Lane.

Ayes: (4) Mr. Ciancio, Mr. Rathmann, Mr. Mendola, Mr. Sherman

Noes: (1) Mr. Clifford

Abstentions: (2) Chairman Niederpruem, Mrs. Bebak

Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2016-05

A request from Silvertip Ventures LLC for site plan approval for property located at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road for a restaurant and separate retail building.

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

Ayes: All

Noes: None

Motion Carried

SPR2016-05 (continued)

Chairman Niederpruem stated along with the application the Planning Board received a full set of engineering plans, a deed description and a design letter from Wm Schutt & Associates.

Attorney Ralph Lorigo represented Silvertip Ventures and stated the retail building was turned so it faces Union Road rather than Indian Church Road, which invites traffic to enter from Union Road. There is stacking room for 26 vehicles and they are willing to make the driveway on Indian Church Road a right turn, exit only.

Mr. Clifford suggested moving the Union Road driveway farther south to avoid congestion at the intersection.

Pat Bittar of Wm. Schutt & Associates responded moving the driveway would affect circulation of vehicles within the site.

Chairman Niederpruem commented on headlights from the vehicles in the drive thru being an issue for the adjacent houses.

Mr. Lorigo responded that fencing is required for commercial against residential and they are maintaining the five mature fir trees on site. They will also be replacing any trees that are taken down.

Mr. Rathmann commented on circulation of vehicles within the site and having to drive through the entire site to get to the drive thru, noting there also is no bypass lane. He further commented on lack of a pedestrian entrance to the retail building.

Mr. Lorigo did not see a problem with the drive thru lane and noted the wait time is 22 seconds per vehicle at the window. The pedestrian entrance will be added when they determine where the doors on the retail building will be located.

Mr. Rathmann suggested the walkway in front of the building be made wider or green space be added between the walkway and parking lot. He further questioned if any attempt was made to save any of the trees on site.

Ms. Bittar responded the design is typical of other locations and there have been no issues. There was no way to cut anything within the site to maintain additional trees, but the trees were saved around the perimeter.

No comments were received from the public.

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SPR2016-05 (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Rathmann, to grant site plan approval for property located at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road for a restaurant and separate retail building, contingent upon approval of final engineering plans and a right out, exit only on Indian Church Road.

Ayes: All

Noes: None

Motion Carried


ADJOURNMENT

Motion by Mendola, seconded by Ciancio, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY