

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

WEST SENECA PLANNING BOARD
Minutes #2012-05
June 14, 2012

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

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola, Vice Chairman
Joseph Ciancio
Gerald Greenan
Anthony Nigro
Jim Rathmann
Joseph Sherman
John Gullo, Code Enforcement Officer
Shawn Martin, 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 Greenan, to approve the proofs of publication and posting of legal notice.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Mendola, seconded by Rathmann, to approve Minutes #2012-04 of May 10, 2012.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2011-A

A request from Nussbaumer & Clarke Inc. for an extension to the preliminary plat approval for the proposed 75 lot Queens Landing Subdivision.

Robert Pidanick of Nussbaumer & Clarke Inc. represented the project sponsor, 1000 Queens Grant LLC and stated that the Planning Board granted preliminary plat approval in March 2011; however, they recently found out that the approval expires after one year. Mr. Pidanick asked that the preliminary plat approval be extended to allow them to obtain other necessary approvals they were pursuing from outside agencies. They had received approval from the Army Corps of Engineers, but were

2011-A (continued)

still waiting for the Erie County Health Department, NYS Department of Environmental Conservation (DEC), Erie County Water Authority (ECWA) and the Town Engineering Department. In connection with the sanitary sewers, they had to do downstream sanitary sewer flow monitoring. That was completed in February so they are now pursuing approval through the DEC. The SEQR was done in October 2010 when the Town Board rezoned the property and granted a negative declaration. The Planning Board had imposed some conditions with the final approval last year and the conditions were addressed. A tree survey was completed along with a landscape plan and they were filed with the Building Department who will be reviewing them with the Planning Board. Mr. Pidanick hoped to have the other approvals by July, but asked for a six month extension just in case they are delayed.

Mr. Ciancio questioned if an archaeological study and wetlands delineation were completed.

Mr. Pidanick advised that they were completed and there is a federal corridor of wetlands along the creek. Last October the Army Corps of Engineers granted a wetlands permit for the project.

Mr. Mendola recalled that the City of Lackawanna was going to give approval for the water and sewers that will flow in their direction.

Mr. Pidanick stated that the ECWA granted their approval and the downstream sanitary sewer flow monitoring was done. A portion of the site is tributary to the City of Lackawanna and the results of the flow monitoring were that they were not able to take any sewage in that direction. They will be connecting to the public streets and the water lines in that area. There will be improvements on Abbott Road to improve the flow in the existing development and for the proposed subdivision.

Karen Lucachik recalled this project being before the Planning Board even prior to March 2011 and they were able to continue the project because they had received prior approval. The project never went forth and now they were asking for another extension and she asked for clarification.

Chairman Niederpruem recalled a project being proposed for this site approximately 10 years ago but it then sat dormant for about five years because potable water flow to the development was an issue. A new developer took over the project and they have to go back to Abbott Road and lay new pipe. Chairman Niederpruem stated that the Planning Board was very happy with the plan that was submitted last year.

Town Attorney Shawn Martin stated that 75 sewer taps were approved for the project prior to its submission last year and they are good until they are used.

2011-A (continued)

Motion by Greenan, seconded by Ciancio, to grant an extension to the preliminary plat approval for the proposed 75-lot Queens Landing Subdivision until January 15, 2013.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

SPR2012-06

A request from Jonathan E Bennett Architecture PC for site plan approval for property located at 1470 Orchard Park Road for an addition to an existing retail facility.

Chairman Niederpruem stated that along with the application the Planning Board had received an environmental assessment form, a survey and an architectural rendering.

Jonathan Bennett stated his request to add a 40' x 40' single story addition to the Key Food Store at 1470 Orchard Park Road. A new roof will be constructed over the old flat roof and the exterior will be very similar to the existing store. The brick on the Reserve Road and Orchard Park Road sides will match the existing brick and there will be a new asphalt shingled roof. The owner has two potential low profile, retail tenants for the space. The addition will be built to the south on the flat area of the lot. The fence will be replaced and the dumpster will be relocated and enclosed. The owner also plans to develop the property next door in 1 to 1½ years as a second phase. Mr. Bennett stated that the Zoning Board granted a variance to reduce the parking to 20 spaces and reduce the setback along Reserve Road to 18'. The sidewalk will be extended from the building to Reserve Road.

Mr. Rathmann noted that the contour in front of the new building is higher than the floor elevation. The lawn area on the south side drains to the building with no place to go and there is no drainage structure.

Mr. Bennett stated they will be re-grading this and installing a drainage structure in the back. They intend to do this work in the second phase.

Code Enforcement Officer Jeffrey Schieber read a letter from the Engineering Department stating that the plans do not adequately provide details relating to the new architectural roof drainage and they required additional details with regard to the collection of roof drainage. There was also concern relative to the existing 4-inch roof drain that extends to the adjacent parcel. The Engineering Department further required a written statement from the adjacent landowner accepting the new discharge.

SPR2012-06 (continued)

Mr. Bennett stated that the owner of Key Food also owns the parcel to the north where the billboard is located.

Mr. Mendola noted there are drainage problems to the north of the billboard and he thought this will add to the problem. He further did not think the 18' setback was sufficient.

Mr. Rathmann commented that the drainage is to the north, not the south, and there are no drainage structures on site. He was concerned that the building will block the drainage flow and questioned when the second phase of the project will take place.

Mr. Bennett stated they were in the process of getting the master plan together for the second phase and should be presenting it to the Planning Board in about two months. There will be a swale going around the back of the building and a swale going to the north of the building.

Mr. Rathmann stated there is no swale or elevations shown on the drawings.

Mr. Mendola thought the plans should be complete before the Planning Board approves the site plan so they have a general idea of what is going on and some direction.

Mr. Greenan disagreed and stated the Planning Board has always left this to the Engineering Department. They have never required the petitioner to come up with a final grading plan.

Mr. Bennett requested the Planning Board grant site plan approval with conditions concerning the drainage if necessary so they can get started on the project.

Linda Toy commented that 18' from the right-of-way is too close and 10' from the property line is also too close.

Town Attorney Shawn Martin advised that the Zoning Board of Appeals granted a variance for the 18' setback and the Planning Board could not change that.

Amy Carpenter expressed concern about traffic on Reserve Road and Orchard Park Road and thought the addition will add to the problems.

Mr. Bennett stated that they took traffic into consideration when planning the project. The roof height was kept to a minimum and the curb cuts are wide. The building will not impede sight distance.

SPR2012-06 (continued)

Karen Lucachik stated that Orchard Park Road was proposed to be widened and if it becomes a three lane road with sidewalks it could impact this corner.

Mr. Ciancio stated that the proposal to widen Orchard Park Road is not supposed to affect that portion of the road. He further questioned the green space.

Mr. Bennett stated the green space will be reduced by 1600 sf, but they will maintain a wide yard on Reserve Road. They were also only adding two parking spaces.

Motion by Mendola, seconded by Rathmann, to table this item pending corrections to the drainage plan.

Ayes: (4) Mr. Mendola, Mr. Rathmann, Mr. Nigro, Chairman Niederpruem

Noes: (3) Mr. Greenan, Mr. Ciancio, Mr. Sherman

Motion Carried

SPR2012-07

A request from Young Development, Inc. for site plan approval for property located at 810 Union Road for fifteen (15) 8-unit, 2-story apartment buildings; nine (9) garage units (80 spaces); one (1) 3-unit, 2-story apartment building; renovation of a 5-unit townhouse; and renovation of an existing 2-story office building for office use, clubhouse and maintenance building to serve the development.

Chairman Niederpruem stated that along with the application the Planning Board had received a survey and a conceptual plan. When the project was originally proposed it was for a different layout. The current project is now for 128 units, but there is no mention of a 47-unit, 2-story structure in the application.

Bryan Young of Young Development stated that he wanted to introduce the project at this meeting and People Inc. was also present to speak about their 47-unit senior facility. Mr. Young was still working with the Building Department on the green space and other issues of the site. The 3-story building that was originally proposed was turned into fifteen (15) 8-unit buildings. The college is now empty and they will be renovating the 15,000 sf. The upper floor will be used for Young Development and the lower will be a clubhouse for the residents and storage. The existing townhomes are 5-units and are currently being renovated. They tried to keep the best trees and an arborist went through and tagged those that were savable, so the project was designed accordingly. Another storage building on the site will be utilized for furniture for models. Mr. Young stated they were not looking to the Zoning Board for any variances and will come back for final approval from the Planning Board after drainage and other issues are addressed.

SPR2012-07 (continued)

Chairman Niederpruem questioned what was planned for the Park Lane right-of-way, noting that the public utilities will be in that right-of-way.

Town Attorney Shawn Martin stated that Park Lane was not formally abandoned and he will have to discuss this with Mr. Young.

Chairman Niederpruem commented that the plan changed greatly from what was originally submitted and Part I and II of SEQR will need to be completed. He also expressed concern about the change from senior housing to regular housing which will have an increase on traffic counts, school buses accessing the site, etc.

Code Enforcement Officer Jeffrey Schieber stated that the application, drawings and short environmental assessment form were submitted to the SEQR agencies, but there were no engineering drainage drawings to submit with it.

Mr. Young stated that the People Inc. project has not changed at all. The rest of the plan was changed because the school was now empty and it made economical sense to use the building.

Mr. Greenan referred to the bulk area calculation, noting that the formula Mr. Young used is different than what was used in past.

Mr. Young responded that the number of units was miscalculated. Mr. Schieber found that the required bulk area for 129 units is 16.75 acres and the application only provides 15.4+/- so there is some deficiency.

Mr. Martin stated that Mr. Young will have to go through the SEQR process and amend the plan to comply with the bulk area.

Chairman Niederpruem stated that the line of sight for the people on Gervan Drive is very important as well as the line of sight of the shed for the people on Union Road.

Mr. Young stated they have tried to take the neighbors into consideration when planning the project and will have big buffers with a lot of evergreens for screening. They are trying to make the project a village setting and the 3-story building was reduced to 2-story which changes the line of site completely. They will remove 11-units from the plan and will meet the density requirements. This will be a general market project, not a senior project.

SPR2012-07 (continued)

Mr. Rathmann thought the scope of the project called for a full environmental assessment form. He further commented on the magnificent trees on site, noting they will not survive the way the buildings are placed on the plan. Mr. Rathmann urged Mr. Young to consider this and asked that the kind of trees be labeled on the tree survey.

Mr. Young responded that the drawing indicates all the trees on the site. He will save the trees he can and replace as required.

Chairman Niederpruem suggested that Mr. Young contact the fire company and present his plan to them for their input.

Mr. Ciancio questioned if a new traffic study will be completed?

Mr. Young stated he will wait for responses from the full SEQR.

Mr. Rathmann stated that an archaeological report was needed and Mr. Young responded that he had that and would submit it to the Code Enforcement Office.

Chairman Niederpruem suggested Mr. Young meet with the residents and explain the plan to them.

Mr. Young offered to meet with the residents following the meeting and further stated that People Inc. representatives were present to discuss their plan, but it was the same as previously submitted.

Chairman Niederpruem stated that the projects have to be considered together because they will still be using Mr. Young's roads, have their own utilities and impact the area.

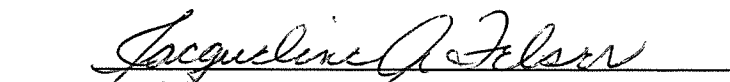
ADJOURNMENT

Motion by Greenan, seconded by Rathmann, to adjourn the meeting at 8:10 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
SECRETARY