

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

WEST SENECA PLANNING BOARD
Minutes #2015-02
February 12, 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
Joseph Ciancio
Gerald Greenan
Anthony Nigro
Jim Rathmann
Joseph Sherman
Jeffrey Schieber, Code Enforcement Officer
John Fenz, Town Attorney

Absent - Donald Mendola

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 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 Sherman, to approve Minutes #2015-01 of January 8, 2015.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

2015-03

A request from Jordan Kamholz for a rezoning for property located at 5641 Seneca Street, being part of Lot No. 310, changing its classification from C-1 to C-2, to continue operating a contractor business.

SPR2015-01

A request from Jordan Kamholz for site plan approval for property located at 5641 Seneca Street to demolish an existing framed garage & replace with a new garage.

2015-03 & SPR2015-01 (continued)

Motion by Sherman, seconded by Rathmann, to open public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated application #2015-03 & #SPR2015-01 are for the same property so the Planning Board will be addressing these as one. Along with the applications the Planning Board received a property survey, a short environmental assessment form and a site plan.

Jordan Kamholz stated the property at 5641 Seneca Street has been used for contractor storage for 30 years and has been a non-conforming, pre-existing use. He purchased the property two years ago and would like to correct the zoning along with construct a new building, which will allow some of the equipment being stored outside to be brought inside. The property used to be conjoined with Eastern States Sentinel and there are two curb cuts on Seneca that are jointly used with that business. Mr. Kamholz stated the existing 35' x 70' building will be demolished and replaced with a 40' x 80' building with the height increased to 24'. Variances were approved for the new building at last month's Zoning Board meeting. He intends to hard surface the front yard post construction in the fall or next spring and will provide a fence or evergreens for screening along the parking area between the house and shop which he will coordinate with the neighbor.

Mr. Rathmann questioned drainage for the site and Code Enforcement Officer Jeffrey Schieber responded a letter was received from David Johnson of the Engineering Department stating there are no drainage issues with this project.

Mike Kelchlin stated he lives across the street from this property and he is in favor of the project which he believes will improve the entire corner of the intersection. He further commented on landscape improvements Mr. Kamholz has made since purchasing the property.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Rathmann, to recommend approval of the request for a rezoning for property located at 5641 Seneca Street, being part of Lot No. 310, changing its classification from C-1 to C-2, to continue operating a contractor business; and further, grant site plan approval conditioned upon the building being constructed in accordance with the plans submitted.

Ayes: All

Noes: None

Motion Carried

SPR2015-03

A request from Benderson Development Company LLP for site plan approval for property located at 800 Harlem Road for an 7800 sf expansion to the building footprint and an increase of 40 to 45 parking spaces.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a site plan and a request from Benderson Development stating the expansion is for a veterinary clinic.

Attorney Ralph Lorigo represented the SPCA and stated funds have been raised to build the project, and in addition, a \$1 million contributor has allowed for this 7800 sf expansion for a veterinary clinic and additional parking. The project will bring the SPCA to the center of Erie County and they would like to start construction this spring. They will then close the Tonawanda location and bring 93 employees to West Seneca. The site is 10.3 acres and there will be 6.7 acres of green space.

Mr. Greenan questioned if there is a separate landscape plan and Code Enforcement Officer Jeffrey Schieber confirmed that no landscape plan was submitted with this application. Mr. Lorigo responded the landscape plan has not change; this is just for addition of 7800 sf to the building and additional parking.

Chairman Niederpruem questioned the exact number of parking spaces and Mr. Lorigo responded there are 154 parking spaces indicated on the plan. Mr. Schieber stated the number of parking spaces is adequate for the square footage of the building.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Rathmann, to grant site plan approval for property located at 800 Harlem Road for a 7800 sf expansion to the building footprint and an increase of parking spaces in accordance with SP001, conditioned upon submission of a landscape plan to be approved by the Code Enforcement Office.

Ayes: All

Noes: None

Motion Carried

2015-04

A request from Kristen Stockmaster for a rezoning for property located at 245 Northwood Avenue, being part of Lot No. 310, changing its classification from R-65 to R-65A, for a home occupation (nail salon).

Motion by Ciancio, seconded by Rathmann, to open public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a letter of intent, a letter from the property owner, a floor plan, survey, legal description, photographs and a petition signed by two neighbors in support of the proposal.

Kristen Stockmaster stated her request to change the zoning of the single family home located at 245 Northwood Avenue to allow for a small nail salon business she started about a year ago. She will be the sole employee and will see three to five clients per day and only one customer at a time, noting there is plenty of off-street parking. Most of her work is based on referrals and she sees clients by appointment only. There will be no large advertising and only a 2' x 2' sign indicating "Nail Designs by Kristen." Ms. Stockmaster stated she grew up in this home and now had the opportunity to move back. She is hoping to make this her forever home and raise a family here while working from home.

Chairman Niederpruem noted the size of the salon is indicated as 322 sf and questioned if Ms. Stockmaster is currently working from home.

Ms. Stockmaster responded she has been working from home since January 1st because of a change in the location she was working at.

Chairman Niederpruem commented on the neighborhood, noting it is strictly a residential area, and was concerned about what could happen if the property were ever sold.

Code Enforcement Officer Jeffrey Schieber suggested the possibility of adding a special permit to the zoning to restrict the use.

Mr. Sherman questioned if the entrance and restrooms will be required to be ADA compliant and Mr. Schieber stated there will be certain requirements and he will work with the applicant on this. Ms. Stockmaster stated there is a separate entrance and a first floor restroom that will be used for the nail salon and she is willing to make whatever changes are required.

2015-04 (continued)

Russ Folaron stated he lives on Terrace Blvd. and some of the neighbors are skeptical about allowing any kind of business because they believe it could open up a can of worms or draw something less desirable if sold. He stated he is not concerned with the nail salon, but is concerned about the long term effect of rezoning this large parcel, noting there are store fronts available in the area to locate this business. Mr. Folaron further questioned if a sidewalk is required for the business.

Chairman Niederpruem responded that a sidewalk is not required.

Ms. Stockmaster stated there are two separate properties involved and she had no problem only rezoning the small corner lot so there would not be space for anything larger to go there. Mr. Rathmann noted that would reduce the parcel to only .4 acres being rezoned.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Ciancio, to recommend approval of the request for a rezoning for property located at 245 Northwood Avenue, being part of Lot No. 310, changing its classification from R-65 to R-65A(S), for a home occupation, conditioned upon the special use for a nail salon only and the business shall be contained entirely within the bounds of the existing structure.

On the question, Mr. Greenan noted a home occupancy permit is renewable annually.

Ayes: (5) Mr. Greenan, Mr. Ciancio, Mr. Nigro, Mr. Rathmann, Chairman Niederpruem

Noes: (1) Mr. Sherman

Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Sherman, to adjourn the meeting at 7:35 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY