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

**WEST SENECA PLANNING BOARD**
**Minutes #2017-07**
**July 13, 2017**

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
Jim Rathmann
Joseph Sherman
George Clifford
Margaret Bebak
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer
John J 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 Rathmann, seconded by Sherman, to approve Minutes #2017-06 of June 8, 2017.

Ayes: All Noes: None Motion Carried

## OLD BUSINESS COMMUNICATIONS

### SPR2017-04

A request from Slade Potters, LLC for site plan approval for property located at 162 Slade Avenue for a three story mixed use building (commercial, office & multi-family residential).

Andrew Tredo of Tredo Engineers represented Slade Potters, LLC and indicated revisions made to the original plan. The building was moved closer to the street, but will have the same storefront with covered walk in front and residential on the top floor. To maximize egress around the building, the driveways will be parallel to the face of the building and there will be a front and back parking lot. Mr. Tredo indicated on the plan the curb cut on Slade Avenue that will be maintained and stated in an

**SPR2017-04** (continued)

effort to save existing trees, they will work around the largest tree on site and maintain the existing driveway rather than install a driveway connection to Country Inn & Suites. Storm water planters will be incorporated at the edges of the parking lot to better meet the DEC requirements for water quality treatment and also provide more green space. Mr. Tredo stated the hotel property and 162 Slade Avenue is owned by the same person, but the companies are different and they still need an agreement between those companies for a shared parking arrangement. This needs to be worked out with their attorney and if it is not they will need a variance for the parking.

Chairman Niederpruem questioned if Ellicott Development owns Parcel A & B and if the two houses are included and will remain. Mr. Tredo responded that Ellicott Development is the owner of both parcels and the houses will remain and are currently leased.

Mr. Rathmann questioned if there is excess parking at the hotels. Mr. Tredo responded the hotels meet the parking requirement of the town with a few extra spaces, but they need to work out how the parking situation will work.

Chairman Niederpruem stated they will need to know exact numbers for the hotels and the three story building. Mr. Tredo noted there will be reserved spaces for the third floor residential.

Mr. McCabe stated they will need to see the parking agreement prior to approval of the site plan to ensure there is sufficient parking.

Mr. Rathmann referred to the Tree Ordinance and stated if a site is over one acre, they need a certified arborist to evaluate the site. Mr. Tredo was aware of the requirements in the Tree Ordinance and stated they will comply.

Mr. Sherman questioned the plan for the restaurant. Mr. Tredo responded there is no tenant for the restaurant at this time.

Mr. Rathmann commented on the plantings proposed for the area between the sidewalk and roadway and stated they are not the easiest to maintain. He suggested they consider plantings that do not get as large and are easier to maintain.

Motion by Bebak, seconded by Rathmann, to table this item.

Ayes: All Noes: None Motion Carried

**2017-08**

A request from Robert Jemiolo for a rezoning & special permit for property located at 3369 - 3385 Clinton Street, being part of Lot Nos. 28 & 29, changing its classification from R-50 to C-2(S), for a restaurant with service of alcoholic beverages.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a letter of intent from Mr. Jemiolo, description of the parcels, a survey, parking counts and a site plan.

Robert Jemiolo stated his proposal to re-open the former restaurant/bar on Clinton Street. He intends to begin as a small casual restaurant in the bar area with six tables and 10 – 12 bar seats and then grow into the other areas. The hours of operation will be Monday – Saturday 11 am to 11 pm and Sunday 10 am to 9 pm. There is a kitchen in the back that will not be used at this time, and the main kitchen is located along Clinton Street. Deliveries will be in the back where the ramp is indicated on the plan. Mr. Jemiolo stated the patio will be open for overflow patrons this year, but no seating until next year. He is required to install additional parking in the back and needs additional time to complete the work and be compliant.

Mr. McCabe questioned if there will be any improvements to either of the buildings. Mr. Jemiolo responded the tenants expressed a need for new windows and the roof will also be addressed. In the restaurant, the bar and bathrooms will be new, but there will be no changes to the footprint of the building.

Mr. Sherman questioned if Mr. Jemiolo will be extending the fence on the east to screen the parking lot. Mr. Jemiolo responded he was not anticipating doing anything with the fence, but will extend it if required to do so.

Brian Doster stated he lives next to the restaurant on the patio side of the building and expressed concerns about noise, the possibility of being open until the early morning hours, the parking situation and the zoning change to C-2 in the middle of a residential neighborhood, noting the zoning will remain with the property if the business closes in the future. Mr. Doster further referred to the Town Code and stated alcohol cannot be served in a C-2 zoning district when it abuts residential zoning.

Town Attorney John Fenz stated the C-2 zoning could be applied to the west parcel only and the special permit only to the portion where alcohol will be served.

**2017-08** (continued)

Mr. Clifford questioned if Mr. Doster was aware of the restaurant/bar when he moved into his house. Mr. Doster responded he moved into his home in 1994 and there was a house next door that acted as a buffer, but that was demolished. Also, the patio was not there at the time and caused additional problems when it was added.

Motion by Clifford to recommend approval of a rezoning & special permit for property located at 3369 – 3385 Clinton Street, being part of Lot Nos. 28 & 29, changing its classification from R-50 to C-2(S), for a restaurant with service of alcoholic beverages.

The motion failed due to lack of a second.

Motion by Sherman, seconded by Rathmann, to table this item until the next meeting.

Ayes: All Noes: None Motion Carried

**2017-09**

A request from Jenifer Stanek for a home occupancy permit for property located at 35 Winspear Road for a physical fitness training studio.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a business plan, a survey and an existing building plan.

Jenifer Stanek stated she is a physical fitness trainer at Fitness 19 and would like to offer training in a more intimate setting rather than a gym. Her basement cannot hold more than 5 to 10 people at one time and she has a large driveway that will fit seven cars with additional spaces on the lawn.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

**2017-09** (continued)

Motion by Bebak, seconded by Clifford, to recommend approval of a home occupancy permit for property located at 35 Winspear Road for a physical fitness training studio.

On the question, Mr. McCabe noted a home occupancy permit is required to be renewed annually.

Ayes: All Noes: None Motion Carried

**2017-10**

A request from Mark Subjeck for a special permit for property located at 356 Lein Road, being part of Lot No. 283, changing its classification from M-1 to M-1(S), for outside storage of vehicles.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a letter from the property owner, description of the parcel and a site plan.

Mark Subjeck of Online Auto Connection stated his proposal to store 40 to 50 vehicles in the rear of the property at 356 Lein Road. These are used vehicles, but nothing junk or abandoned and there will be no work done on the vehicles. They are purchased in Canada, must be held for 30 days for U.S. Customs and then are picked up and taken to auction. The driveway will be kept clear for emergency vehicles and for snow removal.

Mr. McCabe questioned if there is any issue with parking cars next to the building. Code Enforcement Officer Jeffrey Schieber responded there should be a fire lane open next to the building.

Dorothy Mejak questioned the classification of M-1(S) and what happens if Mr. Subjeck decides to sell in the future.

Mr. Schieber responded the property is and has always been zoned for manufacturing. The special permit is specifically for parking of automobiles and that will cease if the property is not used for that purpose for one year.

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

Ayes: All Noes: None Motion Carried

**2017-10** (continued)

Motion by Bebak, seconded by Clifford, to recommend approval of a special permit for property located at 356 Lein Road, being part of Lot No. 283, changing its classification from M-1 to M-1(S), for outside storage of vehicles, with the stipulation this is limited to 55 spaces only along the most westerly building and the site must comply with the fire code regarding a fire lane.

Ayes: All Noes: None Motion Carried

**ADJOURNMENT**

Motion by Bebak, seconded by Rathmann, to adjourn the meeting at 8:05 P.M.

Ayes: All Noes: None Motion Carried

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