

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

WEST SENECA PLANNING BOARD
Minutes #2012-08
September 13, 2012

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
Gerald Greenan
Anthony Nigro
Jim Rathmann
Joseph Sherman
Jeffrey Schieber, 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 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 #2012-07 of August 9, 2012.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2012-A

A request from Cimato Enterprises, Inc. for preliminary approval of the proposed 51-lot Clearview Estates Subdivision located off Caldwell Drive.

Chairman Niederpruem stated that the Planning Board had received a survey map and a proposed layout of the development.

2012-A (continued)

Jeff Palumbo of Damon Morey LLP and Bill Schutt of Wm Schutt & Associates represented Cimato Enterprises and stated their proposal for a single family subdivision with 51 individual lots, noting that Mr. Cimato will be closing on the property in the next few weeks. The number of lots is within what the ordinance allows and they did not believe the project would add significantly to the traffic in the area.

Mr. Greenan questioned the size of the cul-de-sac.

Mr. Schutt did not know the radius of the cul-de-sac but stated the town ordinance was researched in putting together the plan.

Chairman Niederpruem questioned the width of the right-of-way and why the depths of the lots along the top are 170' and the others are 132' to 134'.

Mr. Schutt responded that all the roads are shown as a 60' right-of-way. He further stated that his company did the Princeton Estates subdivision so they are aware of the town's requirements. An easement for the gas pipeline is located on the property so some of the lots are deeper, but the buildable area is the same. Mr. Schutt stated they have been in contact with the Town Engineer regarding the sewers and are aware of the 4:1 mitigation.

Mr. Nigro questioned the size of homes to be built.

Mr. Schutt stated he did not know the size of the homes.

Mr. Greenan commented on the width of Lot #2 at 70' and stated it should be 75' at the building setback line.

Mr. Mendola referred to the retention pond and stated he would like to see it financed and maintained by a homeowner's association so the town does not have to maintain it.

Mr. Rathmann was concerned with some of the turning radius inside and entering the development and the ability of school buses, plows, etc. to maneuver.

Mr. Palumbo stated he was confident they met the town ordinance. He further questioned what the problem was with retention ponds and stated they could divide the retention pond among neighboring property owners or a special district could be created.

Mr. Greenan stated there has been a problem in the past with lack of maintenance of retention ponds.

2012-A (continued)

Mr. Schutt stated that lack of maintenance is a problem when retention ponds are difficult to access. He did not believe this would be a problem where this retention pond is located.

Mr. Rathmann commented on the location of the retention pond and questioned why it was put in that location.

Mr. Schutt stated this was the lowest part of the development and everything drains from Route 219 to the north. This will discharge to a storm sewer that was installed as part of Princeton Estates.

Mr. Mendola questioned if there was an easement from the retention pond to Caldwell Drive for the storm drainage.

Mr. Schutt stated there is an easement and there are houses that back up to the retention pond.

Chairman Niederpruem questioned the property to the east that is vacant.

Mr. Schutt stated he did not know about that property and there are two or three other private parcels in between.

Amy Carpenter expressed concern about the sewers and commented that without a sewer plan it was premature to give any approval. She further questioned if there will be a tree survey.

Chairman Niederpruem stated that preliminary approval only looks at whether the footprint of the project fits the zoning code. If it does, the next phase will be SPDES permits, sewer extension, written confirmation for mitigation, wetlands delineation, archeological survey, tree survey, etc. The Planning Board will be looking at whether there are any impacts based on the feedback from various agencies.

Mrs. Carpenter noted that in the past when developers have applied for sewer permits they were told there are no problems on record with the county. Mrs. Carpenter did not believe the right documentation was done in the past by the Engineering Department and wanted to ensure the town was doing their due diligence now so the county has everything documented.

Arlene Vogt commented on the 350 million gallons of raw sewage that are being put in Cazenovia Creek each year and questioned why they keep building additional developments in West Seneca when this problem exists.

2012-A (continued)

Chris Wysocki stated his lot will become a corner lot if this project is approved. He disagreed that the drainage basin is the lowest point and stated that the water drains to where the proposed road will be located which he believes is a wetlands area. Mr. Wysocki further stated that traffic will be increased with the addition of 51 houses and it will negatively impact the neighborhood. Also, there is currently a swale in his back yard and he questioned if there will be drain tile installed to handle the water. Mr. Wysocki stated he has a permit for a fence, but changing his house to a corner lot will change whether he can put up a 6' fence or a 4' fence.

Mr. Mendola stated that the Town Engineer and Code Enforcement Officers will review the drainage plans to make sure it does not affect other properties.

Mr. Schutt referred to the swale and stated it is pre-existing even prior to the Princeton Estates project. The swale drains under the power lines and onto Nancycrest Lane. When that project was designed, they were asked by former Town Engineer George Montz to divert as much water away from Nancycrest Lane as possible. There is a lot of detailed engineering work ahead of them and they are aware of sewer problems, but the DEC and others are putting the onus on private developers to fix it and the 4:1 mitigation will be a benefit to the town. Mr. Schutt further stated they will go through the full SEQR process.

Mr. Rathmann suggested that the roadway exit within the easement onto Caldwell Drive to the west.

Mr. Schutt stated there are large towers there but they will take a look at it.

Mr. Greenan suggested the petitioners come back with a plan that complies with the ordinance and specifically referred to the radius and the size of Lot #2.

Mr. Palumbo requested preliminary plat approval subject to the radius meeting the town code.

Motion by Greenan, seconded by Mendola, to table this item pending submission of a plan that conforms with the ordinance.

Ayes: All

Noes: None

Motion Carried

2012-04

A request from Slade Potters LLC for a special permit for property located at 164 Slade Avenue, being part of Lot Nos. 291 & 292, changing its classification from C-1 to C-1(S), for a 14' x 48' electronic billboard.

Chairman Niederpruem stated that along with the application the Planning Board had received a property survey, deed description, rendering of the sign, and a site plan indicating the location of the sign on the property.

Carl Paladino appeared with Attorney Leanna Pilarski and stated that he built three hotels on Slade Avenue but because of issues with the former Code Enforcement Officer, the Country Inn & Suites was positioned incorrectly and it is located in front of signage for the Staybridge Hotel so it can't be seen from the NYS Thruway. Mr. Paladino stated he would like to have a digital billboard to advertise the hotels with the ability to change messages occasionally. The billboard will be located where it will not be obtrusive to anyone. It will face Route 219 and will not be visible beyond the Ridge Road bridge. The property is commercially zoned and a variance was granted by the Zoning Board of Appeals. Mr. Paladino commented on the importance of properly marketing the properties and stated he hopes to bring additional developments to the area that will also be advertised on the signage.

Chairman Niederpruem questioned if the billboard meets the requirements for approval by the NYSDOT and NYS Thruway Authority. He further noted that the NYS Thruway Authority has a distance requirement.

Mr. Paladino stated he submitted an application to the NYS Thruway Authority but received nothing back yet and did not know when he would receive it. He noted they have waived the distance requirement for Lamar many times and thinks they will have to strongly consider his application.

Mr. Ciancio questioned how far the billboard will be from the Thruway.

Mr. Paladino stated that it is 80' to the state property line. Then there is a wide wetlands area of 100' and then the on ramp for Ridge Road. The first road is Route 219 and then the NYS Thruway. Mr. Paladino estimated the total distance from the Thruway at 350' to 400'.

Mr. Greenan commented that vehicles will be past the hotel when they see the billboard.

Mr. Paladino stated this was the best location and the idea will be put in their minds so they can come back. He was comfortable with what they had done so far and intends to continue.

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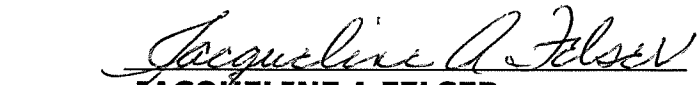
ADJOURNMENT

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY