



**23-B LEGAL ITEMS**

1. (continued)

Patricia Bittar of William Schutt & Associates represented the petitioner, Judy Stamm of Silvertip Ventures LLC, and presented a site plan of the proposed project. They were requesting to rezone the 1.3 acre parcel to C-2 which is needed for the proposed Tim Horton's with a drive-thru. The Tim Horton's facility is 1777 square feet with a proposed retail building.

Raymond Eldermayer, Jr. commented on traffic issues on Doster Place, Indian Church Road and Union Road, including school buses and funeral processions to 14 Holy Helpers Church, and questioned if there will be an exit from the proposed development onto Doster Place.

Councilman Hart questioned if Doster Place could be barricaded at the dead end and Highway Supt. Matthew English stated he will have the Traffic Committee look into that question.

Mike Terhart thought a drive-thru restaurant was a bad idea for the corner of Indian Church Road and Union Road and stated current traffic problems will be increased and will hurt the quality of life of the residents in that area.

Amy Carpenter commented on the traffic in the area of Indian Church Road and Union Road, noting this is a main bus route and the proposed project will create an additional hazard for people walking.

Ms. Bittar responded to traffic concerns and stated there will be access into and out of the site from Union Road, a right in and right out only from Indian Church Road and no access from Doster Place. There will be stacking for up to 22 vehicles from the Union Road access drive to the drive-thru window and the most they typically see at other locations is 15 vehicles during peak hours. The NYSDOT and Erie County Highway Department has recommended further traffic analysis and they will address this in greater detail if the rezoning is approved. Ms. Bittar presented pictures of the proposed building and stated the project will greatly improve the appearance of the corner.

Councilman Hart commented that the appearance of the building does not fit with the aesthetics of the neighborhood or the town's Master Plan.

Ms. Bittar stated Tim Horton's corporate requirements do not allow a lot of flexibility, but they can add stone to match the retail building.

Supervisor Meegan commented on the Indian Church Road entrance and the probability of the traffic backing up and suggested a traffic study be done before going forward with the rezoning.

**23-B LEGAL ITEMS**

1. (continued)

Ms. Bittar stated they understood the concerns but did not want to invest in the time and expense of a traffic study if the zoning will not be approved.

Councilman Hart questioned if Tim Horton's would approve of moving the building further away from the intersection.

Mrs. Stamm responded that at this point Tim Horton's has only approved locating the building on the corner.

Linda Toy commented on the Tim Horton's location at Abbott Road and Lake Avenue with sufficient stacking for vehicles and suggested acquiring a larger parcel.

Steven Cooper commented on traffic issues and did not think this was a good location for a Tim Horton's.

Daryl Seibert commented on the traffic on Union Road and the difficulty he has backing out of his driveway.

Susan Kims commented on the Tim Horton's location in Eden, its aesthetic appearance and the room it has for vehicle stacking. She further questioned what will be in the retail building.

Ms. Bittar responded there is no official tenant for the retail building, but proposed uses are a dry cleaner, florist, tanning bed, massage therapy or cellular phone store.

Dolores Stefanacci commented on traffic issues and questioned if this is a historical site.

Councilman Hart responded the town does not have an ordinance to address historical sites.

George DiPiano commented on traffic that backs up when mass lets out from 14 Holy Helpers Church on Indian Church Road and at peak drive times. He further commented on vehicles that do not stop for the pedestrian crosswalk and asked police to patrol during church service on Sundays.

Mike Masters expressed traffic concerns and added that the drive thru speaker will be located right next to his tenants' apartments.

**23-B LEGAL ITEMS**

1. (continued)

Councilman Hanley referred to the town's overall planning goals and did not believe the proposed rezoning was consistent with their long term land use and vision. The Gardenville area is a geographic area with a distinctive set of objectives to protect, strengthen and expand historic and cultural based uses within the town and the proposed use is not consistent with this vision. Councilman Hanley further stated a residential district abuts the property sought to be rezoned and there is evidence that traffic generated by the proposed use will have a negative impact on the surrounding community. Additionally, NYSDOT has commented that the insufficient drive thru storage may cause vehicles to backup into the road and could create operational and safety issues within the intersection of Indian Church Road and Union Road. Councilman Hanley thought this project would have a negative impact on public health, safety and welfare.

Councilman Hart commented that traffic will backup down Indian Church Road and safety issues will expand beyond the intersection. He also is not in favor of the Tim Horton's design as it does not fit with the overall plan for the town and how they want it to look. Councilman Hart stated they need to be more architecturally consistent and the style of the Burchfield Center and credit union is what they are looking for in that area.

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to deny the request for a rezoning for property located at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road, being Lot Nos. 78 & 79 and part of Lot Nos. 80, 81 & 82, changing its classification from C-1 to C-2, for a drive-thru restaurant and mixed use retail building based on the following: 1) evidence shows that traffic generated by the proposed use will have a negative impact on the surrounding community; 2) a residential district abuts the property sought to be rezoned; 3) NYSDOT has commented that due to the placement of the building the driveway is insufficient for vehicle stacking which may cause vehicles to backup in the road and create operational and safety issues at the intersection of Indian Church Road and Union Road; 4) the proposed plan is not reflective of the neighborhood and does not fit with the current Master Plan or the upcoming changes to the Master Plan.

Ayes: All

Noes: None

Motion Carried

**23-C COMMUNICATIONS**

1. Town Attorney re Food service agreement with the County of Erie

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the 2016 Congregate Dining Program Agreement with the County of Erie, noting the county will pay the town for nutrition services provided to residents over the age of sixty in an amount not to exceed \$76,316.

Ayes: All                      Noes: None                      Motion Carried

2. Highway Sup't. re Title change for Daryl Krawczyk to Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Daryl Krawczyk as Sewer Maintenance Worker and appoint him as Highway Motor Equipment Operator at a rate of \$28.17 effective November 18, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned if the vacancy in the Sewer Department has been posted. Highway Supt. Matthew English responded it is posted for employees and will remain posted until December 2, 2015.

Ayes: All                      Noes: None                      Motion Carried

3. Chief Denz re Budget transfer request

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a budget transfer of \$55,000 from Police Gasoline Acct. #001.3120.0416 to Purchase of Police Vehicles Acct. #001.3120.0208 to cover previously Town Board approved purchase of four replacement Police Department vehicles.

Ayes: All                      Noes: None                      Motion Carried

4. Town Clerk re Purchase of tax collection software

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of tax collection software, Internet Tax Tier 2 program and first year software support, Internet hosting and maintenance fees from Business Automation Services Inc., 636 Plank Road, Clifton Park, NY at a total cost of \$29,920 with funds available in the 2015 & 2016 budgets under Equipment Acct. #01.1410.0200 and Programmed Maintenance Acct. #01.1410.0444.

**23-C COMMUNICATIONS**

4. (continued)

On the question, Councilman Hart questioned the need for new tax collection software and Town Clerk Jacqueline Felser responded there was a need for more up-to-date software with better support.

Ayes: All

Noes: None

Motion Carried

5. Senior Code Enforcement Officer re Adoption of NYS Land Bank Act Resolution

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution with regard to the New York State Land Bank Act and property located at 66 Burch Avenue.

On the question, Code Enforcement Officer John Gullo stated the land bank will take ownership of the property and renovate it. A building permit will be issued, renovations will be inspected and the property will then be back on the tax rolls. Town Attorney John Fenz noted the only cost to the town is filing fees.

Ayes: All

Noes: None

Motion Carried

6. Youth Service Coordinator re Amendment of 2016 Recreation fees

Motion by Supervisor Meegan, seconded by Councilman Hart, to amend the recreation fees for community events to \$300 per day, per event plus a onetime \$50 administration fee, noting special event fees will be determined from the calculation of overtime in the Buildings & Grounds Department and the Town of West Seneca Police Department and an event type will be determined by the town based on size, capacity and duration of the event.

On the question, Councilman Hart questioned who will pay a community event fee and Youth Service Coordinator Lauren Masset responded a 5K race or baseball tournament is considered a community event.

Ayes: All

Noes: None

Motion Carried

**23-C COMMUNICATIONS**

7. Senior Recreation Therapist of Sr. Services re Status change for Carol Kennedy to part-time seasonal
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time food service worker Carol Kennedy to part-time seasonal effective November 23 - December 19, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

8. Town Engineer re Change order for asbestos abatement at Kiwanis Center
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order number #1 in the amount of \$13,727.96 for Caysea Contracting Corporation for the asbestos abatement at the Kiwanis Center due to additional quantities of vapor barrier discovered above grade.

On the question, Supervisor Meegan stated the asbestos was hidden by a vapor wall and Code Enforcement Officer John Gullo added the exterior above grade was covered by paint and other materials.

Councilman Hart questioned why this was not found in an initial examination of the building and asked that the item be tabled to allow him to speak with Town Engineer Steven Tanner.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to table the change order for asbestos abatement at the Kiwanis Center.

Ayes: All                      Noes: None                      Motion Carried

**23-D REPORTS**

- Burchfield Nature & Arts Center annual report, received and filed.

**23-E APPROVAL OF WARRANT**

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$299,974.02; Highway Fund - \$79,272.33; Special Districts - \$133,802.43; Capital Fund - \$46,383.80 (voucher #'s 91305-91749); Trust & Agency Fund - \$53,474.04 (voucher #'s 91614-91668)

Ayes: All                      Noes: None                      Motion Carried

**ISSUES OF THE PUBLIC**

**SENECA STREET/COUNTY ROAD PROJECT**

Amy Carpenter questioned if anything will be done with Seneca Street between Union Road and Ridge Road. Supervisor Meegan responded this is a county project and suggested calling Legislator Joseph Lorigo.

**STATE SCHOOL PROPERTY**

Amy Carpenter questioned if land around the state school had been deeded to the town. Supervisor Meegan responded that land was donated to the NYSDEC and they are managing the area.

**ABANDONED STATE PROPERTIES/EAST & WEST ROAD**

Amy Carpenter questioned the abandoned state properties along East & West Road. Councilman Hart responded he has letters from the NYS Office of General Services regarding the properties and referred further questions to Assemblyman Kearns or Senator Gallivan.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**CITIZEN PREPAREDNESS SEMINAR**

Supervisor Meegan stated a Citizen Preparedness seminar will be presented by Senator Gallivan and will be held at the Emergency Operations Center on Mill Road on December 2 between 5:30 and 7:30 P.M.

**CHAMBER OF COMMERCE COUPON BOOKLET**

Supervisor Meegan announced the Chamber of Commerce coupon booklet is available at any store at Southgate Plaza or the Chamber of Commerce website. She further asked everyone to support local merchants on Small Business Saturday, November 28<sup>th</sup>.

**WEST SENECA BEST PLACE TO LIVE**

Chief Denz stated on November 13<sup>th</sup> an urban planner was interviewed and reported the best place in Erie County to live is West Seneca, especially the area of Union Road and East & West Road.

**BREAKFAST WITH SANTA**

Youth Service Coordinator Lauren Masset stated Breakfast with Santa will be held December 13<sup>th</sup>. The cost is \$10 and tickets can be purchased at the recreation office.

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

**TOWN BOARD PROCEEDINGS**  
**Minutes #2015-23**  
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**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**EXECUTIVE SESSION**

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:00 P.M. to discuss a litigation matter.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 8:20 P.M.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:20 P.M.

Ayes: All

Noes: None

Motion Carried

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**JACQUELINE A FELSER, TOWN CLERK**