

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  
Donald Mendola  
Joseph Sherman  
George Clifford  
Margaret Bebak  
Dale J McCabe  
Jeffrey Schieber, Code Enforcement Officer  
John J Fenz, Town Attorney

Absent - James Rathmann

Chairman Niederpruem read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

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### **APPROVAL OF PROOFS OF PUBLICATION**

Motion by Mendola, 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 Sherman, seconded by Mendola, to approve Minutes #2017-08 of August 10, 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).

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

Ayes: All

Noes: None

Motion Carried

**SPR2017-04** (continued)

William Paladino stated the plans were revised in response to comments received at a previous meeting. The building has been moved closer to the street and there are now two lanes of parking in front and two lanes in the rear instead of four lanes in the front. The building was also shifted closer to the entrance drive for the hotels to help with traffic flow. The curb cut along Slade Avenue will be maintained and there will be two access points from the hotel entrance drive. Mr. Paladino indicated the location of the dumpster on the plan and also noted the project has received engineering approval. A tree arborist was consulted and many of the trees will need to be removed for the development, but the large Maple tree will remain. A shared parking agreement will be prepared for use of 30 spaces behind Country Inn.

Mr. McCabe questioned ownership of the three parcels and Mr. Paladino advised the parcels are owned by three different companies, but the principal owner of the three companies is the same.

Chairman Niederpruem commented that a change in use of the building may require additional parking.

Mr. Paladino stated they want their tenants to be successful and will provide additional parking if needed.

Chairman Niederpruem referred to Mr. Rathmann's comments on the trees on site, and specifically, his concern that the root system for tree #2 may be damaged from installation of the sidewalk. He suggested relocating the sidewalk.

Mr. Paladino stated he had no problem keeping as many trees as possible during development and agreed to relocate the sidewalk to save tree #2.

Town Attorney John Fenz stated a tree removal permit is required and mitigation must be performed in accordance with the Town Code. He further stated he will need to review the parking agreement prior to the Planning Board acting on the site plan and if the town is a party to the agreement it will have to go to the Town Board for approval.

Karl Spencer represented the West Seneca Environmental Commission and stated he was satisfied that the tree issue has been resolved. He also offered the commission's assistance with tree selection.

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

Ayes: All

Noes: None

Motion Carried

**SPR2017-04** (continued)

Motion by Sherman, seconded by Mendola, to table this item pending receipt of a parking agreement.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS COMMUNICATIONS**

**SPR2017-05**

A request from Up State Tower Co., LLC for site plan approval for property located at 211 Fisher Road for a 160' self-support tower and associated telecommunications equipment.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a short form environmental impact statement and a site plan.

Corey Auerbach of Barclay Damon LLP represented Up State Tower Co., LLC and Blue Wireless and stated the proposed site is an industrial area on the southwest edge of West Seneca, it is zoned M-1 and it abuts the west side of I-90. The tower will be located behind a large existing concrete pad and building on site and will be accessed by a 15' wide access easement from Fisher Road. The self support tower is triangular with three legs and is similar to the one on Town Hall property. It will be surrounded by a 6' high 50' x 50' chain link fence with barbed wire on top. Ground equipment will be located on a 10' x 12' concrete pad. The tower is designed to accommodate up to six carriers and no lighting is required based upon its proximity to the airport. There will be no generator at the site and a lightning rod will extend to 165'.

Chairman Niederpruem referred to another tower that is about 1500' away and questioned the possibility of co-location. He further commented that a 160' tower should have a 160' fall zone.

Mr. Auerbach stated there was no other opportunity for Blue Wireless to meet their coverage needs. The tower is being built for Blue Wireless, but they will lease to other carriers and they would not be building it if they didn't think they would get co-locations. Mr. Auerbach referred to the site plan indicating a 40' diameter fall zone and noted the tower is over engineered so if it were to fall it will fail at 20' from the top which will fall completely within the compound area.

