

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  
Anthony Nigro  
Jim Rathman  
Joseph Sherman  
Jeffrey Schieber, Code Enforcement Officer  
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.

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**APPROVAL OF PROOFS OF PUBLICATION**

**Motion by Greenan seconded by Rathman, to receive and file the proofs of publication and posting of legal notice.**

**Ayes: All**

**Noes: None**

**Motion Carried**

**APPROVAL OF MINUTES**

**Motion by Mendola, seconded by Rathman, to approve Minutes # 2014-04 of April 10, 2014**

**Ayes: All**

**Noes: None**

**Motion Carried**

**NEW BUSINESS COMMUNICATIONS**

**SP2014-006**

A request from Lista Auto Sales for an automotive special use for the sales of used automobiles on 3.6 acres of land located at 2756 Transit Rd. Currently zoned M-1s for repairs but not for the sales of automobiles.

Chairman Niederpruem stated the Planning Board received a letter from Oliver M. Twist (owner) to allow Lista Auto Sales to use the property for automotive use and sales, the short form environmental assessment form along with a property survey

Mr. Nicholas Lista from Lista Auto Sales on behalf of Oliver M. Twist the owner of 2756 Transit Rd requested a special use permit for automotive sales. Mr. Lista indicated approximately 35 vehicles would be on the property. Thirteen vehicles would be on the Transit Rd side, and the remainder located near the existing building. Mr. Lista further stated Lista Auto Sales has a year-to-year lease with the owner Mr. Twist. Since leasing from Mr. Twist, Lista Auto Sales has made improvements to the area they are occupying.

Mr. Mendola also commented on the condition of the property, and that it would need to be cleaned up, before consideration would be given for the re-zone.

Mr. Greenan stated that the Planning Board does not want to re-zone the entire property just the parcel leased by Lista Auto Sales.

Mr. Lista responded it would be 40ft. the width of Lista Auto sales building, and to Transit Rd. which is 15ft.

**No Comments received from the Public.**

**Motion by Greenan, seconded by Mendola, to table this item pending detailed plan of location of vehicles, also attempt to remedy the entire site plan.**

**Ayes: All**

**Noes: None**

**Motion Carried**

**SP2014-007**

A request from DePaul Properties to rezone from R-75 to R-50(s) for property located at 2412 Seneca St. int the Town of West Seneca for a 100-unit, 3-story apartment complex.

Chairman Niederpruem stated along with the application the Planning Board received, a request of consulting engineer, Environmental Assessment Form and drawing for the presentation.

Engineer Gary Smith of Parrone Engineering representing DePaul Properties along with Gilian Condi of DePaul Properties and Joe as the architect on the project. Currently the 124,000 sf building with 10 acres of pavement that is vacant. DePaul Properties is proposing to build a 3-story 100 unit apartment building located in the front of the existing building. DePaul would eliminate the asphalt and replace with grass, trees and a patio area. The main entrance would be on Graymont Ave. Graymont would be repaved and sidewalks installed. Currently there is wood fencing around the perimeter that would be replaced with a 6ft high vinyl fence and will be locked at all times. There will be shoebox style LED lighting that will not reflex on the neighboring areas. DePaul is before the Planning Board for the special use permit to allow the apartment complex and Site Plan Approval.

Chairman Niederpruem questioned the marketing range of this complex.

Gilian Condi of DePaul stated that the complex is a 100 unit 96 one bedroom and 4 two-bedroom apartments. There would be an income eligibility of \$26,000 or less per year. Further stated that there is a financial requirement to rent the apartments.

Mr. Smith stated the apartments would be full functioning with a kitchen, living room, rest room and 1 or 2 bedroom

Chairman Niederpruem questioned about the fire district concerns.

Joe the architect of the project stated the issue with the fire hydrants have been rectified and the radius of the street has been adjusted so fire trucks can get in and out with no issue. There would also be a limit to the number of parking spaces each apartment would get and that is one per apartment.

Chairman Niederpruem questioned if there is 24 hour security, and how would you enter the complex.

Mr. Smith responded there will be a person at the front desk 24/7 and card key access is required by all tenants for the front door.

Gilian Condi responded that Amherst Security is the security company mainly used by DePaul and will patrol the area along with over 100 security cameras throughout the entire property. Gilian further stated that some of the tenants will have Case Management, but is an income eligible facility and anyone can apply. Gilian also stated there is no physical restrictions for any applicant.

**Questions from the public:**

Mike Davis of Edson referred to a letter from DePaul Properties "On-site case management will be available for 75 tenants, those receiving case management will be recovering from a mental illness. Concerned that is it not just a normal apartment complex.

Fran of Chamberlain Dr, had 270 signatures from the neighborhoods that are against this project. Also stated there was not enough information available to him or neighboring areas about the proposed site.

Chairman Niederpruem stated the main concern is the clientele that would be occupying this complex. Chairman Niederpruem further stated the public has a valid concern and should be addressed again and in depth.

Gillian Condi responded DePaul Properties sent out 317 letters and held three community meetings, where DePaul Properties went into detail about the project and offered tours of the other existing complexes in the area they have built. Gillian Condi stated that all the applications will have an extensive background check, credit check and criminal history checks and no one will be approved if they are felon, sex offender levels 1, 2, or 3. Anyone applying must have social and independent living skills. Case Workers are there to assist certain cases to give the applicants a chance at a normal everyday living and assist them in job hunting, finding childcare. Gilian further stated these applicants are at no risk for the community. Gillian further stated it is funded through New York State Housing and Community Renewal. Case Management is funded by New York State Mental Health. DePaul Properties have been with case management for 58 years. Gilian continued to state the applicants are almost always a part of the community already and if someone happened to see a new build they come in and tour the complexes and apply. Similar to "apartment hunting" individuals. Gillian further stated case management will also refer people to the complexes who seem to be good candidates.

Michael of Chamberlain Dr. stated he was told that 75% of the apartments are mentally ill patients, that will be visited by a social worker monthly. Michael also stated he moved to the suburbs and have families and grow. Seneca Street is crazy as it is there is no need to have this complex built, in the community. Strongly believes it will depreciate the property value of the area.

A neighbor also on Chamberlain Dr. since 2006 stated many of the neighbors have a higher income than \$26,000. decreasing their property value. He also stated the neighborhood is occupied by elderly people who live a quiet tranquil life. Mentally ill people need medical assistance at all times, and this project should not be placed in a residential area. The first notification received a flier received the night before the Planning Board meeting. Feels this is a medical facility and does not belong in this residential area.

A resident at 85 Chamberlain Dr. stated she would like to see something made of this building. The neighbor questioned as to how many staff will be on site everyday. She would

like to know if vans or buses will help transport the residents. Another concern is drainage and sewer and where will it go, in the event there is a new street put in for the complex

Gillian stated that there is 30 full-time employees and about 15 will be on site during the day and the residents will take public transportation if they do not have their own vehicle

Gary Smith stated that there is currently 10 acres of asphalt which will be reduced by adding grassland therefore reducing the amount of storm water. There will need to be a sewage analysis done to be able to fix any issues and improve the sewage in the area.

Georgina commented she and her husband moved to this neighborhood two years ago to raise a family and is very concerned with this proposal, as she grew up with a schizophrenic father and can not understand why a facility of this nature would be placed in a child friendly residential neighborhood.

A resident of 97 Burch visited another facility and was pleased with the condition of it. The building was beautiful and clean and feels it would be an asset to the community.

John of Duerstein St stated he is concerned with the water pressure when 100 units are built. John is also concerned with a tall building going in and having to look out his windows and see it everyday is offensive, and when he wants to eventually sell his house he feels it will be difficult. The neighborhood is looking for improvements for the existing building but not government funded solutions.

Gary Smith responded after the the testing was done in the area for water pressure, there will be no significant change in pressure.

Dan Scheck of Burch Ave is concerned with the fencing as it will not be adequate enough, and the snow removal process, when will it be done and where will it go. Mr. Scheck feels the building is an eye sore and finally do something with it either approve this or tear it down.

Chairman Niederpruem stated that DePaul Properties and the surrounding community need to have meeting to further discuss the issues the residents have and answer any questions the residents have.

**Motion by Mendola, seconded by Greenan to table this plan pending a community meeting with DePaul Properties to answer any questions or concerns from the public.**

**Where as, Greenan advised the residents to designate a representative from the community to organize the next community meeting with DePaul Properties, and have everyone aware of the place and time.**

**Ayes: All**

**Noes: None**

**Motion Carried**

**Motion by Greenan, Seconded by Mendola to close the Public Hearing.**

**Ayes: All**

**Noes: None**

**Motion Carried**

**SPR2014-007**

Request to re-zone 4592 Seneca St. from R-75 to R-50(s), in the Town of West Seneca for a private residential development.

Chairman Niederpruem stated along with the application for site plan review the Planning Board received the short form environmental assessment form, site plan layout of the parcel and a rendering of the homes and some of the basics of the property.

Andrew from Optima Design represented 4592 Seneca, LLC's proposal of a 26 building 52-unit duplex town home complex on a private road with new utilities and landscaping. The units would vary in size from 1600sf to 1900sf with 2 bedrooms and each unit would be 2-story with a loft.

Mr. Greenan questioned the dimensions of the individual lots and the road in a final plan.

Andrew will configure the dimensions of the lots and the road on the site plan

Chairman Niederpruem commented that the Seneca Street side lots may be too close to the residents on Sky Hi Drive, and could there be a way to shift the lots to the east for more privacy for the residents. Further commented to remove the island to move the lots east.

Andrew responded he would look at the site plan to see if the lots could be shifted and the island was for storm water litigation. Andrew further commented the storm water litigation will be done by perimeter swales and are lower in elevation for the water to drain down. Andrew further commented that they want to gravity drain it and not pump the drainage, there is no issues with the down stream capacity. Andrew further stated they are rain gardens will eliminate any standing bodies of water and insects. Andrew further explained a Rain Garden a green area that reduces rain runoff by allowing storm water to soak into the ground, into a perforated pipe that would discharge to the nearest drainage body which is the swale. Andrew also commented on Andrew stated the dilation was performed and the results were 0.03 acres. Andrew further stated the limit is 0.1 acres therefore well below the limit for any issue to occur, and would forward a copy of the report to the Board.

Mr. Greenan questioned if the Home Owners Association would maintain the access road and would it be built to town specifications

Mr. McCormick owner of 4592 Seneca, LLC responded that the HOA will maintain the access road and further commented that the access road would not be to town specifications so it could never be turned over as a right away to the town.

Chairman Niederpruem commented that there would be private water, private sanitation pick-up, private utilities, private snowplowing, public sewage. Chairman Niederpruem further questioned on the market value of the individual lots.

Mr. McCormick responded the value would be the range of \$200,000 to \$250,000 depending on the options the buyer would chose

Mr. Rathman questioned of there would be adequate site lines when existing the access road.

Andrew stated the requirement is 30ft and will include the site line on the final site plan.

**Motion by Chairman Niederpruem, seconded by Greenan to open the public hearing**

**Ayes: All**

**Noes: None**

**Motion Carried**

Mike Roman of 117 Sky High Dr. stated he is at the top of hill on Sky High and wanted to know how close will the lots be to his house.

Andrew stated they would be 30ft from his back yard.

Julie Miller-Ball of 21 Murial Dr. would like to know how far would the lots be from her property line, also stated there used to be a swale at the bottom of the hill and over time it has been filled in. Julies concern is over time who will maintain the new swales to prevent them from filling in again.

Chairman Niederpruem stated the swales would not fill in if engineered properly and the Board will make sure they are done correctly.

Mr. Mendola added that the proposed builders would be responsible for the water drainage and can not drain onto Ms. Miller-Ball's property.

Samuel Murphy of 10 Muriel Dr. would like to know where the water will drain and will the sewage tie in with his sewage and if so will there be a lift station to dispose of the waste. He asked this because he used to work doing sewage systems and if there is no lift station and there is a overflow it will back-up into peoples houses, and can be very expensive to fix. Mr. Murphy is concerned that the proposed plans will not work.

Andrew stated the sewage would not flow towards the existing sewage lines on Sky Hi Dr. Andrew further stated there is a main sewage line with in the easement at the center of the parcel and therefore will not be draining the sewage to the neighbors lines.

Sharon Wesoloski of 45 Sky Hi Dr. stated she is at the low part of the street, and understands that something needs to be done to the property and its a good thing but there is an issue with the water drainage, she brought pictures to show the board, she stated that there is 2 sources of water drainage coming in and it sits on the properties and floods a lot.

Mr. Greenan stated with the new proposed parcel the engineers have to better the situation before it will be approved, therefore the drainage system would help the water outfall.

Lauri Schintzuis of 101 Sky Hi Dr. stated she is concerned with the lots being 1.5 stories that the back windows will look into the back of Ski Hi's properties, she wanted to know if there is the possibility of a natural barrier or fencing to cut the site line and be beneficial for both existing properties and the new proposed properties.

Chairman Niederpruem stated all the concerns addressed to be valid, but before the site plan can be approved all of the concerns with the sewage and storm water and has to be approved by the town engineer and then concerns with the site lines and what are the residual impacts and how can they litigate them would be addressed.

Joan Cotter of 56 Ski Hi Dr. located at the bottom of the hill and she stated she is concerned with the drainage. The drainage runs into her front yard and basement and she can not maintain it anymore. She stated something needs to be done to improve the water drainage.

Susan E. Naylor of 136 Ski Hi Dr. stated she is completely against this project. She stated this has been going on for years with this property and she would receive a notice for a meeting and no one would show up, she doesn't understand what is going on, and she received a notice just yesterday about this meeting. Ms. Naylor wants to know why they chose to build there.

Chairman Niederpruem stated this is the first meeting the board has had on this topic. Chairman Niederpruem further stated about 5-10 years ago when People's Inc. proposed a site plan, but there has been nothing since for this site

Eugenia Sturm of 65 Ski Hi Dr. concerned with the back of her property.

Andrew will address all the issues pertaining to the back yard issues and concerns once the site plan is approved

Paul Pawelczak of 133 Sky Hi has concerns with water drainage. He would like have the option of a copy of the proposal so everyone knows what is going on.

Ed Fisher of Seneca Street is concerned with the flooding, traffic and the wild life.

**Motion made by Greenan, seconded by Niederpruem to close the Public Hearing**

**Ayes: All**

**Noes: None**

**Motion Carried**

**Motion by Greenan, seconded by Chairman Niederpruem to grant approval of rezoning from R-75 to R-50(s) conditioned upon the site plan conforming to the minimum density and unit square footage of an R-50 zone**

**Ayes: All**

**Noes: None**

**Motion Carried**

**Adjournment**

**Motion by Greenan, seconded by Chairman Niederpruem to adjourn the meeting at 9:05pm**

**Ayes: All**

**Noes: None**

**Motion Carried**

Rachael E. Kruszka

Rachael E. Kruszka  
Planning Board Secretary