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

WEST SENECA PLANNING BOARD
Minutes #2015-01
January 8, 2015

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Donald Mendola.

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
Joseph Ciancio
Gerald Greenan
Anthony Nigro
Jim Rathmann
Jeffrey Schieber, Code Enforcement Officer
John Fenz, Town Attorney

Absent - Joseph Sherman

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 Mendola, 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 Nigro, to approve Minutes #2014-11 of November 13, 2014.

Ayes: All Noes: None Motion Carried

OTHER BUSINESS

Motion by Greenan, seconded by Mendola, to reappoint the Planning Board Chairman and officers for the year 2015 or until successors are appointed.

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Mendola, to receive and file the Planning Board members' training record for the year 2014 as an attachment to the November 2014 meeting minutes.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

2015-01

A request from John Lattanzio for a rezoning for property located at 3962 Seneca Street, being part of Lot No. 29, changing its classification from R-65A to C-1, for construction of a 5' x 7' sign for a photography business.

Motion by Mendola, seconded by Rathmann, to open public hearing.

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a property survey and a letter of request from the applicant.

John Lattanzio stated his proposal to have a sign in front of his residence at 3962 Seneca Street for advertising his photography business, John Angelo Photography. He has been in business for five years and has a home office at this location. There will be no clients coming to the site and the sign is the only change to the property.

Mr. Nigro questioned if the existing sign will remain, noting the size looks less than 5' x 7' as indicated in the application. Mr. Lattanzio responded the existing sign will remain and it may be less than 5' x 7'.

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Greenan, to recommend approval of the request for a rezoning for property located at 3962 Seneca Street, being part of Lot No. 29, changing its classification from R-65A to C-1, for construction of a 5' x 7' sign for a photography business.

Ayes: All Noes: None Motion Carried

2015-02

A request from Mark Subjeck for a special permit for property located at 199 Lein Road, being part of Lot No. 367, changing its classification from M-1 to M-1(S), to allow parking of new and used vehicles.

Chairman Niederpruem stated along with the application the Planning Board received a letter from Mr. Subjeck explaining his plans in detail, a letter from the property owner Delavan Industries, a legal description and a survey of the site.

NEW BUSINESS COMMUNICATIONS

2015-02 (continued)

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

Ayes: All Noes: None Motion Carried

Mark Subjeck stated his proposal to park new and used vehicles for the Transit Road Transitowne & Kia dealers at Delavan Industries located at 199 Lein Road, noting he was unaware that a special permit was needed to park cars at this location. Vehicles will be driven in on a daily basis during business hours. They will not be trucked in and there will be no junk or abandoned vehicles on the site.

Chairman Niederpruem questioned the number of spaces for parking vehicles and Mr. Subjeck stated the plan indicates 186 parking spaces.

Mr. Greenan questioned if the parking area is paved and if there are any plans for new construction at this site. Mr. Subjeck responded the parking area is paved and he had no plans for any new construction.

Mr. Mendola questioned if there will be any repairs to vehicles and if the gate is locked, noting the fire department should have access to the site for emergencies.

Mr. Subjeck responded there will be no repair of vehicles and the gate is open during business hours and locked on weekends and after hours.

Code Enforcement Officer Jeffrey Schieber stated the fire department has the capability of cutting the lock and they can discuss access to the site with the property owner.

Scott Yunke stated he had reported to the town that vehicles were being brought in and parked at this location. Mr. Yunke did not believe the vehicles should be parked there and commented they travel down Schultz Road and Lein Road through residential neighborhoods. He presented pictures of a tractor trailer sitting on the side of the road loaded with vehicles and expressed safety concerns with the number of vehicles coming in and out of the site. Mr. Yunke suggested the Transit Road car dealers keep their vehicles on their own property.

Chairman Niederpruem questioned if this is winter storage only or year round storage and if there is room for parking vehicles at Online Trucking across the street.

NEW BUSINESS COMMUNICATIONS

2015-02 (continued)

Mr. Subjeck stated it could become year round storage. He further stated over 246 employees worked at Delavan Industries at one time which resulted in a lot of traffic in and out of the site. His proposal will involve a maximum of five to nine vehicles coming and going per day, which will allow the dealership to gain room for servicing vehicles and snow storage. Mr. Subjeck further noted that Online Trucking does not have room for parking additional vehicles and Delavan Industries is zoned for manufacturing.

Mr. Mendola questioned if car carriers will drop off the vehicles on Lein Road.

Mr. Subjeck responded that an employee has to sign off on the cars and there is no one on site. Vehicles will be dropped off on Transit Road and a maximum of 10 vehicles per day will be brought to and from the site.

Scott Yunke stated the situation will become worse if more dealerships locate on Transit Road. He commented on the close proximity to residential neighborhoods and suggested the vehicles be stored on property in the industrial park.

Motion by Greenan, seconded by Mendola, to close public hearing.

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Mendola, to recommend approval of the request for a special permit for property located at 199 Lein Road, being part of Lot No. 367, changing its classification from M-1 to M-1(S), to allow parking of new and used vehicles.

On the question, Mr. Greenan stated he has lived on Schultz Road since 1968 and has not seen any problem with vehicles traveling the road.

Ayes: All Noes: None Motion Carried

2015-A

A request from Metzger Civil Engineering for preliminary approval of the proposed 21 lot Clinton Street patio home development.

Michael Metzger of Metzger Civil Engineering represented property owners George Kallas and Leo Sitarek and stated they received zoning approval from the Town Board and variances from the Zoning Board of Appeals for the lot sizes and the rear lot line.

NEW BUSINESS COMMUNICATIONS

2015-A (continued)

Mr. Greenan stated the Planning Board discussed patio home ordinances at great length during their training session, noting the lot size they approved as adequate is smaller than the lot size being proposed for this project.

Mr. Metzger stated they had previously received conditional preliminary approval from the Planning Board, but minor changes were made to the plan so they wanted the Planning Board to be aware of the changes. There had been concerns about building in the flood plain and a decision was made to move all the building locations out of the flood plain. The storm water detention pond will also be moved out of the flood plain so it will be totally unobstructed. The Buffalo Creek corridor will be preserved and protected and there will be a conservation easement. An existing sanitary sewer easement was located on one lot, so the easement was lined up so it now straddles the lot line. Density was also reduced from 22 to 21 lots. At the time of rezoning there was a concern from a neighbor whose house is setback 700'. The Town Board requested that vegetation be planted and as shown on the plan there will be ten plantings including evergreen and deciduous trees on the east property line along lot #'s 15 - 19.

Chairman Niederpruem stated the Planning Board researched patio home ordinances from all over the country and they will be recommending amendments to the Town Code.

Mr. Greenan commented that conditions from the prior approval appear to be met and no further action is necessary before a public hearing is scheduled. He suggested Mr. Metzger notify Town Clerk Jacqueline Felser when they are ready for a public hearing.

Mr. Mendola questioned the measurement of the east side of the conservation easement and Mr. Metzger responded that will be indicated on the final plans.

Mr. Rathmann questioned if this will be a private road and Mr. Metzger responded it will be private.

No comments were received from the public.

Motion by Greenan, seconded by Mendola, to grant preliminary approval of the proposed 21 lot patio home development on Clinton Street.

On the question, Mr. Mendola expressed concern about clear cutting the land during construction and asked that if possible they use common sense and try not to clear-cut all the trees.

NEW BUSINESS COMMUNICATIONS

2015-A (continued)

Mr. Metzger responded the conservation easement area will not be touched, but noted there are not really any significant trees on the site.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 7:40 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A Felser

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY