



**2016-01** (continued)

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 environmental assessment form, survey, site plan, renderings and a traffic study.

Attorney Ralph Lorigo represented the petitioner and stated their proposal to construct a Tim Horton's with separate retail building on the 1.3 acre site located at the corner of Indian Church Road and Union Road, the vacant lot that is the former location of the Heritage Inn along with three additional parcels with dwellings. Mr. Lorigo commented that Union Road is a mixed use commercial thoroughfare and the credit union and Burchfield Center are located across from the proposed site in this historic area of Gardenville. They intend to demolish the dwellings and structures and construct a 5300 sf retail building facing Indian Church Road along with a 28 seat Tim Horton's located along Union Road at the southern end of the site closer to Doster Place. The design of the Tim Horton's and retail building were substantially changed from the previous plan submitted and the Tim Horton's was relocated from the corner. Both buildings are now more reflective of the Gardenville area with their color and raised roofs. The design was taken from the Burchfield Center and a tower with clock was added to the retail building. Modifications to the Tim Horton's were approved by their corporate headquarters. Mr. Lorigo noted the property is zoned C-1 which allows retail sales; the C-2 zoning is only needed for the restaurant. There will be no entrance/exit on Doster Place. The traffic study conducted by SRF indicates most traffic will enter by right hand turns from Union Road and a substantial portion of the traffic is already in existence. They anticipate southbound traffic will make a right turn into the site while northbound traffic will use the Tim Horton's site at 1476 Union Road. The traffic study checked left hand turns into the existing site and revealed 49 left turns between 7:45 and 8:45 am, so the proposed location will alleviate congestion at that site. The traffic pattern has stacking for 26 vehicles, which is more than needed at the busiest time. The Indian Church Road driveway will be right in, right out only and signs will be posted. Mr. Lorigo commented the proposed project will beautify this corner and substantial landscaping will be added. There will be no tax abatements and the property will be fully assessed. They have no tenants for the retail building at this time, but anticipate neighborhood businesses like a barber shop, not high traffic businesses.

Chairman Niederpruem suggested eliminating the Indian Church Road entrance and stated the driveway will be blocked with only five cars in the left hand lane.

Mr. Lorigo responded the peak traffic on Indian Church Road is 7:45 am. The left hand lane backs up, but not the right hand lane and he did not see where traffic will be held up on Indian Church Road.

**2016-01** (continued)

Mr. Mendola suggested eliminating exiting onto Indian Church Road.

Mr. Lorigo thought that was a possibility and noted the traffic flow on site brings vehicles out to Union Road. He further noted this Tim Horton's location will not be open 24 hours and will close at 10 pm.

Mr. Ciancio stated with the C-2 zoning another restaurant could locate here which will mean more vehicles. He questioned how many lanes are proposed for the driveway on Union Road.

Patricia Bittar of Wm. Schutt & Associates responded there is one lane for entering and two lanes for exiting.

Mr. Clifford suggested moving the Union Road driveway down as far as possible so any congestion is on site instead of on Union Road.

Mr. Sherman suggested adding an escape lane for the drive-thru lane.

Ms. Bittar responded that part of the lane can escape, but there is no room for a full escape lane without seeking a variance for the setback. Mr. Lorigo stated they can address this at site plan review if the Planning Board requires it.

Mr. Rathmann thought there should be an escape lane. He further commented on the excessive traffic in that area in the morning hours.

Mr. Lorigo responded he watched the traffic this morning and there was no backup, although the traffic study indicates there will be minimal times when it does backup.

Mr. Rathmann suggested moving the office building closer to the street and the parking to the rear.

Ms. Bittar stated they had to meet the required setbacks and parking ratio and the proposed plan worked best for this site.

Karl Spencer represented the West Seneca Environmental Commission and reminded there should be no clear cutting of trees until a tree survey is done.

Raymond Eldermayer commented on the traffic backup on Indian Church Road and thought that entrance should be eliminated. He further suggested changing the location of the Union Road entrance/exit to in front of the retail building and adding another entrance/exit near Tim Horton's. Mr. Eldermayer was concerned about traffic safety and quality of life issues.

**2016-01** (continued)

Paula Minklei did not believe there should be a drive-thru on the corner because of traffic backups on Indian Church Road. She thought the traffic will still backup across the intersection if the Indian Church Road entrance is eliminated.

Daryl Seibert lives on Union Road and commented on the difficulty he has getting out of his driveway. He was opposed to the drive-thru and commented that fumes from vehicles idling will be a problem and affect his quality of life.

Susan Kims commented on the traffic and questioned how many businesses the traffic study reflected.

Chairman Niederpruem stated they had just received the traffic study prior to this meeting and he would like time to review it.

A resident commented that Tim Horton's locations are not destinations. They are a stop off along a person's route to another destination, so he did not see this location increasing the traffic.

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

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Sherman, to table the rezoning request for property located at 1371 & 1377 Indian Church Road and 1926, 1934 & 1954 Union Road to allow Planning Board members time to review the traffic study.

Ayes: All

Noes: None

Motion Carried

**2016-02**

A request from Tim Kropovitch for a special permit for property located at 3254 Clinton Street, being part of Lot No. 26, changing its classification from M-1 to M-1(S), for automotive use.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a survey, legal description, short environmental assessment form and site plan. Margaret Bebak recused herself from discussion on this hearing due to a conflict.

**2016-02** (continued)

Architect Jim Wittmann represented the petitioner and stated his proposal to construct a 4500 sf pre-engineered metal building with 4000 sf in the rear used for automotive repair and 500 sf in the front for office and waiting area. There will be three bays for automotive repair which is the primary use. The secondary use will be for collision work, oil changes and auto sales for approximately ten cars. The exterior of the building will be metal wall panel and the front will have stone veneer around the perimeter. There will be parking for approximately 25 vehicles - two handicapped spaces, three employee spaces, a maximum of ten spaces for auto sales and the balance for customers' vehicles to be repaired or waiting to be picked up. Mr. Wittmann stated currently there are no sanitary sewers at this section of Clinton Street. The property belongs to EdBauer Construction and it is being subdivided. There will be a 15' right-of-way along the rear of the property for the sanitary sewer. The storm water line runs adjacent to the northwest side of the property and goes under Clinton Street to Buffalo Creek. They will be tying into that and there will be a detention pond in the rear.

Mr. Rathmann commented on wetlands at the rear of the property and on the west side and questioned if water from the detention pond will be discharged into the wetlands.

Mr. Wittmann stated the detention pond will be constructed with a restrictive pipe going into the storm water line. He further stated the property owner had advised that a negative declaration was issued for the wetlands and this was predetermined when EdBauer Construction submitted their project.

Mr. Rathmann stated the wetlands were isolated and EdBauer Construction was not going to disturb it, but this project may need approval from the Army Corps of Engineers.

Tim Kropovitch stated he intended to stay clear of the wetlands and the trees in the rear which he wants to keep.

Mr. Mendola asked for written verification on the wetlands at the time of site plan review.

Jeff Nowaka of Gardenville Commercial Center questioned if this is a new business. He further commented that the storm drainage comes across his property, so he wanted to ensure it does not become a problem for him.

Mr. Kropovitch stated this is a new business and he was formerly employed by West Herr Ford for over 15 years.

**2016-02** (continued)

Chairman Niederpruem stated the storm drainage will be addressed at site plan review.

Mr. Wittmann noted the interior drain lines will tie into a 1000 gallon grease separator.

Don DiCarlo stated he was not opposed to the project but wanted to see a rendering.

Chairman Niederpruem stated the renderings are available for the public to view.

Mr. Nowaka questioned what else is allowed to be developed on the property under the M-1 zoning.

Code Enforcement Officer Jeffrey Schieber responded the M-1 zoning allows almost anything, but the special permit allows the automotive use and will stay with the property unless the business closes for more than one year.

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

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Ciancio, to recommend approval of the request for a special permit for property located at 3254 Clinton Street, being part of Lot No. 26, changing its classification from M-1 to M-1(S), for automotive use.

Ayes: (6) Mr. Rathmann, Mr. Ciancio, Mr. Mendola, Mr. Sherman, Mr. Clifford, Chairman Niederpruem

Noes: None

Abstentions: (1) Mrs. Bebak

Motion Carried

**SPR2016-03**

A request from Upstate Tower Co. LLC for site plan approval for property located at 570 Mineral Springs Road for installation of a 150' telecommunications tower and associated facilities.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated the property at 570 Mineral Springs Road is owned by the Town of West Seneca and is the current location for the pump station and compost facility.



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

**WEST SENECA PLANNING BOARD**  
Minutes #2016-02  
February 11, 2016  
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**ADJOURNMENT**

Motion by Mendola, seconded by Rathmann, to adjourn the meeting at 8:10 P.M.

Ayes: All

Noes: None

Motion Carried

  
**JACQUELINE A FELSER**  
**TOWN CLERK/PLANNING BOARD**  
**SECRETARY**