

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
Gerald Greenan
Jeffrey Schieber, Code Enforcement Officer
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 Greenan, seconded by Mendola, to receive and file the proofs of publication and posting of legal notices.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Mendola, seconded by Greenan, for the approval of Minutes #2014-03 of March 13, 2014

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

SP2014-003

A request for special use to have vehicle rental in the parking lot of the existing Home Depot located at 1881 Ridge Rd., to have the capability of renting trucks on site so people can haul items to and from their homes.

Chairman Niederpruem stated that along with the application the Planning Board received, a special use permit, legal description, a property survey and site plan of the area.

SP2014-003 Continued

Robert Blood representing Lauer-Manguso Associates, along with him is John Caracus representing Home Depot, proposing special use permit to officially designate twenty parking spaces for the truck rental operations, and additional 22 spaces for seasonal sales, shed display, equipment rental and cart corrals.

Chairman Niederpruem questioned if the truck rental is seasonal along with the garden center, and also how many vehicles will be on-site at anyone time.

Mr. Blood states the truck rental will be year round.

Mr. Caracus responds that Home Depot is asking for ten trucks on site with 20 spaces, reasons for this is, if the vehicle rental operates correctly never will all ten trucks be on site. The extra spaces are for one way drop offs, either from another store and does not take it back to the originating store, then within 36-48 hours the trucks are reallocated to other stores. Mr. Caracus responds the same that the extra spaces are for the case that there is more one way drop offs and some of the vehicles will require two spaces because of the length.

Chairman Niederpruem questioned if there is a need for special lighting and also questioned would the mechanical repairs be done on site.

Mr. Caracus responded that all the repairs and even the cleaning of the vehicles are done off site.

Mr. Ciancio questioned where the 20 spaces would be located.

Mr. Caracus responds that the 20 spaces are located in the middle of the parking lot, as shown on the site plan.

Mr. Nigro states that there was always the seasonal garden center; further stated the permits were never applied for.

Mr. Caracus responded that Home Depot is trying to have a "clean" record plan for the town.

Mr. Mendola questioned the removal of snow, and the spaces that are proposed are where the snow is moved.

Mr. Roberts responded that the snow is moved to the adjacent row, with the exception of this winter, and further states that the Penske trucks have been parked in these spots all along.

SP2014-003 Continued

Mr. Mendola stated that the process is strictly to pull the truck up take the keys out, go into the building and do the processing. Mr. Mendola further questions if there is administrative situation or handled all inside.

Mr. Caracus responded that the rental would take place at the tool rental area if the store has one or if not then the customer service desk.

Mr. Blood further commented the only thing you will see in the parking lot is the painted stripes where the Penski trucks will be parked and so customers will know where to park them upon return.

Andrew Rossapaul representing U-Haul Co of WNY, stated that his company has been monitoring the 1881 Ridge Rd Home Depot for quite some time now and it has been noted that at a "high" time there seems to be 15-20 trucks at a time and has monitored locations during the week. Andrew further states the amount of trucks were not designated to one specific area, and with the high traffic in the parking lot, how will Home Depot regulate the trucks being that the trucks are Penski owned trucks and Home Depot receives a commission from Penski for parking a rental, and also the on site repairs as Penski does on site repairs.

Chairman Niederpruem commented that the mechanical work would be done off site, as stated before and directed the question to Mr. Caracus as to how would Home Depot regulate the Penski trucks.

Mr. Caracus responded that once Home Depot gets an approval, he prepares something called an "OSRP" operating service restriction placard when an approval is given, and there's a limitation like that, that goes on the placard, its an 11 by 17 site plan with various notes for all the activities and store activities and that's what the store manager keeps and that's the four corners he has to stay into, so at this point this location had no limitations, but now he will have limitations to work by, because now the town can come and say "hey you are outside the 20 spaces , you're in violation" so it will keep order this point forward.

Chairman Niederpruem questioned that what would happen if there are 25 trucks on site.

Mr. Caracus responded Home Depot would reallocate them with in 36-48 hours to other stores or places.

SP2014-003 Continued

Motion by Greenan, seconded by Mendola that the special use permit for property located at 1881 Ridge Rd, changing its classification from C1 to C1s for truck rental, conditioned upon 1) No on site maintenance of the vehicles; 2) Vehicles limited to the area shown on the map presented to the board by Lauer-Manguso & Associates.

Ayes: All

Noes: None

Motion Carried

SP2014-004

A request for a rezone from R-65A to R-50(s) to allow for a private multi lot patio home development located at 3859, 3863, & 3869 Clinton St., across from Northwood on the south side.

Chairman Niederpruem stated that with the application the town received the zoning application form, short form, environmental assessment form, SEQOR comments, NYS Department of Conservation, NYS DOT, and legal description, concept plan, proposed home elevation plan, along with the proposed site plan.

Chairman Niederpruem stated that this is a public hearing as it is a re-zone not a site plan.

Motioned by Mendola, seconded by Chairman Niederpruem to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Michael Metzger of Metzger Civil Engineering Inc., with Mr. Metzger is his clients Leo Sittar and George Kallas. Mr. Metzger is seeking a re-zone of properties five acres in size from R-65A to R-50s. The immediate area is a mixtures of businesses and residential properties, and the property next door is zoned C-1. Mr. Metzger and his clients would like to construct approximately 20 lots, as we are only at the re-zoning phase we have a concept plan that shows 20 lots. The property is three hundred foot wide; several hundred feet deep with a cul-de-sac turn around. Mr. Metzger is proposing private storm water, detention pond and would be owned and operated by a home owner's association. The town would have no responsibility in that regard, and the sanitary sewers and we would propose those to the public through Erie County Sewer District 1. Mr. Metzger further states that there is a small portion of the property that is part of the 100-year floodplain, and will do what needs to be done to stay compliant with all local, federal and state regulations for the floodplain.

Mr. Metzger states the housing type itself is a proposed "patio home", single story ranch style houses. Mr. Metzger and his clients believe it would be a great asset to the community and a great location for it.

SP2014-004 Continued

Mr. Greenan questioned the definition of a “Patio Home”.

Mr. Metzger responded there are two definitions of a “patio home”, there is sort of a national definition which is not used in WNY, WNY lumps the type of product we are talking about on the map, as a smaller home, usually resided by empty nesters, ranch style homes usually with more amenities built into the home. The per square foot construction cost is more because of the upgrades, fit for people who want to downsize from their family home, move to a more comfortable and functional home

Mr. Greenan stated that was a “loaded” question because West Seneca has no ordinance as to a “Patio Home”, the term itself comes from people who didn’t want a grassy backyard only wanted a patio, no grass cutting. Around WNY we have condos and townhouses that serve that same purpose. Mr. Greenan further states, when Marano come to West Seneca to build their very successful, very nice patio home development, there was a proposal made that the town tweak the ordinance to fit, this style of dwelling and not try to jam it, into the R-50 zone, which was described and thought through at the time the ordinance was passed in 1963. Mr. Greenan further comments he will not go into what he thinks was violated by the Marano development, and treating it as a cluster development under the town law and ignoring West Seneca’s ordinances that were not taken care of according to section 278 and 288 of the town law. Mr. Greenan suggests getting away from the creek and uses the square footage, and you may have more square footage than you originally thought.

Mr. Greenan suggested a proposal to the board and simply does a decent “Patio Home” ordinance and maybe as the first guy through it maybe you could help get that developed. Mr. Greenan further comments that the other board members have concerns with the traffic at this location, but we need a decent “patio home” ordinance, when Marano came in, Mr. Greenan proposed a definition of a “patio Home” and it passed. Mr. Greenan questions if his definition of a “patio Home” is what Mr. Metzger is proposing.

Proposed 2003 Additions to West Seneca Code

120-64 Definitions:

Patio Homes: Single family detached dwelling situate on individual subdivision lots serviced by private streets which are part of a Planned Unit Development with a Homeowner’s Association responsible for maintenance of streets and common areas.

Mr. Metzger states there is a couple of exceptions in this particular instance, for one thing as opposed going down the path of clustering, where there are potentially many pitfalls and issues, Mr. Metzger further states they have chose to go with a straight R-50 zone and following the path of a site plan versus a sub-division, that would be an area the definition would not work. Mr. Metzger is showing lot lines on the map basically showing the lines to give a point of reference, to help understand how the units would interact with each other. Mr. Metzger is not proposing to have lot lines, as individual lots.

SP2014-004 Continued

Mr. Metzger further stated that a lot of research into this plan, he states he talked with various town officials about this, and was suggested that Mr. Metzger follow this course of action, because it works well for this type of project.

Mr. Greenan questioned if there will be a Home Owner's Association.

Mr. Metzger responded there would be a Home Owner's Association but not sure how much involvement they will have, Mr. Metzger and his clients are still working out the details.

Chairman Niederpruem states his main concern is the traffic, Chairman Niederpruem further states he has been to the site many times, and the area is very busy. Chairman Niederpruem further comments he is aware that the state said there was no problem with their state highway being Clinton St. but Northwood is a Town road that is a main cut through to French Rd and Cheektowaga and also a school near by. Chairman Niederpruem further comments that it is a very heavy traffic area.

Mr. Metzger states that along with the email from Ed Rakowski he says he forwarded to the board members, Mr. Metzger had a lengthy conversation with Tom Lassana who is in charge of traffic and safety for the DOT region 5 office about the project. The DOT's point of view of this project and its entrance road is that it would be under DOT's classification as a driveway and that 20 single lots would not come anywhere near, or triggering the need for a study, or additional lanes, Mr. Metzger further states that the DOT said it would not have a detrimental impact to the level of service, which is the gage they use to determine other actions needed. Mr. Metzger adds that Clinton is a busy street, but in the DOT's opinion it is not.

Mr. Ciancio comments that it is tough pulling out of any driveway on Clinton St., but in this case you would be pulling out of a driveway straight across from another street, adding to the risks of vehicles pulling out at the same time into the same direction.

Mr. Metzger responded that it would be a controlled intersection adding stop signs at the end of the proposed road, and it would be a cul-de-sac therefore no backing out onto Clinton St. as single family homes may.

Mr. Mendola stated he would like to discuss further about the Home Owners Association. Mr. Mendola questioned that the only responsibility that the HOA will not be controlling is the Sanitary Sewer.

Mr. Metzger responded that as far as infrastructure goes yes. Mr. Metzger further commented that there are responsibilities the HOA can become involved in, but they are minor aspects and will be determined later.

Mr. Mendola stated that details are important in a decision to move forward with ideas as to what to expect.

SP2014-004 Continued

Mr. Metzger responded that he and his clients are talking about the land use at this time, and does this board ultimately and the town board feels it's an appropriate land use to place single-family homes "Patio Homes" on this property, Mr. Metzger further commented that there is a lot of details that still need to be worked out if we get the re-zone approved

Mr. Greenan stated that Site Plan Review is relatively new to this town, and the last fifty years there has never been a "blank check" re-zoning, and decide how it goes afterwards. Mr. Greenan further commented that the Town Board and Planning Board would always put the site plan first. Give us the ideas and then we can make the changes needed.

Mr. Metzger questioned how does the town currently handle refuse, is there a town wide refuse district, how is collection done.

Mr. Greenan responded the refuse collection is town wide, further stated that he did not know of any towns that go down private drives or developments.

Mr. Metzger comments that the refuse would then be handled privately by the HOA.

Chairman Niederpruem stated the refuse is cut and dry and also stated water would also be privately handled.

Mr. Rathman questioned if there is wetlands on the property.

Mr. Metzger responded he had a wetland biologist walk the site and has indicated there are wetlands but would be classified as isolated wetlands, which are non-jurisdictional.

Mr. Rathman questioned where the floodway is, also stated the DEC says it should be 50ft of top of bank.

Mr. Metzger responded there is top of bank very close to the property line.

Mr. Rathman stated that the traffic is a top concern for the area. Turning onto Clinton St. from Northwood is nearly impossible

Mr. Metzger stated as the area develops there may be a need to contact the DOT for a warrant analysis which is a very specific set of calculations to determine if a signal would be needed. Mr. Metzger further stated the traffic from this development at peak times would be 8 cars per hour, and is not detrimental at this time.

Mr. Mendola questioned if the town would have a say in streetlights and sidewalks if this were a private development.

Town Attorney responded that if the site plan is presented the Planning Board could make suggestions and conditions, even if it is privately owned.

SP2014-004 Continued
Questions from the Public

Dennis Falzone of 3825 Clinton St. stated that the traffic would be the biggest issue. Making it a "T" intersection would be bad especially for the daycare next door with kids in and out. The gas station is right there brings traffic. Mr. Falzone stated he is not against the project but it needs to come up with a better solution for the intersection. Mr. Falzone questioned what the lot size of the patio homes would be.

Chairman Niederpruem responded the concept plan is at a measurement of 55ft.

Mr. Falzone further stated that he and his neighbors would like to know what is going on and if they will be notified if and when a site plan is reviewed. Mr. Falzone further questioned these patio homes would not have 15-20 people dwelling in one home, and also questioned would there be a buffer or will all the trees be torn down.

Chairman Niederpruem responded according to the site plan there is a 30 foot set back from the road in from the rear property line on both sides, further stated the usually the back 10ft of the property line is for a utility easement for drainage. If the site plan were to go ahead there would be a tree survey done to see what is salvageable and what is not.

Mr. Metzger stated that the trees would most likely come down.

Mr. Falzone stated screening is important

Mr. Greenan commented the Public Hearing to be re-directed to re-zoning.

Chairman Niederpruem commented on the concerns of Mr. Falzone and the meeting is to discuss re-zone of the property, also stated that if the site plan is presented the neighbors on Clinton would be notified.

Jeffrey Schieber the code enforcement officer stated the lots have not been officially combined yet. Further stated the letter mailed out is of the lots as is at present time.

Amy Carpenter of Woodward Creasant questioned if the road would be wide enough for emergency vehicles to turn around and what is the tax structure for patio homes.

Chairman Niederpruem stated the plan indicated 28ft wide 150 ft deep and the radius is 55 feet, further states it would be directed to the engineering department at the time of site plan review.

Mr. Greenan responded there would be no tax break and would be taxed like any other house in town.

Ms. Carpenter questioned the parking on the lots.

Chairman Niederpruem responded that would be site plan concern but would be reviewed and the correct space needed for parking would be suggested.

SP2014-004 Continued
Questions from the Public

Paul Rich of 3905 Clinton St. questioned if the Planning Board would be making a determination this meeting, and what rights do we have as neighbors.

Town Attorney responded this meeting is just a recommendation.

Chairman Niederpruem stated we are at re-zoning and if it were approved then the site plan would be a public hearing. Further stated this is the time to voice your concerns for the re-zone.

Mr. Rich questioned the square footage of the home and also the number of rooms. Further questioned the cost of each home.

Chairman Niederpruem responded the homes would range from 1600-1800 sq ft and mostly 3 bedrooms.

Mr. Metzger stated the cost of each home could be \$250,000-299,000

Mr. Falzone questioned the drainage.

Jeffrey Schieber the code enforcement officer stated with similar subdivisions the projects are designed to retain all of its own water.

Karen M of 3875 Clinton St. is concerned with the 10 homes next to her property, it will not be the same and she also stated she really loves her property as it is.

Mr. Metzger stated the questions were covered well but a couple items to reiterate, this project will not be rental properties, they will be for sale and privately owned, he and his clients will work with the town in relative to the trees, also would build the road and turn around to the town standards, and further commented Clinton St is a mixed are of residential and commercial properties and characteristic stand point having more residents is more consistent with the neighborhood.

Motion by Chairman Niederpruem, seconded by Rathman to close the public hearing

Ayes: All

Noes: None

Motion Carried

Motioned by Greenan Seconded by Ciancio to table this re-zone pending work ordinance to address "patio homes"

On the question, Chairman Niederpruem would like the decision to be made this meeting.

Ayes: 4

Noes: 2

Motion Carried

SP2014-005

A request from Patrick Bundy for an automotive special use permit to operate an oil change and tire rotation at the former vacant oil change station located at 2421 Clinton St.

Chairman Niederpruem stated the board received along with the application a letter from the current owners, a survey and site plan.

Mr. Patrick Bundy of 408 Shanley stated he would like to re-open the door and complete strictly oil changes and tire rotations, there will be no vehicles left outside over night and no structural changes will be made to the building, as it was an existing oil change business.

Mr. Ciancio questioned the outside clean up

Mr. Bundy responded there would be clean up and also some landscaping done at the bed in front.

No Comment from the public.

Motioned by Greenan seconded by Mendola to change the current C-2 to C-2(s) and be conducted according to the site plan presented to the planning board.

Ayes: All Noes: None Motion Carried

Nominated by Ciancio, seconded by Rathman to elect Mr. Mendola as Vice Chairman

Ayes: All Noes: None Motion Carried

Motioned by Greenan, seconded by Rathman to adjourn the meeting at 8:02pm

Ayes: All Noes: None Motion Carried

Rachael E. Kruszka
Planning Board Secretary