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

WEST SENECA PLANNING BOARD
Minutes #2015-05
May 14, 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 Sergeant-at-Arms Joseph Sherman.

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

APPROVAL OF PROOFS OF PUBLICATION

Motion by Ciancio, 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 Sherman, seconded by Greenan, to approve Minutes #2015-04 of April 9, 2015.

Ayes: All Noes: None Motion Carried

OLD BUSINESS COMMUNICATIONS

SPR2015-02

A request from Union Fire Company for site plan approval for property located at 1845 Union Road for construction of a new 27,000 sf mixed use fire station with club facilities, assembly use (disaster relief area) and off-street parking and amenities.

Chairman Niederpruem stated the only issue remaining on this project is the wetlands delineation that is a requirement.

SPR2015-02 (continued)

Frank Jacobson of the Law Offices of Ralph Lorigo represented Union Fire Company and stated they do not believe a wetlands delineation is required for this project. He referred to the definitions under Environmental Conservation Law that states in order for there to be wetlands there must be 12.4 acres of land involved and this site only involves 5.7 acres, a portion of which has already been disturbed. Also, on April 1st the DEC submitted its comments on the project and offered its conditional approval. They are not requiring anything, there are no marshlands within 100 feet of the project and soil testing shows the project is sitting on clay. Mr. Jacobson asked the Planning Board to proceed with approval of the site plan.

Chairman Niederpruem stated the Planning Board members believe their request is very reasonable and they do not want to be liable if wetlands are discovered after the fact. He referred to the minutes from the previous meeting that states, "The Planning Board requires that an expert in the field do a wetlands delineation of the site to determine if there are isolated wetlands and the ACOE will then decide whether they are." Chairman Niederpruem noted the same request was made for every other item on the agenda and has been answered, so they are not asking for something that has never been done before.

Mr. Rathmann noted they are not talking about state wetlands; they are looking for isolated wetlands.

Motion by Greenan, seconded by Rathmann, to table this item until the petitioner complies with the request.

Ayes: All Noes: None Motion Carried

SPR2015-07

A request from Sean Hanley for site plan approval for property located at 1290 Center Road for construction of a new four unit townhouse with detached garages.

The petitioner was unable to attend the meeting and asked that the item be tabled until the June meeting.

Motion by Greenan, seconded by Mendola, to table this item until the June meeting.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2015-08

A request from National Grid for site plan approval for property located at 885 Indian Church Road for rebuilding existing electrical substation and realignment /reconductoring electrical transmission lines into and out of the rebuilt station.

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 had received environmental impact statements, extensive surveys and plans.

Attorney Andrew Leja of Hiscock & Barclay represented National Grid and introduced members of the project team –Tom Brim, Project Manager; Ron Lelonek, Stakeholder Relations; and Michael Flanigan of Stantec Environmental Consultants.

Mr. Flanigan gave a power point presentation describing the proposed project. The Gardenville station is the largest substation National Grid owns and is the main substation that feeds multiple substations and/or generating stations throughout WNY. The project is needed because the 115 kV assets have reached the end of their useful life with increased risk of problems and failure. There are more than 22 line crossovers at the site, including lines crossing over buses, and line failure could cause substantial outage. The proposed project will eliminate line crossovers, solve configuration issues and improve capacity, reliability and asset conditions. They plan to construct a new 115kV Gardenville Station at the old location and reconfigure transmission lines entering and exiting the existing stations to eliminate crossovers and allow for realignment into the new station. The entire site is owned and controlled by National Grid and is zoned properly. They do not need to purchase any land from surrounding property owners or request any easements. Mr. Flanigan indicated the location of the proposed new station that will be located north of the existing 115 kV substation within the 750' x 550' fenced area. It will be 14 bays wide, have a new centrally located 115 kV control house, four single stage 115 kV 75 MVAR capacitor banks that regulate the amount of voltage, three transformer bank tie lines, 17 line positions and two tie lines to NYSEG. There are wetlands on the site and they have had communications with the Army Corps of Engineers (ACOE) and DEC. The wetlands were delineated and the DEC determined they were not isolated wetlands, so any disturbance needs to be mitigated. National Grid can mitigate direct impacts on their site, but there is not enough room to mitigate for the buffer impacts. The DEC agreed they do not have the land to mitigate the adjacent impacts, so money will go to a better cause and they have been working with the West Seneca Environmental Commission. A number of meetings were held

NEW BUSINESS COMMUNICATIONS

SPR2015-08 (continued)

and an agreement was reached where National Grid will provide funding to the town for some wetlands enhancement projects immediately north of the site along the Buffalo River. They are in the process of providing mitigation plans and designs and a letter of intent will be forthcoming after the May meeting of the environmental commission.

Mr. Greenan requested clarification on placement of the building and questioned who will be lead agency.

Mr. Flanigan stated the rebuilt station will be setback similar or possibly a little further than the existing building and upon completion the 1930 building will be demolished. The Planning Board will be lead agency for SEQR. National Grid has completed Parts I & II of the environmental assessment form and provided all the studies.

Code Enforcement Officer Jeffrey Schieber stated that SEQR was filed March 4th and comments have been received. An email was also received May 11th from Town Engineer David Johnson indicating approval from the Engineering Department.

Mr. Flanigan stated a noise study was completed and ambient readings north of the substation close to the property lines of the houses on Indian Church Road showed 54 – 57 decibels. It was determined the noise levels from the new switch gears and circuit lines are equal to or less than the noise output of the old equipment because the new equipment is quieter and more efficient. The control building is not manned but will have LED lights for security and infrared security lights around the perimeter. Mr. Flanigan indicated landscaping on the plan that included 15 – 20 coniferous trees to help screen and buffer the residences on Indian Church Road, noting there will be more screening than what is there today. A transportation study was done to look at alternate routes for heavy equipment trucks and the primary route selected is from Route 400 north on Union Road to Indian Church Road. Mr. Flanigan stated they will be reconfiguring transmission lines entering and exiting the existing stations to eliminate crossovers and allow for realignment into the new station and the majority of this work is on the south side of the station. The timeframe for the project from start to finish is 3.5 years.

Mr. Sherman questioned how many poles can be stored on site. He further referred to the hours for construction (7 AM to 6 PM) and questioned what impact that will have on traffic patterns on the road.

NEW BUSINESS COMMUNICATIONS

SPR2015-08 (continued)

Mr. Brim responded they are looking at adjacent properties for storage of materials and they will be secured with a fence. Restringing lines should be done on weekends and most of the work is done on site.

Mr. Ciancio questioned how crossovers will be eliminated. Mr. Brim responded the site was orientated so lines will not crossover and most of the poles will be monopoles.

Chairman Niederpruem questioned the cost of the project and Mr. Brim responded they are not yet done calculating the costs.

Mr. Mendola questioned if the fire department will be notified. Mr. Brim responded they will meet with the fire company in advance and provide a list of hazardous chemicals on site. There is a safety briefing daily and people are trained in first aid.

Chairman Niederpruem questioned DEC permit #1260 attached to the permit. Mr. Flanigan responded that is a spill response number and it has been cleaned up.

Mr. Ciancio questioned if there is any concern with PCB's in the old transformers. Mr. Brim responded all PCB oils have been removed and any contaminated soil will be taken care of.

No comments were received from the public.

Motion by Greenan, seconded by Mendola, to table this item until the petitioner is ready to proceed.

Ayes: All Noes: None Motion Carried

SPR2015-09

A request from Jason Schneckenberger for site plan approval for property located at 444 Indian Church Road to construct a single story office building.

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

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2015-09 (continued)

Chairman Niederpruem stated along with the application the Planning Board received a letter from the petitioner, a survey, tax map, short environmental assessment form and a layout of the site. Mr. Schneckenberger had appeared before the Zoning Board of Appeals and received approval of variances for parking and setbacks.

Jason Schneckenberger stated the proposed office building is 1086 sf. He had spoken with Town Engineer David Johnson regarding deficiencies in the piping going to the building and where it ties in and this was indicated on the plans submitted. The drainage survey shows elevations and the parking lot was paved in the 1970's & 1980's but has deteriorated to gravel and they will be paving over it. He was not sure what the engineers were looking for and stated all the elevation studies were done.

Chairman Niederpruem noted the plans had not yet been approved by the Engineering Department and the Planning Board will not proceed until they are. He suggested Mr. Schneckenberger contact Mr. Johnson regarding the checklist that is required by the town and needs to be followed.

Mr. Rathmann noted a topographic survey was not submitted and there were no floor elevations of the building. The plan should show grading and include proper grading for handicap accessibility. Mr. Rathmann noted it appears the handicap parking is on one side of the building and the entrance is on the other. Handicap parking should be as close as possible to the main entrance of the building. Parking on the east side of the restaurant also appears to back out on Mineral Springs Road which it should not do. He further stated the plans must be prepared and stamped by someone licensed by the State of New York.

No comments were received from the public.

Motion by Mendola, seconded by Rathmann, to table this item until the petitioner is ready to proceed.

Ayes: All Noes: None Motion Carried

SPR2015-10

A request from Nancy Ware for site plan approval for property located at 3601 Seneca Street to construct a 2-story, 15,000 sf office facility, paved surface parking, new utilities and landscaping.

NEW BUSINESS COMMUNICATIONS

SPR2015-10 (continued)

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board had received a letter of intent, a short environmental assessment form, an engineer's report from Tredo Engineers and site plans from Silvestri Architects. Engineering approval for the project was received this date.

Corey Auerbach of Damon Morey presented the site plan for redevelopment of 3601 Seneca Street located next to the home office of EduKids. They were proposing to construct a 15,000 sf, 2-story office building to relocate the business portion of EduKids. A parking variance was received from the Zoning Board of Appeals. Mr. Auerbach stated the proposal conforms to the zoning and is compatible with the environment. They will use existing curb cuts and they are dedicating just over one-third of the site to green space.

Mr. Greenan questioned access to Seneca Street and the Coppola Agency easement. Mr. Auerbach responded there is a 70' easement for access and shared parking which is indicated on the survey and is of record. There is also a dedicated curb cut exclusive to 3601 Seneca Street.

Andy Marino of Tredo Engineers referred to the driveway that wraps around the back of the parcel and the EduKids building. This allows for dumpster pickup through shared access. Thirty percent of the site is green space and it will be enhanced with landscaping. The existing utilities will be abandoned, removed and replaced and a small sidewalk will be constructed connecting the offices to EduKids. Mr. Marino further presented a design of the facility, noting there will be off-white masonry at the base with orange brick beginning at the second floor window. There will be a general front entrance with a canopy facing Seneca Street and a rear exit with stairs from the second floor.

Mr. Mendola commented on the former use of the site as a gas station and questioned if there was DEC approval with regard to soil contamination. Code Enforcement Officer Jeffrey Schieber responded that tank removable permits were issued and the DEC was involved.

NEW BUSINESS COMMUNICATIONS

SPR2015-10 (continued)

Mr. Rathmann suggested moving the handicapped parking closer to the entrance. He further suggested moving the Sergeant Crabapples due to their growth pattern. Also, the dwarf burning bushes can grow up to 10' tall and will cover the windows unless they are properly maintained.

Mr. Marino responded there are two more handicap parking spaces than required and the owners had requested that location, but he will move them closer to the entrance if possible and also take into consideration Mr. Rathmann's comments on the landscaping.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Mendola, to adopt the following resolution:

WHEREAS, the Town of West Seneca received an application for site plan approval for property located at 3601 Seneca Street to construct a 2-story, 15,000 sf office facility, paved surface parking, new utilities and landscaping; and

WHEREAS, the Town of West Seneca Planning Board in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, has reviewed this action; and

WHEREAS, this project will not adversely affect the natural resources of the state and/or the health, safety and welfare of the public and is consisten with social and economic considerations; now, therefore, be it

RESOLVED, that the Town of West Seneca Planning Board has determined that the proposed action is not anticipated to result in any significant negative effect on the environment and that a Negative Declaration is hereby issued; and be it further

RESOLVED, that the Planning Board Chairman is authorized to sign the Environmental Assessment Form.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2015-10 (continued)

Motion by Greenan, seconded by Mendola, to grant site plan approval for property located at 3601 Seneca Street to construct a 2-story, 15,000 sf office facility, paved surface parking, new utilities and landscaping, conditioned upon no permits being issued until a joint parking access agreement is entered into with the neighbor to the immediate east and said agreement shall be presented to the Town Attorney and recorded in the Erie County Clerk's office.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 8:30 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A. Felser

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY