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

WEST SENECA PLANNING BOARD
Minutes #2015-06
June 11, 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 Rathmann, seconded by Ciancio, 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 Rathmann, to approve Minutes #2015-05 of May 14, 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.

SPR2015-02 (continued)

Attorney Ralph Lorigo represented the petitioner and stated a wetlands delineation has been provided. The report states a review of the NYSDEC freshwater wetlands maps indicates no state regulated wetlands in the vicinity of the project. A review of the national wetlands inventory maps on the Erie County GIS website also indicates no wetlands resources mapped in the vicinity of the project. One acre of wetlands was determined to be on the property and a submittal has been made to the Army Corps of Engineers, but they believe there will be no action from them. Mr. Lorigo stated financing is in place for the project and they would like to move forward. He requested the Planning Board approve the site plan conditioned upon approval from the ACOE. He noted the site was a gas station at one time, so there was development there. Also, the parking lot has the potential interference with the wetlands, not the building location, and there are no navigable waters within the radius of the parcel.

Chairman Niederpruem stated the Planning Board is required to issue a positive or negative declaration based on the letter from the ACOE and they have been consistent with that on all projects.

Mr. Lorigo asked that a special meeting of the Planning Board be called if he can produce a letter in the next few days. The Planning Board agreed to accommodate with a special meeting if necessary.

Motion by Greenan, seconded by Rathmann, to table this item until receipt of a letter from the ACOE and call a special meeting at that time to address the site plan issue.

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.

Chairman Niederpruem stated a letter was received from the Army Corps of Engineers (ACOE) indicating .03 acres of wetlands on the site.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

SPR2015-07 (continued)

Motion by Greenan, seconded by Mendola, to adopt the following resolution issuing a negative declaration with regard to the project at 1290 Center Road:

WHEREAS, the Town of West Seneca received an application for site plan approval for property located at 1290 Center Road for construction of a new four unit townhouse with detached garages; 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 consistent 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.

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Mendola, to grant site plan approval for property located at 1290 Center Road for construction of a new four unit townhouse with detached garages, conditioned upon construction of a six foot fence along part of the westerly boundary that affects the single family dwelling to the west.

Ayes: All Noes: None Motion Carried

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.

Michael Flanigan of Stantec Consulting stated there are wetlands on the property, they have been delineated and the project will be disturbing some of them. Numerous conversations took place with the Army Corps of Engineers (ACOE) and NYS Department of Environmental Conservation (NYSDEC) and they will mitigate on site, but they do not have enough land to meet all the requirements. They have been in discussions with the West Seneca Environmental Commission and came up with a plan to provide funds for the town to enhance wetlands viewing areas and trails adjacent to

SPR2015-08 (continued)

the site. The ACOE and NYSDEC want to see the information and agreements with the town. A draft memorandum of agreement between National Grid and the Town of West Seneca has been prepared stating $80,000 will be given to the town for various improvements. This agreement was provided to West Seneca Environmental Commission Chairman Evelyn Hicks for her review and consideration. National Grid is open and amenable to corrections or changes to agreement.

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.

Chairman Niederpruem stated the Planning Board had received revised plans and a letter from Town Engineer David Johnson regarding engineering approval of the project.

Mr. Rathmann noted the survey/grading plan indicates perpendicular parking to the railroad tracks, but the site plan shows diagonal parking. He further questioned the westerly entrance that is 30′ wide and then reduces to 25′.

Code Enforcement Officer Jeffrey Schieber stated the Zoning Board of Appeals approved diagonal parking because the driveway is one-way, so perpendicular parking would not be functional. The ingress/egress is required to be 30′, but it can then reduce to 25′ for two-way traffic. The Town Code does not address the interior of a parking lot.

Mr. Rathmann was concerned about parking at Great Lakes Pizza backing out onto Indian Church Road. He further referred to the location of two warning posts for the petroleum pipeline and questioned the location of the building.

Mr. Schneckenberger stated no one actually parks that way and all the parking is perpendicular to the building and on the railroad land. The posts are on the railroad land and do not affect the building.

Mr. Mendola questioned if Town Engineer David Johnson had approved the drainage issues.

SPR2015-09 (continued)

Mr. Schieber responded drainage was conditionally approved with some mathematical errors in calculations.

Mr. Rathmann questioned transfer of the paper street Aurora Avenue.

Mr. Greenan stated the owner on both sides of the street is the owner of Aurora Avenue without further town abandonment.

Mr. Schieber noted the dumpster will have to be shielded from public view along with shielding the parking spaces on the west from the next door neighbor.

Mr. Schneckenberger responded the neighbor does not want a fence along the parking spaces, but he will put one up if required to do so.

Mr. Schieber advised some type of shielding is required for the parking spaces and it could be shrubbery instead of a fence.

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 issuing a negative declaration with regard to the project at 444 Indian Church Road:

WHEREAS, the Town of West Seneca received an application for site plan approval for property located at 444 Indian Church Road for construction of a single story office building; 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 consistent 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.

Ayes: All Noes: None Motion Carried

SPR2015-09 (continued)

Motion by Greenan, seconded by Mendola, to grant site plan approval for property located at 444 Indian Church Road to construct a single story office building, conditioned upon screening of the dumpster and westerly parking spaces and parking on the northeast shall be diagonal as indicated on the plan and in accordance with the variance granted by the Zoning Board of Appeals.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2015-11

A request from Concept Construction Corp. for site plan approval for property located at North America Drive (2400 ft. east of Ransier Dr.) for construction of a 14,000 sf one-story pharmaceutical distribution facility & paved surface parking lot.

Chairman Niederpruem stated this item is being referred to the Industrial Park Review Committee.

SPR2015-12

A request from Clinton Street Commerce Park for site plan approval for property located at 3254 Clinton Street for construction of a 10,000 sf warehouse with parking, driveway, utilities including stormwater management and landscaping.

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 letter from the Office of Parks Recreation & Historic Preservation (OPRHP), a short environmental assessment form, an engineer's report, a structural review drawing, a property survey and a complete site plan. A letter was also received from the NYS Department of Transportation (NYSDOT) indicating no impact on traffic.

Patricia Bittar of Wm Schutt & Associates represented the petitioner and stated their proposal to construct a 10,000 sf warehouse with associated parking. The warehouse is 50' x 200', 26' high and will be used for storage of construction related equipment and materials and periodic maintenance of construction equipment. Proposed access to the warehouse is from North Avenue which will be extended to the project site. The Zoning Board of Appeals granted a variance for the permeable stone surface. They are proposing to connect to an existing 8" public sewer along North Avenue and extend a

SPR2015-12 (continued)

combined fire and domestic service up North Avenue to provide service to a private hydrant and extend a one inch service into the building. This is under review by Erie County Water Authority (ECWA). Town Engineer David Johnson has given his approval of the proposed project and SEQR approval was received from the OPRHP stating they have no archeological concerns on the site. Earth Dimensions did a wetlands delineation and it is being submitted to the Army Corps of Engineers (ACOE). Ms. Bittar stated the proposed project does not disturb any part of the delineated area; the building, parking and detention pond are not located in the delineated area. The petitioner is proposing to take ownership of the paper street, North Avenue, and there is a memorandum of understanding with the neighbors.

Town Attorney John Fenz stated he is working on the transfer of ownership of North Avenue and does not foresee any problem with that.

Mr. Greenan stated there is more than ample room for the project without interfering with the wetlands. He suggested eliminating the wetlands area from the project so they can move forward without waiting for the response from ACOE.

Bill Bauer of Clinton Street Commerce Park stated they are subdividing the ten acres. They will continue to own a two acre parcel where the building will be constructed and will be selling the remaining parcel. Mr. Bauer agreed to withdraw from the project the portion of the parcel that contains wetlands.

Mr. Rathmann referred to the berm across the wetlands and Ms. Bittar responded the berm was eliminated as indicated on the revised plans.

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 issuing a negative declaration with regard to the project at 3254 Clinton Street as modified with removal of the wetlands area:

WHEREAS, the Town of West Seneca received an application for site plan approval for property located at 3254 Clinton Street for construction of a 10,000 sf warehouse with parking, driveway, utilities including stormwater management and landscaping; and

SPR2015-12 (continued)

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 consistent 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.

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Ciancio, to grant site plan approval for property located at 3254 Clinton Street for construction of a 10,000 sf warehouse with parking, driveway, utilities including stormwater management and landscaping, as modified with removal of the wetlands area.

Ayes: All Noes: None Motion Carried

2015-05

A request from Aaron Bartnicki for a rezoning for property located at 1053 Seneca Creek Road, being part of Lot No. 285, changing its classification from M-1 to R-65, to construct a single family home.

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 received a legal description, a survey and a letter from Edward and Alice Bartnicki stating their approval of the request for the rezoning. The property is 126′ wide x 2012′ deep. Only the existing house is in the R-65A zoning; the rear 1800′ is in the M-1 zoning.

Aaron Bartnicki stated his proposal to rezone his parents' property to construct a single family home on a separate parcel of their lot.

2015-05 (continued)

Mr. Greenan stated a flag lot can have 40' of frontage. The first 300' from the center line of Seneca Creek Road is currently zoned R-65A which allows single and two-family houses. If they rezone an additional 300' at the rear of the property it would be sufficient for the proposed house and won't block development of the industrial park.

Valerie Valent lives across from the property and questioned if it is legal for Aaron Bartnicki to apply for a rezoning when he doesn't own the property.

Chairman Niederpruem stated Mr. & Mrs. Bartnicki own the property and submitted a letter stating they are willing to subdivide the property to allow their son to build a handicapped accessible house.

Town Attorney John Fenz stated it is common practice for someone else to apply for a rezoning with consent of the property owners and it is not an impediment to the Planning Board voting on it.

Ms. Fallon expressed concern that the property could be taken over in the future by People Inc. for a larger facility.

Chairman Niederpruem responded the requested zoning is R-65 and a larger facility would require another rezoning.

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

Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Sherman, to recommend approval of the request for a rezoning for property located at 1053 Seneca Creek Road, being part of Lot No. 285, changing its classification from M-1 to R-65, to construct a single family home, noting the rezoning applies to the width of the property to a depth of 600'.

Ayes: All Noes: None Motion Carried

2015-06

A request from 1000 Queens Grant, LLC for a rezoning for property located at North Drive, being part of Lot Nos. 426 & 427, changing its classification from R-65 to R-50A, for construction of a 75+/- lot, 150+/- unit townhome development.

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

Ayes: All Noes: None Motion Carried

2015-06 (continued)

Chairman Niederpruem stated along with the application the Planning Board received a legal description, short environmental assessment form, a colored rendering, architectural plans and a site plan that has been filed in the Erie County Clerk's office.

Attorney Ralph Lorigo represented the petitioner and stated the 34+/- acre subdivision lies wholly in the Town of West Seneca but is accessed from Grant Blvd. and South Drive off Abbott Road in Lackawanna. The project originally put forth was not commercially viable, but the proposed project is commercially viable and leaves intact the prior subdivision map with a change in use to townhomes. Mr. Lorigo commented on the appealing appearance of the townhomes with two-car attached garages similar to Carla Lane, noting they will be 1600 to 1800 sf.

Mr. Greenan questioned if these are public highways and if there is a homeowner's association.

Mr. Lorigo responded they are public highways and there will be a homeowner's association for maintenance of the detention pond.

Chairman Niederpruem referred to the sanitary sewer connections and noted 75 service taps were approved.

Mr. Lorigo understood that former Town Engineer George Montz had banked sewer taps for this project. He further stated they are willing to do 4:1 remediation and understood there is capacity.

Code Enforcement Officer Jeffrey Schieber stated the project lies in Erie County Sewer District #3 so the town is not involved.

Mr. Mendola expressed concern about water coming from Lackawanna via 6" watermains and stated this will have to be addressed by the engineers.

Mr. Greenan questioned the dotted lines through the middle of the subdivision lots.

Mr. Lorigo responded the townhouses are sold as single units and the dotted lines indicate the center line of the townhouse.

Mr. Greenan further stated 50' frontage is necessary to sell a single family lot.

Code Enforcement Officer Jeffrey Schieber stated the lots are 65' wide and 60' is required for 2-family homes.

2015-06 (continued)

Chairman Niederpruem commented the proposed project mirrors Carla Lane and those units were sold individually.

Karl Spencer referred to Section 13 of the short environmental assessment form which indicates "yes" for wetlands regulated by state, federal or local agencies and questioned how this is being resolved.

Chairman Niederpruem stated the wetlands were delineated in 2011-2012 and approval was received from the Army Corps of Engineers.

Lana Hames commented on the downward spiral of plans for the property over the years. It originally started as luxury homes, then nice homes on large lots, then 83 single family homes, then some would be doubles, and now 75 buildings with 150 units, 300+ cars and a transient population. She did not agree this was a viable project and stated it doesn't fit into the community. Many of the surrounding residents have lived there for over 90 years and the developer doesn't have a vested interest like they do. The residents of North Drive were told they would not be affected, but eight of the buildings are in front of her front door. Mrs. Hames stated the project will destroy the natural environment they now enjoy and she was concerned about other issues such as the power lines, Route 219 and the wetlands. She asked the Planning Board members to visit the site prior to voting on this rezoning.

Mr. Lorigo responded many people look for this type of housing and it is not transient living. They are single family, owner occupied units and are much better than two-family housing. The cost is in the $189,000 range and they will raise the level of housing in that area.

Mr. Sherman questioned if there will be stipulations in the homeowner's association guidelines that will prohibit someone from buying a townhome and then renting it out.

Mr. Lorigo responded there will be no prohibition on renting, but he did not think that would happen because that is not why people buy single family homes.

Linda Chadwell questioned if there will be a house behind her home on North Drive and if the wetlands will be affected by any homes. She further asked the Planning Board to deny the rezoning and maintain their peaceful, quiet neighborhood.

Mr. Lorigo indicated the location of the proposed townhomes and stated there will be no impact on the wetlands. The subdivision map was already approved and they are now trying to enhance the project.

2015-06 (continued)

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Nigro, to recommend approval of the request for a rezoning for property located at North Drive, being part of Lot Nos. 426 & 427, changing its classification from R-65 to R-50A, for construction of a 75+/- lot, 150+/- unit townhome development.

Ayes: (4) Mr. Mendola, Mr. Nigro, Mr. Ciancio, Chairman Niederpruem

Noes: (3) Mr. Greenan, Mr. Rathmann, Mr. Sherman Motion Carried

2015-07

A request from Forbes Capretto Homes for a rezoning for property located at 75 Schaefer Road, being part of Lot No. 421, changing its classification from R-75 to R-50, for construction of a 14+/- building, 56+/- unit townhome development.

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 deed description, a full environmental assessment form, a short environmental assessment form, a rendering of the buildings, a proposed layout and a property survey.

Attorney Ralph Lorigo represented Forbes Capretto Homes and stated their proposal to develop 25.59 acres on the westerly terminus of Schaefer Road. He presented google area maps showing the location and stated the current zoning allows for a single family subdivision with accessory uses. The proposed development is a cluster development, owner occupied and will be served by private infrastructure. There will be a homeowner's association that restricts certain activity and maintains properties and lawn areas. The cluster design will provide passive green space to existing homes in the Heritage Farm Subdivision and preserve 75 percent of the treed area on site. Development will only occur on the eastern side of Smokes Creek. None of the land on the western side will be impacted and will retain its character for its beauty and wildlife preservation. The cluster development proposal is a lower density option and meets all the town's bulk area requirements. The developer is agreeable to hold an open informational meeting with residents to discuss the project. Mr. Lorigo noted the Heritage Farm residents that abut the property have been using a 30' strip of land for

2015-07 (continued)

sheds, etc. The developer has been in negotiations with the owner of the 30' strip and is attempting to work out a trade. He is offering some of his westerly property in exchange for the 30' strip and then will donate the land back to the homeowners on Heritage Farm. The development will be 95' to 105' from the rear property lines of the Heritage Farm properties and will not have a substantial impact on neighboring properties. Mr. Lorigo stated the land will be developed and they want to develop it in the best way, noting that townhouse dwellers are typically empty nesters so the utilization is not the same as for a residential subdivision.

Chairman Niederpruem stated he walked the entire parcel and parts are buildable, but the #1 issue is access which is only 30'. He questioned how emergency vehicles will access the parcel and construction of a private water system, noting the road that goes to the west goes through a gulley on the side of a cliff and is quite an embankment. Chairman Niederpruem commented this is a nice piece of land and is zoned for residential, but access is a problem.

Mr. Lorigo stated the plans show access with the road bumped out at the turn. The developer is confident that emergency vehicles will be able to access the development. They are proposing a less dense development than a subdivision and he understood the residents prefer the land to be vacant, but the developer owns it and plans to make use of it. They believe the cluster type development is best because a great portion is green area and 75 percent of the trees will be saved.

Mr. Mendola commented that taking the 90 degree bend off Schaefer Road is a dangerous situation and the elevations of the site are drastic.

William Tuyn of Capretto Homes stated they intend to soften the grades and slopes and it is not impossible to do. He did not believe the use will generate a lot of traffic or that wildlife will be displaced since the creek will be maintained in its natural state and 42 percent on the east side is left in its natural state.

Debbie Norman stated her house is on the curve on Berg Road and commented on the heavy traffic. She suggested a traffic study be conducted.

William Swart also commented on the dangerous situation with traffic and did not believe they could handle any additional vehicles.

Tim O'Brien stated his home is on the south side of Schaefer Road near the guardrail and expressed concern about access to the property, the traffic situation, emergency vehicles and plows maneuvering and children walking to Berg Road for the bus, noting there are no sidewalks and the buses can't come down the road.

2015-07 (continued)

Mr. Lorigo indicated on the plan the location of the road and stated they will have to show that emergency vehicles can maneuver.

Chairman Niederpruem stated the right-of-way is 66′, but they are only using the West Seneca side.

Duane Held commented on the traffic and was concerned the development will cause more accidents. He also expressed concern with wildlife being displaced and property values decreasing.

Ted Kendziora stated Schaefer Road is only 24′ wide and with parking on one side there is no room for traffic to travel.

Michael Tenhagen did not believe the proposed project was ideal for the neighborhood and would be more in favor of single family homes. He commented the proposed development will affect his living space and was concerned there will be signs on his property. There also is no place for cars to turn around and they back into the guardrail. Mr. Tenhagen questioned if overflow parking from the development will park on Schaefer Road and was concerned with a substantial increase in traffic.

Chairman Niederpruem stated parking will be addressed in the site plan review process and a traffic study will be required.

Darren Kolek was also concerned about traffic and the safety of children. He commented the slope on Berg Road is a problem in the winter and making a left onto Schaefer Road is difficult, noting more traffic volume will cause accidents.

Denise Connor stated her children were once able to walk down the slope to the creek, but it has continually deteriorated over the years.

Maryann Grenda questioned what will happen with the infrastructure and crumbling bridge on Berg Road and was concerned about traffic, noise pollution and wildlife being displaced.

Nicholas Anner was concerned with stewardship of the land and stated single family homes dominate the area. He was uncomfortable with a homeowner's association being a steward of the land.

James Stabler commented on the traffic problem trying to pull out of Heritage Farm subdivision onto Berg Road. He was also concerned about having a 2-story, 4-unit building, 80′ to 100′ wide in his back yard and runoff from the property.

2015-07 (continued)

Guadalupe Stabler wanted to preserve the integrity of her neighborhood.

Mr. Lorigo stated Forbes Capretto is a good developer and has done a number of these types of developments. He understood there are always a lot of questions and asked the Planning Board to table this item so he can make a presentation to the neighbors. Mr. Lorigo thought the project could be engineered and a cluster development was best for the site.

Code Enforcement Officer Jeffrey Schieber noted the project had not yet gone for SEQR so they had not received any comments from outside agencies.

Motion by Greenan, seconded by Mendola, to deny the application for configuration of the proposed development and adjourn this matter until a revised rezoning application is submitted.

Ayes: All Noes: None Motion Carried

2015-08

A request from Resetarits Construction for a rezoning for property located at 2544 & 2602 Clinton Street, being part of Lot Nos. 1, 2 & 34, changing its classification from M-1 to C-2 & R-50A, for office space and construction of a private townhouse development.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a deed description for two parcels, a short environmental assessment form, property surveys, a proposed layout of the development and building elevations.

Attorney Ralph Lorigo represented the petitioner and stated the project involves three parcels (3.27 acres, 11.12 acres and 6.25 acres) totaling 26 acres. They plan to rehabilitate the mansion on the 3.27 acre parcel while maintaining its character and change the zoning to C-2 for office and retail space. There is substantial green area along with a creek and very little residential development surrounds the property. The existing house will be taken down. On the 11.12 acre parcel, they plan to construct three 16-unit apartment buildings (16 one bedroom, 16 two bedroom and 16 three bedroom units) with 104 parking spaces and three 8-unit townhouse buildings with 56 parking spaces. There will be a 3700 sf community center building in the front which will contain a large community room, laundry area, pantry and kitchen area along with

2015-07 (continued)

a managerial office and manager on site during business hours. Outdoor recreational facilities will include a basketball court, gazebo and numerous trees and plantings. No development is planned for the 6.25 acre site at the present time and the cemetery is interested in purchasing it. The developer plans to make application for financing and will be seeking treatment in accordance with Real Property Tax Law 58-a. The probabilities are the property will become a mixture of fair market value rental and median income rentals. There is no HUD involvement and no federal funding. About 20 percent of the project will be at fair market value rentals, another 20 percent will be at 80 percent of the median income and 60 percent will be at up to 60 percent of the median income. The current median income for Erie County/West Seneca for a one-person household is up to $37,920 for 80 percent and $26880 for 60 percent. Mr. Lorigo commented there is a substantial need for this type of development and many communities have college kids that start a job at a lower pay scale and are interested in this kind of housing. He noted the developers' other successful projects and the close proximity of this project to other amenities and the NYS Thruway.

Mr. Greenan stated the rezoning is for a townhouse development and they will need to know the dimensions. He did not believe this concept plan was mature enough.

Mr. Lorigo stated there are dimensions on the boundary survey of the property. They are looking for a rezoning for use of the property and will then come back for site plan approval that will have more specifics.

Mr. Greenan responded he did not want to vote on a project and then have the developer come back with a single family subdivision proposal.

Mr. Rathmann commented the plan seems rigid and does not take advantage of the beauty of this site, noting the apartment buildings are two-story and will create a wall along the creek.

Architect AJ Coppola stated they like to bring the amenities to the front of the project for people driving by to see. There is also a private area in the back developed as another amenity area and trails along the creek area. He offered to work with the Planning Board on the project design.

Mr. Mendola questioned if the area flooded last year.

Patricia Schrieber, corporate property manager for Buffalo Crushed Stone, stated the property has never flooded.

Civil Engineer Lowell Dewey noted the 100 year flood plain elevation hugs the top of the creek bank and does not expand.

2015-07 (continued)

Carol Huth lives directly across from the vacant property and commented the neighbors were not notified of this rezoning request. She expressed concern about increased traffic and questioned if Clinton Street would have to be widened. Ms. Huth suggested a traffic study be done, had water and sewer concerns and questioned snow removal and where it will be put. She noted there are no sidewalks in the area, there is a lot of farmland and wildlife will be displaced.

Tammy Tibollo was concerned for the safety of children with increased traffic. She also had drainage concerns and questioned what the proposed development will do to their property values. Mrs. Tibollo wanted to maintain green space and suggested the project relocate to one of the other lots on Clinton Street that has been for sale.

Evelyn Hicks supported rezoning the 3.27 acre parcel but suggested the petitioner apply separately for that rezoning. She commented on the number of parking spaces for that project and questioned if that many were necessary for the proposed use. Mrs. Hicks expressed concern with rezoning the 11.12 acre parcel to R-50A. The existing zoning in the area is R-100 which is single family, owner occupied housing and she felt they should be consistent with that and consider the Master Plan. Also, there should be no negative impact on the creek from the project and she objected to the two buildings in the back being less than 100′ from the stream bank, noting the buffer zone should be at least 100′ or more. Mrs. Hicks asked that the Planning Board consider this along with how many houses would be allowed in the R-100 zoning. She questioned if rental units will enhance the area, especially the density being proposed.

Mr. Lorigo stated the R-100 zoning is for an agricultural district and under the current M-1 zoning they could put a manufacturing plant there.

Motion by Greenan, seconded by Sherman, to table this item until there is enough information to make a decision with regard to the environmental impact of the project.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Mendola, to adjourn the meeting at 9:55 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A Felser

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD SECRETARY