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
Gerald Greenan
Joseph Ciancio
Anthony Nigro
Jim Rathman
Joseph Sherman
Jeffrey Schieber, Code Enforcement Officer
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 Greenan 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 Sherman, to approve Minutes # 2014-05 of May 8, 2014

Ayes: All **Noes: None** **Motion Carried**

Old Business Communications

SP2014-006

A request from Lista Auto Sales for an automotive special use for the sales of used automobiles on 3.6 acres of land located at 2756 Transit Rd. currently zoned M-1 for repairs but not for the sales of automobiles.

Chairman Niederpruem stated this re-zone was tabled from the previous meeting because the board had concerns with the site.

Motion by Mendola, seconded by Rathman to open the public hearing
Ayes: All **Noes: None** **Motion Carried**

Oliver Twist the owner of 2756 and 2738 Transit Rd stated that the clean up of the property has been taking place. He is disposing of 12 yards of debris each week, in effort to clean the property. He also stated the back of the property is where the construction vehicles he uses are parked and also where he constructs sheds for purchase. Mr. Twist further commented that the front of the property would be for the sale of vehicles only and the vehicles would be kept of Transit road with a grassy area between Transit Rd and the parked cars.

Mr. Mendola questioned what areas of the property specifically Lista Auto Sales is requesting to re-zone.

Mr. Twist stated the re-zone would be 245ft in front of building and 300ft back, as it was zoned M1s for automotive care, collision and other activities in 1987.

Mr. Twist also stated there would be no more than 36 vehicles at one time and the footage would also allot for customer parking.

SP2014-006 Continued
Mr. Greenan stated that if Mr. Twist has continued automotive repair in the back of the property the (s) zone is still applicable therefore the front of the building could be re-zoned to M1s conditioned upon and limited to 36 vehicles at one time for sale.

Motion by Greenan, seconded by Mendola to close the public hearing.
Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Mendola to grant special use M1s with the depth of 300ft from the center line of Transit Rd., conditioned upon showing no more than 36 vehicles, and conditioned upon the clean up of the rear of the property within a reasonable amount of time.

On the question, Mr. Sherman requests a definitive time frame.

Mr. Greenan stated that the building inspector can monitor the progress to make sure it is being done and continually until completed to the standard of the building inspector.

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.

Motion by Mendola, seconded by Ciancio to open the public hearing.
Ayes: All Noes: None Motion Carried

Mr. Metzger stated that application and SEQOR documentation was submitted. Information was sent to all involved agencies, the project is past the 30-day commentary for SEQOR.

Chairman Niederpruem stated the board still had issues with the project. One issue is the flood plain and the construct-ability of anything within the flood plain i.e.: the detention basins.

Mr. Metzger stated the minimal amount of work that would be done in the flood plain, would be with in the flood plain and not the flood way itself. Work can be done homes, and water detention ponds can be built with in the 100 year flood plain. Mr. Metzger further stated that when FEMA does the analysis work for the 100 year flood plain and establish base flood elevations they assume the entire flood plain at some point will be filled. The work that would take place at this site would not come close to having an impact on the base flood elevation. There is 2 lots shown that the lower home on lot 11 will be built outside the limits of flood plain and lot 10 would partially built on the flood plain. The detention pond proposed on the plan could be built so the waters would not intermix with the 100 year flood waters from Buffalo Creek. The detention ponds will be “wet” detention ponds and would always hold water, and would be built by “green” standards.

Mr. Greenan stated he has a continuing problem with towns' ordinance as it applies to this type of development, and how the ordinance was written in 1962 and passed in 1962, for example the town ordinance lists a “private road” as a “public road”. So if you look at the private road and comply with the R-50 zone it will not prove to be true. Every lot size calculation is dependent upon private road whose frontage is the middle of the “road”. Mr. Greenan also questioned if there could be a plan that would clearly show that it fits the towns’ ordinance.

Mr. Metzger commented that the use of R-50(s) zone that the towns follows as he understands it to allows for this type of projects to follow more of a site plan review process. Mr. Metzger further stated he understands that the lot lines showing on the plan are not necessarily lines that would become true parcel lines. The lot lines are there to give special recognition as to were the homes would be in relation to each other, and as if the homes are on a single parcel.

SP2014-004 continued
The lot is five acres in size, the code states you have to have 8,000 sf per home, so there could be 27 homes on the concept plan. The plan shows 20 homes so based upon that criteria and established practice of how the town handles these types of projects, Mr. Metzger felt he was well in compliance. Mr. Metzger commented on the traffic concerns and had worked with the DOT and they do not feel that the traffic would be detrimental to Clinton St. Mr. Metzger also commented on the community character of the homes as they are single family homes and is consistent with the single family homes that already exist.

Motion by Mendola, seconded by Ciancio to close the public hearing.
Ayes: All **Noes: None** **Motion Carried**

Motion by Greenan, seconded by Mendola to table the project until the component comes back with a specific plan that is subject to "s" zoning and that complies with the town's ordinance either as currently in effect or in effect at the time that the final plan is approved.

On the question, Mr. Greenan stated he would like to see the site plan review be clearly outlined and then the re-zone to take place with these types of projects.

Ayes: 5 **Noes: 1** **Motion Carried**

SPR2014-005
A request from DePaul Properties to rezone from R-75 to R-50(s) for property located at 2412 Seneca St. in the Town of West Seneca for a 100-unit, 3-story apartment complex.

Chairman Niederpruem stated that a meeting took place with DePaul and the residents of the surrounding area of the proposed parcel. The meeting took place on June 4, 2014; the board would like to hear the outcome of the meeting. There were several pages of comments from the residents from last months meeting.

Motion by Mendola, seconded by Rathman to open the public hearing.
Ayes: All **Noes: None** **Motion Carried**

Joe Gibbons of SWBR Architects along with Gillian Condi, Marc Fuller of DePaul Properties Inc. and Bob Steeler, civil engineer. Mr. Gibbons stated that a meeting was held at the Southgate Plaza on June 4, 2014 with DePaul Properties, about 50 people attended the meeting, approximately 800 letters were sent out from DePaul Properties and the meeting lasted 2.5 hours. Gillian Condi explained the nature of the facility, the screening process for each of the tenants.

Chairman Niederpruem stated the main concern of the residents in the area is the type of clientele that would be occupying the apartment complex.

Gillian Condi VP of DePaul stated that the complex is a 100 unit, 96 one-bedroom and 4 two-bedroom apartments. Case Management will be provided for 75 of the apartments tenants. There would be an income eligibility of $27,000 or less per year for a single person home and $33,000 or less for a family. However if the residents begin to earn more they would not have to move out. There will be a person at the front desk 24/7 and card key access is required by all tenants for the front door. Ms. Condi further stated DePaul held 4 communities meeting regarding this project, one of the meetings was a tour of an existing site at 2704 Seneca street, which has the same funding and case management on site. The building was open for the meeting and the public was able to tour the facility and meet the staff and residents. DePaul did two community mailers, the first mailer was to 317 residents, received from the Town of West Seneca based on the requirement of distance, and the second mailer was at the request of the Planning Board which reached out to an additional 500 addresses, to total 817 mailers to home owners. At all the community meeting DePaul thoroughly went over the 6 point back ground check on every tenant, application process, lease agreement, eviction process, and the drug free, crime free addendum for each tenants to sign.

SPR2014-005 Continued

Ms. Condi further stated at each meeting DePaul assured the community that they will not serve persons that are sex offenders or felons in our housing. DePaul shared all the 911 calls from the facility at Seneca Street with the West Seneca Police Department for full review, which resulted in the support of the site, that it did not increase crime, and does not burden town services, in fact it was said the calls were pro-active. DePaul Properties a not for profit organization, has agreed to pay the Town of West Seneca a PILOT (payment in lieu of taxes) for $20,000 annually.

Mr. Sherman questioned the DePaul website and the addiction prevention and mental health in residential treatment services provided. Mr. Sherman further questioned if this facility would be categorized at a SPMI facility (Serious and Persistent Mental Illness)

Mr. Condi stated that should a tenant feel the need to get help and as a preventative measure DePaul can provide services to them. DePaul does not allow people with current addiction issues to live in the facility.

Marc Fuller further stated the addiction prevention on the website was an educational program in Monroe County, mainly for school districts and the community. Mr. Fuller stated that 2412 Seneca St facility would be categorized as a SPMI facility

Mr. Mendola questioned the case management services.

Ms. Condi stated that the tenants that would have a case manager would work with them on a set plan, whether it would be to go back to school, change jobs, or look for a new job. Each case would be different to fit each individual tenants needs. If a tenant needed any type of treatment medically, they would go off site. DePaul offers vocational programs to the tenants and has been successful with the outcome.

Questions from the Public:

Sandy stated the building is right in her back yard and will not have privacy any longer. She has young grandchildren and is concerned for their safety.

Jason of Burch Ave has five children and there are a lot of children in the neighborhood. He is concerned with their safety.

Linda of Burch Ave. stated she has gone to all the meeting and feels this will make the neighborhood better and the facility is beautiful.

Art of Burch Ave concerned with the traffic on Grace St and the parking. Is not opposed to the building.

Chairman Niederpruem stated Grace St. is an emergency access point and can not be altered.

David of Edson is for the project and believes it would be great for the community and area.

Louie of Wildwood believes it would be a great asset to the community. He believes that these people deserve a second chance and to better themselves.

Mike of Edson stated the area proposed is the densest population in West Seneca and is opposed to the project.

Ben of Edson stated he is opposed to the project.

SPR2014-005 Continued

Motion by Greenan, seconded by Rathman to close the public hearing.
Ayes: All Noes: None Motion Carried

Motion by Greenan, seconded by Ciancio that the application for special use zoning be granted for multiple dwelling.

Ayes: 6 Noes: 1 Motion Carried

On the question, Mr. Greenan asks that the Planning Board recommends the site plan to the Town Board for approval

Motion by Greenan, seconded by Ciancio to grant preliminary site plan approval contingent upon the Town Boards approval and SEQRA
Ayes: 6 Noes: 1 Motion Carried

Motion by Greenan Seconded by Ciancio that the Town of West Seneca Planning Board has determined that the proposed action is not anticipated to result of any significant negative effect on the environment and that a Negative Declaration is hereby issued
Ayes: 6 Noes: 1 Motion Carried

New Business Communications

SPR2014-006
Request from Terrance Reese of Lien Rd. Properties for site plan approval for storage buildings, located at 248 Lien Rd.

Chairman Niederpruem stated the Planning Board received the application, letter from the owner, Short Form Environmental assessment form, property site survey, rendering of storage structure, and a site plan.

Motion by Greenan, seconded by Rathman to close the public hearing.
Ayes: All Noes: None Motion Carried

Terrance Reese stated he would like construct permanent storage facilities. He also stated that there would be minimal traffic in and out of the property as the storage units are for his own personal use for his company.

Motion by Rathman, Seconded by Mendola to approve the site plan as submitted for 248 Lien Rd.

Ayes: All Noes: None Motion Carried

SPR2014-007 Clinton Street Addition
A request from Marty Monaco of Shell Fab & Design at 2855 Clinton St Inc. to construct a 10,000sf building addition, additional driveway and parking area.

Chairman Niederpruem stated the Board received a request for concept approval for a building expansion at 2855 Clinton St. The engineering department had also drafted a referral for site plan for zoning and a drafted Short Form Environmental Form

SPR2014-007 Continued
Robin from William Shutt & Assoc. represented Marty Monaco stated the project proposed is a 10,000sf addition to existing building, along with additional driveway and parking area. Construction would include two stream crossing using pre-fabricated structures. The water, sanitary, and other utilities to the new building to be connected from existing building services. The driveway would give access around the building for deliveries and material.

Chairman Niederpruem commented on the concern of the neighbors.

Robin stated there would be landscaping would be done.

Jeffrey Schieber the town code enforcer commented the driveway could be for fire code ordinance.

Mr. Rathman commented on the ox-bow.

Robin stated the ox-bow would not be disturbed.

Motion by Greenan, seconded by Rathman to close the public hearing.
Ayes: All Noes: None Motion Carried

Sandy Krawczak of Clinton St. stated that her property runs directly next to the existing building. She stated she had not been made aware of this construction. She brought pictures to show the board of the debris left outside. She had complained to the town about the back section of the building to the creek of all the debris that has been thrown there. There are 3 dumpsters are left open and completely full. She also feels they are not following codes or regulations. She feels the area is not being monitored as it should be.

Chairman Niederpruem stated that the dumpsters could be possibly moved and far as way from neighbors as possible and will look into Ms. Krawczak's issues. Chairman Niederpruem further stated the purpose of the addition is to clean up the site and to store the large slabs of counter tops inside.

Mr. Mendola questioned if there is a way to check the old variances, or building's additions.

Jeffrey Schieber stated there is no limit on dumpsters, just to “shield from public view”

Mr. Monaco stated the reason for the addition is to store the re-usable granite counter tops inside. He further stated the site would be cleaned up and the dumpsters will be moved out of site of the neighbors.

Robin stated there had been no illegal dumping, the materials they use are natural materials and can be disposed to in to the creek bed to help with erosion.

2014A
Subdivision pre-application approval for parcels at the end of Chancellor Lane.

Chairman Niederpruem stated the board received a letter from the owners of the land, the conceptual plan.

Vince and Nick Croglio the owner of the land at the end of Chancellor Lane proposed to build 40 single family home lots, included sanitary sewers, storm drains, water retention, and roadway site grading.

Chairman Niederpruem stated Chancellor Lane is part of the Princeton Estates subdivision off of Fisher Rd.

Nick stated the guard rail at the dead end would be opened up directly into the proposed subdivision. Chancellor Lane would be the only access road into the subdivision. The subdivision boarders property by Berg road and no access is available. The is minimal wet lands and should not be an issue, there is no trees on the property.

2014A Continued

Nick stated the lots will be in the $300,000 range. He stated they would develop the property and then it would be available to builders only, therefore it would be a controlled concept plan.

Motion by Rathman, seconded by Mendola to approve pre-application approval for site plan for Croglio Estates.

Ayes: All **Noes: None** **Motion Carried**

Chairman Niederpruem stated the board received a request from Benderson Development for a 1 year extension of the site plan approval for the SPCA project from June 2012.

Ayes: All **Noes: None** **Motion Carried**

Motion by Ciancio, seconded by Sherman to adjourn the meeting at 8:04pm

Ayes: All **Noes: None** **Motion Carried**

Rachael E. Kruszka

Rachael E. Kruszka
Planning Board Secretary