

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

WEST SENECA PLANNING BOARD
Minutes #2014-11
November 13, 2014

Chairman 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
James Rathmann
Joseph Sherman
Jeffrey Schieber, Code Enforcement Officer
Charles Grieco, Attorney for the Town

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 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 #2014-10 of October 9, 2014.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2014-13

A request from Sean Hanley for a special permit for property located at 1290 Center Road, being part of Lot No. 225, changing its classification from R-60A to R-60A(S), for construction of a new 4-unit townhouse with detached garage.

Chairman Niederpruem stated along with the application the Planning Board received a property survey, legal description, short environmental assessment form, site plan and rendering of the building.

2014-13 (continued)

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

Ayes: All

Noes: None

Motion Carried

Sean Hanley stated his proposal to build a 4-family townhouse on a vacant 100' wide x 250' deep lot at 1290 Center Road. The building will be four units and two stories, similar to the recent townhouse built on Orchard Park Road, with a five car garage. The estimated cost of construction is under \$300,000. If approved, a site plan will follow with whatever is required for screening.

Mr. Mendola referred to the townhouse building on Orchard Park Road and stated the Planning Board had asked for something on the side to dress it up, yet nothing has been done.

Mr. Hanley responded it is in their plans and they intend to provide screening.

Mr. Nigro questioned if a dumpster will be utilized and where it will be placed. Mr. Hanley responded that he would like to use the town's totes if allowed.

Mr. Greenan questioned if there will be a homeowners' association and Mr. Hanley responded there will not be. Mr. Greenan further questioned if any variances are required and Code Enforcement Officer Jeffrey Schieber advised none are required.

Mr. Rathmann commented the building is attractive but it does not face Center Road. He suggested a barrier of fencing or natural plantings between the townhouse and the house next door. Mr. Rathmann further questioned if a tree survey had been done.

Mr. Hanley responded he will be submitting a full site plan for approval after the special permit is approved by the Town Board.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Ciancio, to recommend approval of a special permit for property located at 1290 Center Road, being part of Lot No. 225, changing its classification from R-60A to R-60A(S), for construction of a new 4-unit townhouse with detached garage.

Ayes: All

Noes: None

Motion Carried

2014-14

A request from Martin Wagner for a special permit for property located at 3225 Seneca Street, being part of Lot No. 124, changing its classification from C-2 to C-2(S), for motor vehicle repairs.

Chairman Niederpruem stated along with the application the Planning Board received a legal description, short environmental assessment form, survey and a site plan.

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

Ayes: All

Noes: None

Motion Carried

Martin Wagner stated his father ran a small body shop at 3225 Seneca Street for many years and his brother took over after his father retired. The business has been closed for 12 years and he would like to now reopen it. There are four bays in the building, no lifts. Mr. Wagner has painted the building and plans to blacktop the driveway. He will be working alone for now and will add an employee if the business grows.

Mr. Mendola questioned if there will be a sprinkler system installed and Code Enforcement Officer Jeffrey Schieber responded it is not required for something this small in use.

Mr. Sherman questioned if there will be a spray booth and if explosion proof switches will be installed.

Mr. Wagner responded there is a small spray booth in the building and it has the proper fans and filters. He will install explosion proof switches.

Chairman Niederpruem commented he would prefer the building be active rather than closed up. Mr. Ciancio agreed and stated the building has been an eyesore for many years and any improvement is good.

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 recommend approval of a special permit for property located at 3225 Seneca Street, being part of Lot No. 124, changing its classification from C-2 to C-2(S), for motor vehicle repairs.

Ayes: All

Noes: None

Motion Carried

SPR2014-10

A request from Angelo Licciardello for review of a concept plan for a 10,500 sf strip plaza at the northeast corner of Leydecker Road & Southwestern Blvd.

Chris Wood of Carmina Wood Morris represented Angelo Licciardello and stated his proposal to develop the 1.3 acre vacant parcel at the northeast corner of Leydecker Road & Southwestern Blvd. for a strip plaza including some type of restaurant with drive-thru window. Mr. Licciardello has a contract to purchase the property and has developed similar parcels in Rochester. The drive-thru will have 14 stacking spaces and there will be 50 on site parking spaces. There is room for an additional 21 spaces in the back, but Mr. Licciardello believes 50 is adequate for the development. There will be green space and existing vegetation as a buffer in the back. No variances are required.

Mr. Sherman questioned the typical tenants for this type of development and Mr. Licciardello responded restaurants, hair salons and "Mom & Pop" type businesses. Mr. Sherman questioned if he anticipated a Tim Hortons locating here and Mr. Licciardello responded he did not.

Mr. Mendola questioned the buffer area to the north and Mr. Wood responded he wants to keep the existing vegetation and add to it or add a fence. He was willing to work with the surrounding property owners.

Chairman Niederpruem noted this item was before the Planning Board for discussion only at this point and no SEQR had been filed yet. He thought the plan appeared good, but commented on the topography and wetlands on the property.

Mr. Wood stated they will work around the wetlands or mitigate.

Chairman Niederpruem noted the property is currently zoned C-2 and the proposal fits that zoning.

Mr. Sherman commented the speed limit on Southwestern Blvd. is 55 mph and it is difficult to make left turns out of Leydecker Road. He suggested the NYSDOT be contacted with regard to the traffic patterns.

Mr. Wood responded the NYSDOT will be contacted during the SEQR process.

Mr. Ciancio questioned what other businesses were planned other than a restaurant and Mr. Wood responded it will be set up for a possible restaurant but there is nothing specific planned yet.

SPR2014-10 (continued)

Mr. Rathmann commented on the 10' parking setback on the east side and stated the parking goes over the line. Southwestern Blvd. would also require a 20' setback. Code Enforcement Officer Jeffrey Schieber stated the building setback is 40' and an additional 10' is required if there is parking in front of the building.

Mr. Rathmann further commented it looks like a 10' to 15' grade change. There are wetland soils on site and a tree survey is required for anything 4" or larger.

Chairman Niederpruem commented that headlights will shine into 24 In the Woods Lane.

Mr. Ciancio stated there is no screening of the detention basin in the front along Leydecker Road and it could become unsightly.

Mr. Wood responded it will be a dry detention basin and it is to the owner's benefit to keep it looking nice.

Mr. Mendola questioned the guardrail and Mr. Wood responded it ends before the driveway.

Chairman Niederpruem stated he is not keen on having a parking bank because the Code Enforcement Officers would not be able to enforce it.

Mr. Licciardello responded it will be to his benefit to install additional parking if needed.

Robert Mortellaro, President of In the Woods, referred to the buffer and stated it is not much more than brush now and there is not room to put much more in with the additional cars. He sees very little green space and no room to replace trees. Mr. Mortellaro further stated the detention basin doesn't look like it will handle much water and the pond in the back has had problems since the golf course was built. Traffic is also a problem and an additional driveway will cause more problems. A traffic signal is needed now at Leydecker Road and Southwestern Blvd.

Chairman Niederpruem stated the project will have to go for SEQR review and there will be comments on safety, traffic flow, etc.

Margaret Armbruster stated she and her husband owned the property at the corner of Leydecker Road and Southwestern Blvd. and years ago divided it into four parcels. In the Woods townhouses was developed on one parcel, another parcel was sold to Dennis Boyle for apartments, another parcel was sold to a Leydecker Road property owner, and the corner parcel was left as commercial. The Army Corps of Engineers had done a wetlands study and determined the wetlands was the pond; there were no

SPR2014-10 (continued)

wetlands on the corner lot or in the townhouse development. Mr. Licciardello is a potential buyer, has a good history in Rochester with this type of development and it is a good fit for the property. Mrs. Armbruster referred to the comment about headlights shining in 24 In the Woods Lane and noted they have no windows on that side of the house.

Marlene Lindsay, 14 In the Woods Lane was concerned with how a restaurant with drive thru will impact the residential area with lights shining in their homes, cars idling with exhaust fumes and noise. She further commented on the traffic congestion in the area.

Mr. Greenan stated this is not a request for a rezoning. The plan conforms with the ordinance and if a proper site plan is presented they will have no choice but to grant permits.

Chairman Niederpruem suggested the developer come back with a site plan that works and take into consideration the neighbors' concerns.

SPR2014-11

A request from Jonathon Schmid for site plan approval for property located at 1777 Union Road for construction of an 8776 sf addition.

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form, a detailed letter of request and set of plans that includes drainage, a rendering of the front of the building and other details.

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

Ayes: All

Noes: None

Motion Carried

Attorney Ralph Lorigo clarified the address of the property is actually 1801 Union Road and involves a two acre parcel, 320' frontage x 300' depth. The property is zoned C-2 to the first 200' and M-1 beyond that and is properly zoned for machine tool or farm garden equipment sales, rental or service providing the service portion is conducted inside. The existing building is 4300 sf and the new building will be 8800 sf; a 126' x 70' concrete block building. Sunbelt Rentals is the second largest machine tool rental company in the United States with 600 locations throughout. They have all kinds and sizes of tools that they rent to small contractors and homeowners. Hours of operation are Monday – Friday, 7 A.M. – 5 P.M., no evening hours, and they are closed on weekends. Mr. Lorigo commented this will be a substantial addition to the town tax base. The Zoning Board of Appeals felt the chain link fence in the front should be

SPR2014-11 (continued)

more decorative, so there will be an architectural fence in the front and chain link fence along the other three sides. There is an existing green area in front of the fence and there will be small islands with green space throughout. There is storage of vehicles only in the M-1 portion of the property.

Mr. Greenan questioned the purpose of the variance for the fence and Mr. Lorigo responded a variance was required for height and location.

Mr. Rathmann questioned if the fence is going from the building wall and if it will be chain link with barb wire. He further stated he would like to see a more decorative fence along the side that faces North America Drive with shrubbery planted along it.

Jonathon Schmid stated the fence will remain as is between the retaining wall and continue to the used car building to seal off the property. There will be no barbed wire. Mr. Schmid stated he would agree to a black coated chain link fence on the side and intends to plant shrubs.

Chairman Niederpruem questioned what the used car building office will be used for. He further questioned if they will try to match the appearance of the Gillogly building.

Mr. Lorigo responded that half of the existing building will be used for Sunbelt along with the new addition and the other half will be for rent. There will be large bays for interior work on equipment and they are trying to match the look of the Gillogly building, noting Sunbelt's color is green.

Mr. Mendola questioned if Mr. Schmid is the developer and Mr. Lorigo responded that Mr. Schmid will own and lease the property to Sunbelt with a 10 year lease with several options.

Code Enforcement Officer Jeffrey Schieber recited the following comments on SEQR: Office of Parks, Recreation and Historic Preservation - no issues; Army Corps of Engineers - no issues; NYSDEC - no issues; Erie County Department of Planning - no issues; Erie County Sewer District 1 – a) sewer design shall be in accordance with sewer district, b) approval of sanitary sewer system is required, c) design engineer is encouraged. No correspondence was received from the NYS Department of Transportation (NYSDOT) concerning the entrance.

Mr. Lorigo stated they have made application to the NYSDOT concerning the new entrance but had not yet received a response.

No comments were received from the public.

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SPR2014-11 (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Ciancio, to issue a negative declaration based on answers to the attached SEQR questions for the proposed project at 1801 Union Road.

Ayes: All

Noes: None

Motion Carried
APPENDICES

Motion by Greenan, seconded by Mendola, to grant site plan approval for property located at 1801 Union Road for construction of an 8776 sf addition, conditioned upon 1) the fence on the Union Road side shall be a black architectural tubular aluminum fence; 2) the fence on the north side shall be a black vinyl coated chain link fence.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 8:00 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: CONSTRUCT A 8,776± MASONRY & STEEL BUILDING ADDITION			
Project Location (describe, and attach a location map): 1777 UNION ROAD, WEST SENECA, NEW YORK 14224			
Brief Description of Proposed Action: CONSTRUCT AN 8,776± MASONRY & STEEL BUILDING ADDITION TO AN EXISTING (1) STORY 4,515± SQ. FT. MASONRY & STEEL OUT BUILDING.			
Name of Applicant or Sponsor: JONATHAN SCHMID		Telephone: (716) 852-8842	
		E-Mail: metro852@yahoo.com	
Address: P.O. BOX 683			
City/PO: ORCHARD PARK		State: NY	Zip Code: 14127
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>7.95</u> acres	
b. Total acreage to be physically disturbed?		<u>0.23</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>7.95</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>KARYL MARTIN ARCHITECT</u> Date: <u>10/2/14</u>		
Signature: <u>[Signature]</u>		

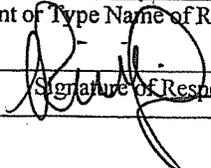
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

No potentially significant adverse environmental impacts have been identified.

<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of West Seneca</u>	<u>11/13/14</u>
Name of Lead Agency	Date
<u>Robert Niederpruem, Jr.</u>	<u>Chairman</u>
Print of Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT