

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

WEST SENECA PLANNING BOARD
Minutes #2012-10
November 14, 2012

Chairman Robert Niederpruem called the meeting to order at 7:05 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 Baksa, Code Enforcement Officer
John Gullo, Code Enforcement Officer
Shawn Martin, 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 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 Rathmann, to approve Minutes #2012-09 of October 11, 2012.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2012-A

A request from Cimato Enterprises, Inc. for preliminary approval of the proposed 51-lot Clearview Estates Subdivision located off Caldwell Drive.

2012-A (continued)

William Schutt of Wm. Schutt & Associates represented Cimato Enterprises Inc. and stated the only issues outstanding from the previous meeting were verification that the lots were in conformance with the Zoning Ordinance and the cul-de-sac met the design standards. He asked that the Planning Board grant preliminary approval so they could move forward with the project.

Mr. Rathmann referred to the location of the detention basin and suggested moving it to the center of the development. The whole area is relatively level and it could be expanded and made less deep. He further noted the proposed detention basin discharges into the swale and questioned what assurances there were that the line is adequate to handle any overflow.

Mr. Schutt stated the proposed detention basin is only 8' deep and the grade is to the north. They could move it laterally, but it would not work moving it to the center because it needs to be on the north side of the site. They want to get rid of the existing drainage swale that runs along the back lots of Caldwell Drive. It would be difficult to bring the detention pond to the south and have it discharge where they want it to. He further noted that these are engineering issues which are addressed at the second or third step in the subdivision process. They have talked to the town about owning and maintaining the detention basin and establishing a drainage district and they want to put it where the town will be able to easily maintain it.

Mr. Rathmann asked that they look at alternatives for the detention basin. He further commented on a grove of trees on the east and stated that it is not reflected on the tree survey.

Mr. Schutt stated the trees are probably less than the required caliper of tree for the survey but he will check on it.

Mr. Mendola agreed with Mr. Rathmann and thought the detention pond was ridiculously deep and should be moved to the south of the roadway and drain to the west as an alternative to alleviate the burden on the Caldwell Drive homes. He suggested that homes be put there instead to back up to the existing homes and noted that any detention pond needs a fence to be installed by the developer.

Mr. Schutt responded that the detention pond goes east then north and out to Caldwell Drive.

Dave Kims questioned what sewer district the proposed development is located in and the impact it will have on the town.

2012-A (continued)

Mr. Niederpruem responded that the project is located in Erie County Sewer District #3 and the developer must do a 4:1 mitigation and get a permit from Erie County.

Keith Pellerin expressed concern about drainage coming out of the northeast corner of the pond and draining to the swale which terminates on his property. He thought there will be a continuous flow of water coming from the detention basin and questioned if it could be piped or moved to the south of the roadway. Mr. Pellerin was also concerned about traffic conditions on Caldwell Drive where vehicles are parked on both sides of the road and there are lots of kids playing. He suggested a traffic study be done to determine the impact of this project.

Mr. Schutt stated the detention pond will mitigate flow on the site and he will discuss piping the swale in the future. He further commented that the traffic study will come up on SEQR, but 51 lots produces minimal increased traffic flow with only 30 additional morning trips and less on weekends.

Town Attorney Shawn Martin stated that the Traffic Committee can address the issue of parking on both sides of the street.

Mike Roberts commented that the proposed development will have a definite impact on traffic flow and he was concerned about the width of the streets and how the curbs were built. There is a problem maneuvering vehicles with parking on both sides of the street and a single entrance to the development is also a problem. Mr. Roberts suggested the fire company have a practice drill to determine how difficult it will be to navigate and commented that it will be worse in the winter with snow and people will suffer if emergency equipment cannot get to them.

Mr. Greenan stated the width of the proposed roads and radius of corners is exactly the same as that of other subdivisions in town.

Jeff McDonald stated the Planning Board is saying the swale was designed to handle runoff from the Caldwell Drive properties, but the Town Engineer told him it was put there to handle runoff from the new subdivision.

Chairman Niederpruem stated that right now it is an open ditch, but it can be piped. It is designed to release the water in small amounts so it does not make a larger impact downstream.

Mark Reboy was concerned about having a detention pond in his back yard, noting he has a 2 year old daughter and he would like a 4' fence around the pond for safety purposes. As long as it drains to the west he does not see much of a problem with it.

2012-A (continued)

Adam Neilson thought the fence around the detention basin should be higher than 4' and questioned who will cut the grass and handle garbage and rodent control.

Mr. Martin advised that if it is decided to the town there will be a taxing district and the town will maintain it. The Code Enforcement Officer will also enforce the building codes and everyone is responsible for maintaining their own properties.

Mike Pollutro was concerned about the impact this development will have on the traffic situation at Fisher Road and Orchard Park Road and suggested that the traffic study done in 2005 for the current subdivision be updated with the addition of 51 lots.

Mr. Martin stated that Orchard Park Road is a state road and any proposal for a traffic light has to be addressed by the NYSDOT. Parking within the subdivision can be prohibited or made alternate and the Traffic Safety Committee can review the situation and make a recommendation to the Town Board.

Mr. Ciancio noted that when Princeton Estates was constructed the state and county did not have a problem with traffic at that intersection.

Dawn Stevens expressed concern for the number of kids in the neighborhood, noting that the street will definitely be busier with additional traffic from these homes.

Chairman Niederpruem commented that something needed to be done to get the detention basin out of the existing residents' back yards and into the new area.

Mr. Rathmann suggested relocating the detention basin to the far west side near the power lines.

Mr. Schutt responded that was not possible because the power company needs to have access to the power lines. He further noted that the ditch was designed to handle the flow from the entire 27 acres after the detention basin is installed.

Motion by Greenan, seconded by Mendola, to grant preliminary approval of the proposed 51-lot Clearview Estates Subdivision conditioned upon the discharge of the detention basin being analyzed by the Town Engineer with consideration of the Planning Board's desire to see it moved.

2012-A (continued)

On the question, Mr. Rathmann asked that Mr. Schutt also review the tree survey and include the berm with trees on the east side.

Ayes: (6) Mr. Greenan, Mr. Mendola, Mr. Ciancio, Mr. Nigro, Mr. Rathmann, Chairman Niederpruem

Noes: None

Abstentions: (1) Mr. Sherman

Motion Carried

NEW BUSINESS

SPR2012-10

A request from Lowell B Dewey, P.E. for site plan approval for property located at Park Lane off Union Road for a 47-unit senior independent living facility.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated that along with the application the Planning Board had received a proposed legal description, a full environmental assessment form, a survey, and site plans.

Lowell Dewey of C & S Engineers stated that this application is only addressing the senior apartment complex on 5.5 acres of land on the southwest corner of the former Houghton College site. The proposed building is two stories and will have 47 single room apartments for seniors 62 and over. The occupants are mostly single, average age of 70 and more women than men. Mr. Dewey commented on the stormwater (runoff reduction, pretreatment & storage), noting they have added biodetention areas and the Town Engineer has reviewed the plans and submitted minor comments. The entrance off Union Road will be shared with Bryan Young's project but the 600' long private driveway will be separate. There will also be a separate watermain, sanitary sewer and utilities and the proposed parking meets the Town Code. Mr. Dewey referred to the detailed landscape plan, noting that a berm will isolate the parking lot along with a 4' board fence on the south property line with pine and maple trees.

Mr. Mendola referred to the entrance on Union Road and questioned whose responsibility it was if more work has to be done to accommodate a fire truck.

Mr. Dewey stated it was Mr. Young's responsibility and there was currently one lane in and two lanes out of the development. A traffic study indicated the volume was not sufficient to warrant a signal at that location.

SPR2012-10 (continued)

Code Enforcement Officer John Gullo stated he had discussed this with the Chief of Reserve Fire Company and it will have to be addressed when Mr. Young's project is presented to the Planning Board.

Chairman Niederpruem commented that the driveway off Union Road is not a road. He questioned if People Inc. will own that parcel.

Joslyn Voss of People Inc. responded there was a purchase agreement contingent upon receiving approval from the town and they then have to go to HUD.

Chairman Niederpruem noted that SEQR forms were filed 10/2/2012 and 30 days has elapsed. Letters were received from the NYSDEC and NYS Department of Historic Preservation about artifacts on the property and recommendations were made.

Mr. Dewey stated that Archaeologist Robert Dean did a complete study and identified the northeast corner of the parcel that needs to be fenced and have a sign indicating why it cannot be disturbed. This was indicated on site plan C101 on the northeast corner.

Chairman Niederpruem commented on two entities being responsible and questioned what type of agreement they had down the road.

Mr. Dewey stated that 100' of frontage is required and they own that on Park Lane and on Union Road. There is also a permanent easement that is an agreement between the two parties allowing one to pass over the private road.

Chairman Niederpruem questioned if there were federal or state wetlands.

Mr. Dewey stated there are federal wetlands and they will be disturbing less than a tenth of an acre. He will provide the town with a jurisdictional letter.

Chairman Niederpruem noted that the outfall of the surface water that discharges to the northwest discharges onto a neighbor's property.

Mr. Dewey stated that Town Engineer Steven Tanner asked that they extend the spillway so it has more stone in it and also use a discharge spreader that allows it to spread out before it is discharged. This was not discussed with the neighbor, but the water will not be different and they will not see much water out of the pond.

Chairman Niederpruem questioned if there is only one hydrant for the project.

SPR2012-10 (continued)

Mr. Dewey stated that Mr. Gullo had asked for another hydrant and the developer agreed.

Mr. Mendola commented on the patio at the rear of the building facing south and the distance for fire apparatus to reach the building. He suggested having a driveway into the patio area to allow a ladder truck access.

Mr. Dewey stated they had met the Town Code requirements, but will do something different if requested and can probably accommodate Mr. Mendola's suggestion.

Mr. Rathmann questioned who owns the wetlands and why it was isolated. He further questioned why the building was positioned the way it is and suggested it be flipped so the patio area is on the north side.

Mr. Dewey responded that the wetlands are owned by Mr. Young. He needed 5.5 acres and they needed 100' of frontage, so they gave Mr. Young the wetlands as a tradeoff.

Bill Long of Long Associates Architects stated that at their 17 other sites people like to garden and it works better on the south side.

Mr. Rathmann referred to the brick on the rendering and questioned if artificial stone could be incorporated to coincide with Mr. Young's project.

Mr. Long responded that they had planned for the building to be brick and vinyl siding because artificial stone is cost prohibitive with HUD.

Ms. Voss responded that they will have it reviewed by HUD for a determination. They applied to HUD a long time ago and had to demonstrate need and zoning. They were awarded the money and when they get through the site plan process they have to submit to HUD for review and then receive the money.

Jim Caruso represented Evelyn Hicks and the West Seneca Environmental Commission and submitted a letter commenting on the major capacity issue with an 18" trunk sewer and noting that the 4:1 mitigation will not help downstream capacity. There will be two owners and they questioned who will be responsible for upkeep of the detention basins and what the snow plowing plan was since snow melt could cause problems. Mr. Caruso further noted that the site was previously used for waste disposal. He questioned if the DEC had addressed and resolved this issue and if it has been cleaned up. Mr. Caruso also commented on the use of pesticides and herbicides on the property and expressed concern that there be a follow-up on the historic artifacts on site.

SPR2012-10 (continued)

Mr. Dewey stated that the driveway to Union Road is a joint effort so maintenance will be split.

Mr. Gullo stated that an easement document will be required to avoid any problems.

Mr. Dewey commented on snow removal and stated that the swale leads to a detention and treatment facility so snow will be conveyed there. Deep test holes were done on site and the western half has some construction debris and old asphalt that has to be trucked away to a landfill. Mr. Dewey stated the pesticides and herbicides are lawn care products only and Ms. Voss noted that People Inc. will not use a chemical lawn care service.

Sandra Kelly, Gervan Drive, questioned how close to the property line the fence will be located and thought a 4' fence was too short.

Mr. Dewey responded they will put the fence right on the property line and the detention basin will be on the other side.

Chairman Niederpruem noted that the height of the fence will be addressed along with placement of the dumpster.

Arlene Vogt questioned what the address of the project will be, noting that everything says Park Lane. She questioned whether Park Lane will be abandoned and noted that the site was not supposed to be presented as two separate projects. She further commented on the sidewalks in front and questioned where the snow will be plowed.

Chairman Niederpruem responded that the address will be 804 Union Road. The property is two separate parcels and People Inc. is presenting their project first.

Mr. Gullo stated that the sidewalks will have to be cleared and they will not be allowed to plow snow on other's property. The issue of abandonment of Park Lane will be discussed at the Town Board meeting on Monday.

Alfred Oliver, Fire Commissioner for West Seneca Fire District #3, supported the additional fire hydrant for the project and noted that they also need at least 50# of pressure. Their ladder truck is 28' wide and he questioned if the driveway will accommodate that width and the weight of the truck. He further commented on the size of the project and stated that communication is often a problem. A repeater system will prevent dead zones if they have to answer a call at the site and he noted the cost to purchase a repeater is \$2000.

SPR2012-10 (continued)

Mr. Dewey responded that they planned to use heavy duty pavement to accommodate the fire trucks.

Ms. Voss stated that People Inc. will be happy to purchase a repeater at a cost of \$2000.

Mrs. Vogt questioned if a full SEQR study was done.

Chairman Niederpruem responded that a coordinated review started on October 2nd. The comments are the same as before – SPDES permits are required, MS4 community, conformance with 4:1 mitigation and a detailed downstream sewer capacity analysis.

Mr. Mendola commented on the lighting and noted it should not carryover to neighboring properties.

Chairman Niederpruem commented on the contours of the building and the sinking building effect. He was concerned with the visual impact to residents at 4 Gervan Drive.

Mr. Dewey explained the retaining wall and stated that the site is lower so the building is lower. From 4 Gervan Drive only the upper story will be visible and a fence of the right height might hide everything along with trees.

Chairman Niederpruem commented on placement of the dumpster over a sanitary sewer.

Mr. Dewey stated he will look at another location, possibly the southeast corner of the site.

Mr. Rathmann questioned the height of the retaining wall.

Mr. Dewey did not have that information available but will provide it at another time.

Chairman Niederpruem questioned how far the project was until final engineering approval.

Mr. Dewey responded that they were very close, noting there were no problems that could not be resolved. He anticipated approval in one week possibly and stated the town will be telling them which laterals to fix.

Mr. Rathmann commented that there are no sidewalks to Union Road for the residents to walk. He suggested offering them a safe way to walk to Southgate Plaza, etc.

SPR2012-10 (continued)

Mr. Dewey stated there is very little traffic flow from the site, but they could provide a wider shoulder with a white stripe.

Motion by Mendola, seconded by Ciancio, to table this item until the next meeting to allow engineering plans to be completed and the issues presented at this meeting to be addressed.

Ayes: All

Noes: None

Motion Carried

2012-06

A request from Jordan Blachowicz for a special permit for property located at 2343 Union Road, being part of Lot No. 294, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated that along with the application the Planning Board had received a short environmental assessment form, a deed, a survey and a floor plan.

Joe Terzakis owner of the property and business stated his proposal to open a family restaurant at 2343 Union Road. The restaurant will be called the Olive Branch and it is independently owned. He would like to serve liquor and will have a small bar with six seats.

Mr. Mendola commented on the potholes in the driveway and questioned if he will be taking care of them.

Mr. Terzakis stated that the plaza next door has many potholes in their driveway, but his driveway is perfect.

Mr. Sherman questioned the hours of operation and if the restaurant will be open 24 hours.

Mr. Terzakis was not certain of the hours but stated they intended to be open for breakfast, lunch and dinner and anticipated being open by the end of January 2013.

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

Ayes: All

Noes: None

Motion Carried

2012-06 (continued)

Motion by Greenan, seconded by Ciancio, to recommend approval of a special permit for property located at 2343 Union Road, being part of Lot No. 294, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

Ayes: All

Noes: None

Motion Carried

2012-07

A request from Mark Schiffhauer for a special permit for property located at 5190 Seneca Street, being part of Lot No. 279, changing its classification from C-2 to C-2(S), for used car sales.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated that along with the application the Planning Board had received a survey, a deed description, a short environmental assessment form and a site plan. A petition was also received from residents in the area of 5190 Seneca Street asking for stipulations on the approval.

Attorney Ralph Lorigo represented Mark Schiffhauer and stated that the property at 5190 Seneca Street was used for a number of years by Perry's Nursery for outside storage and prior to that was a gas station. Mr. Schiffhauer owns Mark's Auto & Paint located at 5200 Seneca Street and has been in business for 14 years. He purchased the property at 5190 Seneca Street to use for overflow for his business. Mr. Lorigo referred to the site plan, noting the green area, only one entrance to the property and parking for 21 cars and three customer or employee cars. There will only be one employee since this is just an overflow sales lot.

Chairman Niederpruem commented on the shabby condition of the building and questioned Mr. Schiffhauer's plan to improve it.

Mr. Lorigo responded that the property will be substantially improved and Mr. Schiffhauer planned to modernize the interior for office space, paint the exterior and install new doors.

Chairman Niederpruem questioned why there is only one driveway access to the site.

Code Enforcement Officer John Gullo stated that he had recommended this to prevent cross through traffic.

2012-07 (continued)

Chairman Niederpruem questioned if there will be any service work on vehicles and if the garage bays will be used.

Mr. Lorigo responded there will be no service work and the property will only be used for sale of used vehicles.

Mr. Mendola suggested a fence along the west property line.

Mr. Lorigo stated they will address this during site plan review.

Mr. Sherman questioned the lighting plan.

Mr. Lorigo responded there will only be lighting on the building and Mr. Schiffhauer had no intention of using any pole lighting.

Sean Hanley stated he owns vacant property across the street and although he doesn't have any immediate plans for it, he requested that Mr. Schiffhauer's property be maintained or designed in a way it does not hinder his long term plans or other properties in the neighborhood.

Town Attorney Shawn Martin suggested that a reasonable restriction be incorporated in the motion that dismantled vehicles are not allowed on the property and all vehicles must be capable of passing a NYS safety inspection.

Chairman Niederpruem noted points on the petition that will be addressed at site plan review and will help the Code Enforcement Office enforce what is approved.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Mendola, to recommend approval of the request for a special permit for property located at 5190 Seneca Street, being part of Lot No. 279, changing its classification from C-2 to C-2(S), for used car sales with the stipulation that all vehicles on site must be capable of passing a NYS safety inspection.

Ayes: All

Noes: None

Motion Carried

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

WEST SENECA PLANNING BOARD
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OTHER BUSINESS

Motion by Greenan, seconded by Mendola, to adopt the attached resolution concerning the required annual training of Planning Board members and present said resolution to the Town Board.

Ayes: All

Noes: None

Motion Carried
APPENDICES

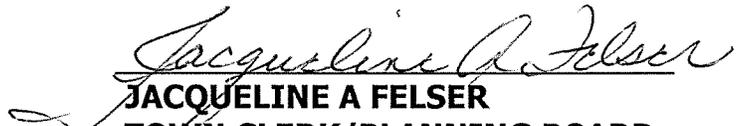
ADJOURNMENT

Motion by Mendola, seconded by Greenan, to adjourn the meeting at 9:10 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY

PLANNING BOARD TRAINING
RESOLUTIONS AND
RECORD OF ANNUAL COMPLETION

WHEREAS Town Law §271 requires all Planning Board members to complete a minimum of four hours of suitable training each year;

WHEREAS the West Seneca Code in §28-6 grants to the Chairman of the Planning Board the authority to determine and define suitable training;

WHEREAS §28-7 of the West Seneca Code defines acceptable training to include conferences, seminars and workshops, and reading journals, articles, or books and other educational activities acceptable to the Board Chair;

WHEREAS each of the current Planning Board members, Joseph R. Ciancio, Donald Mendola, Gerald J. Greenan, James F. Rathmann, Anthony Nigro, Robert Niederpruem Jr., and Joseph G. Sherman, have attended various training sessions including one provided by the County of Erie Department of Planning held in September.

WHEREAS each month planning materials provided by the Association of Towns are distributed to each member of the Board; and

WHEREAS each member has been furnished for self study with a copy of "THE SHORT COURSE," a basic guide for Planning Boards and Zoning Boards of Appeals in New York State by Harry J. Willis, David Church and James Hotaling, published by the New York Planning Federation (Eighth Printing, 2009); and with "ZONING LAW FOR TOWN OFFICERS," published by the Association of Towns as part of its in-service training program;

NOW, THEREFORE, be it resolved that the Chairman recognize that the current Board members have successfully completed their minimum requirements for calendar year 2012 and that this recognition be noted in the minutes of the Board pursuant to West Seneca Code §28-6;

Be it further resolved that the record of this annual completion be maintained by the Town Clerk and a copy provided to the Town Board pursuant to West Seneca Code §28-8.