

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

WEST SENECA PLANNING BOARD
Minutes #2013-05
June 13, 2013

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
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 Nigro, to approve Minutes #2013-04 of April 11, 2013.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2009-B

A request from Metzger Civil Engineering Inc. for final plat approval of the proposed 55-lot Camelot Square Subdivision, Part III.

Michael Metzger of Metzger Civil Engineering stated the project received preliminary approval in 2009 and it was reaffirmed in May 2010 after environmental review and a negative declaration was issued. The project involves a straight road with a cul-de-sac at each end and two connections to the existing Camelot Square Subdivision. It is also probably the last phase of Camelot Square Subdivision. Mr. Metzger stated they have been working out issues with the sanitary sewers and have received approval from the DEC, Health Department and Town Engineering Department. In accordance with the

2009-B (continued)

4:1 mitigation requirement, improvements will be made to the town's system in the Greenhill Terrace area. Excess flows will be removed which will open up space for the 55 lots. Mr. Metzger presented the preliminary plat and final plat, noting it is effectively the same plan just refined with engineering and approvals in place, and he indicated the location of the stormwater detention ponds, connection points and tree conservation area.

Mr. Mendola referred to the detention pond at the south end of the project and questioned if it will drain to Reserve Road. He further noted the right-of-way between Lot #8 and #9 should be curbed straight through.

Mr. Metzger responded that the detention pond on the south drains to Reserve Road and the detention pond on the north drains to East & West Road. They will be upsizing a pipe on East & West Road to accommodate the flows from the project. The right-of-way between Lot #8 and #9 will be curbed.

Mr. Mendola questioned if maintenance of the detention pond will be the developer's responsibility.

Mr. Metzger stated the town wanted responsibility and special features are being included in the design of the detention pond that requires less maintenance.

Town Attorney Shawn Martin stated the town hasn't approved it yet, but there is a proposal to establish overlay districts and the property owners will be taxed for maintenance of the detention ponds.

Mr. Mendola referred to the west side of the subdivision where there are a lot of trees and he asked that as many as possible be saved.

Mr. Metzger responded that they will not clear cut the property and will preserve as many trees as possible.

Mr. Mendola questioned if the detention pond will be fenced.

Mr. Metzger stated it is not currently the town's standard to fence detention ponds and they are designed with a safety feature so they don't have to be fenced.

Code Enforcement Officer Jeffrey Schieber stated there is no town requirement that a detention pond has to be fenced and he referred to other ponds in town that are not fenced.

Mr. Rathmann questioned if they are retention ponds or detention ponds.

2009-B (continued)

Mr. Metzger responded that they are detention ponds but they will have 6' to 8' of water in them continuously.

Motion by Greenan, seconded by Niederpruem, to grant final plat approval of the proposed 55-lot Camelot Square Subdivision, Part III and authorize the Town Clerk to sign the subdivision map.

On the question, Mr. Mendola stated he was not in favor of having a 6' basin of water that is unprotected.

Mr. Metzger responded that fences become an attractive nuisance and other towns (i.e. Hamburg & Lewiston) do not require fencing detention ponds.

Mr. Rathmann understood the safety concern but agreed that fences cause more of an eyesore because they catch debris and make it more difficult to maintain.

Ayes: All

Noes: None

Motion Carried

2012-A

A request from Wm. Schutt Associates for SEQR approval of the proposed 51-lot Clearview Estates Subdivision.

William Schutt of Wm. Schutt Associates stated the conditions that came with preliminary approval have been completed. The storm water detention basin was moved away from the rear yards of the Caldwell Drive lots and engineering plans are with the Town Engineer. A traffic study was also completed in April and submitted to the Department of Public Works and a letter was received accepting it as complete. SEQR documents were submitted to the town and a coordinated review was initiated. Responses were received from various agencies that there was no significant impact.

Chairman Niederpruem stated he likes the location of the detention basin and questioned if the outfall goes into the manhole on Caldwell Drive.

Mr. Schutt responded that the outfall goes to an existing ditch that crosses Caldwell Drive at Nancycrest Lane and continues north, travels along the power line, bypasses the subdivision and ties into an existing pipe that goes down the road.

2012-A (continued)

Motion by Greenan, seconded by Mendola, to adopt the attached resolution issuing a Negative Declaration with regard to SEQR for the proposed 51-lot Clearview Estates Subdivision.

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

Noes: None

Abstentions: (1) Mr. Sherman

Motion Carried

NEW BUSINESS

2013-03

A request from Rick A Saylor for a special permit for property located at 356 Lein Road, being part of Lot No. 283, changing its classification from M-1 to M-1(S), for automotive repair.

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 short environmental assessment form, a property search and a survey.

Rick Saylor stated he currently owns Rhino Laminating located at 356 Lein Road and would like to operate an auto repair shop in the back block section of the building which is a vacant portion at the rear of the building.

Chairman Niederpruem stated the application doesn't tell the board a lot about what Mr. Saylor plans to do, in what part of the building it will be located and the size of that portion. He further noted the property survey is from 1978 and does not show the building on it, so an updated property survey is required. Chairman Niederpruem stated the property adjoins a residential district and Mr. Saylor will need to buffer the M-1(S) from the R-75 property next door.

Mr. Mendola commented on the piles of junk laying around on the property and suggested that the lot be cleaned up.

Mr. Saylor stated they have been cleaning out the building and will be putting the garbage in a dumpster. He will speak to the owner about an updated survey.

2013-03 (continued)

Mr. Greenan commented that the survey doesn't match the legal description and doesn't show the building.

Code Enforcement Officer Jeffrey Schieber stated the building is pushed to the residential property line to the north and all the offensive potential is on the opposite side of the building.

Chairman Niederpruem questioned how many bays there will be, plans for storage of vehicles over night and if there will be sale of vehicles. He further stated that the property owner should be applying for the special permit.

Mr. Rathmann requested a survey showing the existing buildings with dimensions. The parking layout should also be submitted showing it is sufficient for both businesses.

No comments were received from the public.

Motion by Greenan, seconded by Mendola, to table this item pending receipt of a formal application including a formal survey and a diagram indicating what part of the property will be used for automotive repair.

Ayes: All

Noes: None

Motion Carried

SPR2013-04

A request from FJ Wailand Associates Inc. for site plan approval for property located at 31 North America Drive for construction of an 8000 sf pre-engineered steel building with attendant site improvements for use as a dog day care center.

Chairman Niederpruem stated that along with the application the Planning Board had received a short environmental assessment form, a property survey and a topographic map.

Frank Wailand of FJ Wailand Associates stated the proposal to construct an 8000 sf pre-engineered building on approximately 1 acre of land at 31 North America Drive for a dog day care center. Mr. Wailand stated that Camp Bow Wow is a national franchise having 134 facilities in the United States with one location in Tonawanda and they are quite successful. There will be outdoor fenced dog runs on the south side of the building, decorative masonry and decorative steel panels on the front of the building and landscaping around the perimeter. The detention pond at the rear of the building will only be 15" deep, will have a 4:1 pitch and will be mowable.

SPR2013-04 (continued)

Chairman Niederpruem stated this is an excellent location and a good use with working the building around the easements and setbacks; however, he commented on the appearance from North America Drive, referring to the blank wall with no windows on the front of the building. This is the gateway to the industrial park and he was concerned about the appearance and landscaping.

Mr. Wailand stated that Camp Bow Wow does not like a lot of windows because they do not want the dogs affected. There will be signage on the front of the building and he could add some decorative touches to the front.

Mr. Rathmann suggested some high windows on the north side of the building to provide some daylight for the dogs. Mr. Wailand responded that artificial light is provided inside and the dogs are free to roam inside and outside.

Mark Luczak, owner of the proposed franchise, stated that Camp Bow Wow doesn't prohibit windows as long as they are in an area where the dogs aren't. If there are windows where the dogs are, they want them frosted to prevent people from looking in at the dogs.

Mr. Rathmann referred to the proposed landscaping and commented that arborvitae is not a good choice because of the large deer population in that area.

No comments were received from the public.

Motion by Greenan, seconded by Ciancio, to grant site plan approval for property located at 31 North America Drive for construction of an 8000 sf pre-engineered steel building with attendant site improvements for use as a dog day care center, noting that this approval only applies to the westerly 232' of the property as shown on SB-1.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Mendola, to adjourn the meeting at 8:05 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY

WHEREAS, the Town of West Seneca received an application for a 51-lot subdivision called Clearview Estates; 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; and be it further

RESOLVED, that the Planning Board Chairman is authorized to sign the Environmental Assessment Form and the Town Planners are authorized to perform the appropriate mailings and notifications.