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

WEST SENECA PLANNING BOARD
Minutes #2016-04
April 14, 2016

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
Jim Rathmann
Joseph Sherman
George Clifford
Margaret Greenan Bebak
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 Ciancio, to approve Minutes #2016-02 of February 11, 2016.

Ayes: All Noes: None Motion Carried

OLD BUSINESS COMMUNICATIONS

2016-01

A request from Silvertip Ventures LLC for a rezoning for property located at 1371 & 1377 Indian Church Road & 1926, 1934 & 1954 Union Road, being Lot Nos. 78 & 79 and part of Lot Nos. 80, 81 & 82, changing its classification from C-1 to C-2, for a restaurant and separate retail building.

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

Ayes: All Noes: None Motion Carried

2016-01 (continued)

Chairman Niederpruem stated the Planning Board has received a comprehensive traffic analysis that includes Sunday traffic counts for the intersection of Indian Church Road and Union Road.

Attorney Ralph Lorigo represented Silvertip Ventures LLC and stated the project involves a 1.3 acre parcel along Union Road which is substantially commercial. They intend to demolish the three framed buildings on the property and construct a 5300 sf retail building facing Indian Church Road and a 28-seat Tim Horton's at the south end of the site closer to Doster Place and facing Union Road. There will be stacking for 26 vehicles at the drive-thru. Mr. Lorigo presented a new site plan and renderings that were substantially modified from last year's plan. The Tim Horton's is moved away from the corner and the appearance has been changed to coincide with the historic Gardenville area. They currently have no tenants for the retail building, but anticipate up to three neighborhood type tenants (i.e. florist, barber, etc.). The dumpster area will be screened and located at the rear of the property and substantial landscaping will be added to enhance the site. There will be no entrance or exit on Doster Place. Mr. Lorigo stated the traffic study alleviates a lot of the concerns that were voiced at the last meeting. Union Road has approximately 25,000 cars per day pass by this site. The peak hours are 7 A.M. to 9 A.M. weekdays and Sunday 8 A.M. to 9:30 A.M. Capacity analysis shows capacity remains the same before and after the project is developed with no significant changes in levels at the intersection. The traffic study also checked morning turns into the Tim Horton's location at 1481 Union Road and reported 37 left hand turns and 122 right hand turns. The benefit of adding this location will be that traffic issues at 1481 Union Road will be alleviated. Southbound travelers will make a right turn into the new location rather than a left turn into the 1481 Union Road location. Mr. Lorigo referred to the issue of ingress/egress on Indian Church Road and stated they are willing to make it an exit only. He further referred to the Heritage Inn, a restaurant that was formerly on the site, and stated it has been gone for a decade and no one has had an interest in developing this site until now.

Mr. Sherman suggested the exit only onto Indian Church Road also be a right hand turn only.

Cynthia Godus commented the Heritage Inn was not a fast food restaurant and presented a petition with 46 signatures of surrounding neighbors asking that a fast food restaurant be denied, noting they are not against progress or something being done with the site. Mrs. Godus expressed concerns with traffic, the effect on the environment with exhaust fumes from stacked vehicles, noise, lights, the potential for rodents and sewer problems. She was also concerned about accidents and noted there are children that wait for their school bus on the corner of Doster Place and this could be a disastrous situation.

2016-01 (continued)

Nora Mikes questioned the age and history of the three residential buildings slated to be demolished and commented that old houses should not be demolished in an area of town where they are trying to preserve its history.

Chairman Niederpruem thought the buildings could be over 100 years old, but stated they are in very poor condition. Mr. Rathmann stated the homes are part of the Society of the True Inspiration homes. They were probably built between 1840 and 1860 and he was aware at least one of them is in very bad shape.

Bernard Tobolski referred to the children's playground at the Burchfield Center and was concerned that more traffic will be added to an already bad corner. He further stated that stop and go traffic with a fast food restaurant is not the same as the traffic that was generated by a sit down restaurant like the Heritage Inn.

Mr. Lorigo responded the traffic study shows 89 percent of the traffic is pass by traffic, and although it is always an issue, Union Road is a high traffic arterial highway and the traffic is already there. Mr. Lorigo further stated the town needs good, clean commercial development like this to help the tax base and the project will be a $1.5 million investment with no assessment reductions.

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Ciancio, to recommend approval of the request for a rezoning for property located at 1371 & 1377 Indian Church Road & 1926, 1934 & 1954 Union Road, being Lot Nos. 78 & 79 and part of Lot Nos. 80, 81 & 82, changing its classification from C-1 to C-2, for a restaurant and separate retail building.

Ayes: All Noes: None Motion Carried

NEW BUSINESS COMMUNICATIONS

2016-03

A request from Slade Potters, LLC for a rezoning & special permit for property located at 140, 144, 154, 158, 160 & 162 Slade Avenue, being part of Lot Nos. 291 & 292, changing its classification from C-1 to C-2(S), for construction of a 3-story, 27,700 sf mixed use building to house retail/restaurant, commercial office and residential space.

2016-03 (continued)

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 survey, site plan and a rendering.

Bill Paladino stated his company bought some of the houses along Slade Avenue and would like to rezone 2.2 acres (6 lots) and develop 1.4 acres (4 lots), noting two of the homes will remain and be rented at this time. They plan to construct a three story, 27,000 sf building with a sit down restaurant (not fast food) and retail on the first floor, offices on the second floor and up to seven apartments on the third floor. The project includes the current entrance to Staybridge Hotel and there will be an additional curb cut on Slade Avenue. There will be 75 parking spaces on site, which they believe is sufficient for the daytime office traffic and night time traffic for the restaurant and apartments. They currently have someone interested in the office space and are working with a restaurant operator.

Chairman Niederpruem commented the rezoning request includes the driveway for the hotel. Mr. Paladino stated they could subdivide the driveway and keep it C-1 while rezoning the rest of the property to C-2. Code Enforcement Officer Jeffrey Schieber advised the town affords the opportunity to access commercial property through another zoning district.

Chairman Niederpruem referred to house #144 on the survey and questioned if Mr. Paladino's company owns it. Mr. Paladino responded they purchased 140 & 144 Slade Avenue in February.

Mr. Mendola questioned if the driveway into the hotels will be reconstructed. Mr. Paladino responded there were no plans to reconstruct the driveway other than curbing along one edge. The pylon sign will remain and additional faces on it will be used for the new project.

Mrs. Bebak questioned why the two houses were included in the rezoning and Mr. Paladino responded they are anticipating future development.

Ken Klaybor commented there was supposed to be two exits for the hotel and now they are adding more buildings. He stated when he wanted to widen his driveway Erie County told him a water survey was needed and he questioned if that will be required of Mr. Paladino. Mr. Klaybor further suggested rezoning the entire street to C-2 so the remaining houses will be worth more for the people who still own them.

2016-03 (continued)

Chairman Niederpruem responded they cannot arbitrarily change the zoning of the entire street; the individual property owners would have to apply for a zoning change. He further stated engineering reports will have to be done if the project is approved and the curb cut on Slade Avenue will also have to meet the requirements of Erie County.

Mr. Mendola noted a drainage study will have to be done and will encompass all the drainage problems that could happen in the area.

Susan Kims commented the zoning change to C-2 for a restaurant and retail store will compliment the hotels and it is in compliance with the town's Comprehensive Plan. Mrs. Kims further stated the hotels are doing well and Mr. Paladino is a good neighbor.

Robert Lawson questioned the type of signage and lighting for the proposed project.

Chairman Niederpruem responded those issues will be addressed at site plan, but they would like to see all signs combined on one sign.

Code Enforcement Officer Jeffrey Schieber stated illuminated/neon signs are allowed and are permitted on the front and side of buildings. LED signs require a variance and there are also restrictions on their brightness and flashing.

Michael Tuberdyck stated his photography studio is located on Slade Avenue and will be abutting C-2 property. He plans to continue operating his business and may consider changing his zoning also. Mr. Tuberdyck commented on the narrowness of Slade Avenue and the additional traffic. He questioned if there are thoughts of any other traffic lights.

Chairman Niederpruem did not believe so but stated that is an Erie County Highway issue.

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

Ayes: All Noes: None Motion Carried

Motion by Ciancio, seconded by Mendola, to recommend approval of the request for a rezoning & special permit for property located at 140, 144, 154, 158, 160 & 162 Slade Avenue, being part of Lot Nos. 291 & 292, changing its classification from C-1 to C-2(S), for construction of a 3-story, 27,700 sf mixed use building to house retail/restaurant, commercial office and residential space.

Ayes: All Noes: None Motion Carried

2016-04 (continued)

A request from Ebenezer Community Landings LLC for a special permit for property located at 4592 Seneca Street, being part of Lot No. 223, changing its classification from R-50 to R-50(S), for 52 detached single family patio homes.

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 short environmental assessment form, property survey, topographical survey, legal description, rendering of the site, and a sketch plan of the layout.

Attorney Sean Hopkins represented Ebenezer Community Landings LLC and stated their proposal for 52 single story, owner occupied patio homes on an 11.56 acre site located at 4592 Seneca Street, noting they are not asking for any type of action at this meeting and would like to meet with neighbors to discuss this concept plan. He referred to drainage concerns with the site and stated fully engineered plans will be prepared to include compliance with storm water quality and quantity standards and the ability to handle a 100 year storm event. Mr. Hopkins stated that Seneca Street is being considered the front yard of this development and the roadway will be private. The property on each side, one being along Sky Hi Drive, will be the side yards. The side setback for an R-50 zoning is 5′ and this development has a minimum 9′ setback with most units being setback 30′. Mr. Hopkins noted a concerted effort was made to maximize the setback from the adjacent homes on Sky Hi Drive. There will be no individual lots and a homeowner's association will be formed to handle necessary maintenance, so the project will appeal to seniors, empty nesters and young professionals. Mr. Hopkins stated the prior project that was approved for this site consisted of 26 two-story homes. A negative declaration was issued at that time and a special permit granted. The current proposal is for more than one unit on an individual lot, so a special permit is also required.

Chairman Niederpruem referred to the previous project that was before the Planning Board in 2014 for several months. He thought it was a good plan and questioned why it was changed.

Mr. Hopkins responded that Ebenezer Community Landings LLC is a new applicant and they believe the most appropriate target market is detached patio homes, but they are willing to consider a mix. The proposed homes will be 1500 to 2000 sf in size, they would like to include basements and attached garages and the cost will be mid $200,000. Mr. Hopkins stated they are confident there is a demand for this type of housing in West Seneca.

2016-04 (continued)

Chairman Niederpruem stated the Planning Board has had multiple patio home projects before them and addressed them as an R-50 subdivision with 50' lots and setbacks as specified in the Town Code. He referred to the most recent development approved on Clinton Street and stated it had lot lines.

Mr. Hopkins responded their project has no lot lines because they believe people who want this type of home do not want maintenance responsibilities and an association will be formed to handle all those responsibilities.

Mrs. Bebak noted townhome developments have lot lines and also have homeowner's associations to take care of the maintenance. She commented on some of the small front and rear yards for the proposed homes and stated they are looking to follow the R-50 zoning.

Mr. Mendola questioned if property lines will be fenced.

Mr. Hopkins stated they did not intend to fence the property lines, but would prefer natural screening and will discuss that with the neighbors. He also commented on the need to accommodate onsite drainage.

Mr. Rathmann noted the proposed plan lacks visitor parking.

Mr. Hopkins responded that parking could be allowed on one side of the street and they could also consider providing surplus parking.

Mr. Mendola stated the pavement is only 24' wide and with a vehicle parked on one side it will create a problem for emergency vehicles.

Chairman Niederpruem referred to the proposed location of the retention basins against residents' properties and stated they will need to be maintained properly to avoid flooding.

Mr. Hopkins responded the homeowner's association will be responsible for maintenance of those facilities.

Mr. Mendola referred to the 30' wide sanitary sewer easement and the proposed culvert pipe to be installed for drainage and did not believe it was wide enough to accommodate both. He suggested running the culverts from property line to property line instead.

Mr. Hopkins responded they are trying to minimize any impact on the small stream that crosses the site.

2016-04 (continued)

Ray Ball recited residents' concerns including drainage, density with the increase in number of dwellings from 26 to 52, a 24' wide street, setbacks from buildings, the retention ponds, sight lines and elevations, lack of a 48" swale along the lot lines to protect the neighboring properties as was proposed in the previous project and increased traffic near the school entrance.

Bill Dinderski expressed concerns about flooding, too many houses too close to Sky Hi Drive and dumpsters for the project. He also did not believe the retention ponds and private road were a good idea.

Mr. Hopkins responded there will be no dumpsters on site.

Brenda Frey commented on drainage concerns and rodents that are displaced during construction becoming an issue. She further stated her home loses electricity due to an issue with the substation and was concerned an additional 52 houses will add to the problem.

Nora Mikes commented that people are concerned about the sewers and do not want additional subdivisions in West Seneca. She referred to Planning Board minutes from 2008 and a previous project that was proposed for the site but denied. There were sewer and flooding concerns and Ms. Mikes questioned if this property is in the same watershed as Lexington Green.

Chairman Niederpruem responded that he assumed the water from this site goes to Cazenovia Creek.

Ms. Mikes did not believe the proposed retention ponds were sufficient to handle the drainage and expressed concern that this project will directly affect her house on Orchard Park Road.

Sharon Weslowski stated her yard backs up to the site and there is a lot of water. She referred to the Ebenezer Brook that runs through the property and thought 52 more houses will cause water problems to accelerate.

Chairman Niederpruem noted it was the Planning Board's intent with the previous project to take the water from the site and get it across Seneca Street. He never saw the final engineering plans because the project never proceeded.

Jim Smith commented on sewer and surface water concerns and stated the ditch has been in there since 1957 and should be televised.

2016-04 (continued)

Mr. Hopkins acknowledged the drainage and flooding issues and stated they have to comply with many engineering requirements and should be able to give some general information about onsite engineering of the site at the next meeting.

Motion by Sherman, seconded by Mendola, to table this item until the next meeting.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 8:30 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY