

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

WEST SENECA PLANNING BOARD
Minutes #2015-09
September 10, 2015

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
John Gullo, 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.

Chairman Niederpruem announced that Item #2015-07 concerning 75 Schaefer Road and Item #2015-08 concerning 2544 & 2602 Clinton Street will not be addressed at this meeting.

APPROVAL OF PROOFS OF PUBLICATION

Motion by Ciancio, 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 Sherman, seconded by Ciancio, to approve Minutes #2015-08 of August 13, 2015.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

SPR2015-02

A request from Union Fire Company for site plan approval for property located at 1845 Union Road for construction of a new 27,000 sf mixed use fire station with club facilities, assembly use (disaster relief area) and off-street parking and amenities.

SPR2015-02 (continued)

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated a letter was received from the Army Corps of Engineers (ACOE) discussing wetlands on the property and also from Town Engineer David Johnson giving his approval.

Attorney Frank Jacobsen represented Union Fire Company and stated all issues have been resolved including two areas of wetlands identified by the ACOE. One is less than an acre and will not be disturbed. The other is less than one-tenth of an acre and a permit was received from the ACOE. The parking has been reworked and a landscape plan was provided.

Code Enforcement Officer Jeffrey Schieber stated he reviewed the parking plan and it is acceptable. No change was made in the building design or setbacks and they are compliant with Town Code.

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

Ayes: All

Nord: None

Motion Carried

Motion by Greenan, seconded by Mendola, to adopt the following resolution:

WHEREAS, the Town of West Seneca received an application from Union Fire Company for construction of a fire hall with multiple appurtenant subordinate facilities on Union Road near Seneca Creek Road; 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 the proposed action is not anticipated to result in any significant negative effect on the environment and a Negative Declaration is hereby issued.

Ayes: All

Noes: None

Motion Carried

SPR2015-02 (continued)

Motion by Greenan, seconded by Ciancio, to grant site plan approval for property located at 1845 Union Road for construction of a new 27,000 sf mixed use fire station with club facilities, assembly use (disaster relief area), off-street parking and amenities.

Ayes: All

Noes: None

Motion Carried

SPR2015-08

A request from National Grid for site plan approval for property located at 885 Indian Church Road for rebuilding existing electrical substation and realignment/reconducting electrical transmission lines into and out of the rebuilt station.

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

Ayes: All

Noes: None

Motion Carried

Attorney Andrew Leja of Barclay Damon represented National Grid and stated the wetlands issues were worked out to the satisfaction of both the NYS Department of Environmental Conservation (DEC) and the Army Corps of Engineers (ACOE). The DEC cannot issue any permits yet because the Planning Board is lead agency for SEQR. Discussions are continuing between National Grid and the town regarding mitigation of wetlands impacts and a memorandum of agreement has been executed for funding offsite mitigation projects to be performed at the town's discretion. There is not enough room on the site to do wetlands mitigation, so they are working with the West Seneca Environmental Commission for something that will benefit the community. Mr. Leja stated a Negative Declaration is needed to allow National Grid to move forward and he asked for a SEQR declaration along with site plan approval.

Chairman Niederpruem commented there is one outstanding issue concerning an adjoining neighbor and a miscommunication with clearing the land for soil borings and wetlands work.

Teia Bui stated her property is surrounded on three sides by National Grid's property and expressed concern over the wetlands clearing. Ms. Bui stated two to three acres of wetlands were cleared of the 4.5 acre parcel and trees that normally would have blocked her view of the site are now gone. She thought this was more than what is required for soil borings and noted the DEC was not aware the clearing was taking place and they are looking into it. Ms. Bui was concerned the site will be an eyesore and was also concerned with flow of water into her back yard. She questioned if there was a plan to address the water and asked that any approvals be conditioned upon resolution of the water flow issue on her property and a revised landscape plan due to clearing of the wetlands.

SPR2015-08 (continued)

Code Enforcement Officer Jeffrey Schieber stated he visited the site with Town Engineer David Johnson and based on the plan there is a buffer area at the rear of Ms. Bui's property and the wetlands on National Grid's property. He questioned how the buffer area affected the water flow.

Ms. Bui stated she was aware of the wetlands when she purchased the property and it was a concern that turned into a sense of security that there would never be any development behind her house. There is water from the National Grid property that flows onto the back portion of her property, but National Grid is not sure what is causing the water flow. They have agreed to meet with Ms. Bui and walk the property to determine the cause.

Chairman Niederpruem stated the Planning Board could approve the project contingent upon mitigation of the water issue and visual effects of the project.

Mr. Mendola commented that the area is very wet and expressed concern that the trees were cleared. He thought both of these situations should be addressed extensively to ensure there will not be a greater problem.

Mr. Rathmann questioned where the discharge from the wetlands is and if the rate of runoff will be increased by the project.

Mr. Schieber stated no dirt was moved on the site and only trees and brush were removed.

Mr. Leja stated the clearing was done by a separate company in anticipation and preparation for soil borings that needed to be done and it is permitted by the DEC and ACOE for SEQ. They have no intention of building more structures in the wetlands, only foundations with towers will be located there, and they plan to let it return to vegetation. Mr. Leja stated water flows generally from east to west from Ms. Bui's property and they are designing ways to make sure the water flows that way. He acknowledged Ms. Bui has a legitimate concern about the back of her property and stated the culvert was recently cleaned, which may or may not have done any good. A stormwater pollution and prevention plan (SWPP) was prepared to guarantee flows will not be greater than what they were before the project. Mr. Leja stated they have no objection to working with Ms. Bui to preserve a visual buffer and will do their utmost to ensure there are no unusual water flows running toward her property.

Ms. Bui commented on the massive clearing of trees at the rear of her property and in the wetlands area.

SPR2015-08 (continued)

Michael Flanigan of Stantec Consulting noted the clearing was not done in violation of wetlands permits and all the proper notifications were filed with the DEC and ACOE.

Mr. Mendola commented if a government agency gives permission to do something, the town should be notified.

Town Attorney John Fenz referred to the Tree Ordinance and stated a permit should be applied for in instances of clear cutting. The applicant should have informed the town and they will have to comply with provisions of the Town Code with regard to visual mitigation and one to one replacement of trees.

Ronald Lelonek of National Grid stated Ms. Bui contacted the town via email and he was made aware of her concerns. He responded with what was taking place and the permits that were obtained. Mr. Lelonek offered to meet to go over the SWPP, water flow, borings, etc.

Chairman Niederpruem questioned the window for construction of the project.

Mr. Leja responded this is the largest station of its kind in this part of the state and the project will occur in phases over approximately 2½ years. A large part of the SWPP will be addressed early on and it will be inspected weekly over the course of construction. Mr. Leja further noted the initial structure of the mobile barn is 850' SW of Ms. Bui's property.

Chairman Niederpruem questioned what improvements will be made to the swale.

Mr. Flanigan responded the swale will be cleaned regularly to reduce the rate of flow from the site and improve the quality of water. The SWPP answers some key questions and was approved by the DEC and Town Engineer.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Ciancio, to adopt the following resolution:

WHEREAS, the Town of West Seneca received an application for the National Grid Gardenville Station rebuild; and

