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

WEST SENECA PLANNING BOARD
Minutes #2012-09
October 11, 2012

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 Ciancio, seconded by Rathmann, to receive and file the proofs of publication and posting of legal notice.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Greenan, seconded by Mendola, to approve Minutes #2012-08 of September 13, 2012.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2012-05

A request from Christopher Parker for a rezoning for property located at 959 Indian Church Road, being part of Lot No. 63, changing its classification from M-1 to C-2, to comply with proper zoning for a residential home.

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

Ayes: All Noes: None Motion Carried

2012-05 (continued)

Christopher Parker stated he is attempting to sell the property at 959 Indian Church Road to Michael Pasquale of A & M Construction & Remodeling, but the bank will not lend money for the purchase because if it is destroyed the house cannot be rebuilt under the current zoning. Mr. Pasquale would like to use the property for rental income and would also like to construct a garage for storage of equipment for his business. Mr. Parker presented letters of support from two neighbors.

Mr. Ciancio questioned if Mr. Parker intended to subdivide the property and Mr. Parker responded that he did not.

No comments were received from the public.

Motion by Mendola, seconded by Ciancio, 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 rezoning for property located at 959 Indian Church Road, being part of Lot No. 63, changing its classification from M-1 to C-2, to comply with proper zoning for a residential home.

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.

Mr. Sherman recused himself from voting on this item because he is a resident of Caldwell Drive in the Princeton Estates Subdivision.

Chairman Niederpruem stated the Planning Board received a revised set of drawings just prior to this meeting that they only had a short time to review.

Mr. Greenan noted that objections to the previous drawings concerning radius of various turns and lot sizes have been met in the revised drawings submitted.

2012-A (continued)

William Schutt of Wm. Schutt & Associates stated that a boundary and topographic survey was submitted and they verified that the cul-de-sac dimensions, right-of-way widths and lot sizes are in accordance with the Town Code. A preliminary storm water management plan was prepared and the sanitary sewer and I & I reduction plan indicates that 30 million gallons will be removed. Mr. Schutt noted that the entrance road to the proposed subdivision was moved 38' to the west away from the Wysocki's at 112 Caldwell Drive and he hoped to meet with Mr. Wysocki before too long.

Mr. Mendola referred to the storm water detention pond and commented that a homeowner's association should be formed to withstand any expenses concerning maintenance of the detention pond.

Mr. Schutt responded that he had requested the latest regulations the town had regarding storm water detention ponds and was not provided with any information that the ponds will not be owned by the town.

Town Attorney Shawn Martin stated that prior to 2009 the town had no direction with regard to detention ponds and developers would build their subdivision, sell the homes, and walk away from maintenance of the detention ponds. In 2009 discussions were held to urge forming homeowner's associations to maintain the detention ponds. Recent discussions have centered around sending the responsibility back to the town with creation of a taxing district to cover the cost of maintaining the ponds. He anticipated something along this line being done in the near future, but a local law will first have to be adopted.

Mr. Ciancio commented on the number of homes that have been added to this area and was concerned with sewers and traffic.

Mr. Greenan stated that the property is properly zoned for the use being proposed and all the Planning Board can do is say if it fits into the zoning ordinance. He further noted this is not a public hearing or an application for a rezoning.

Mr. Ciancio questioned if is there is capacity in the sewers.

Mr. Martin stated sewer issues are legitimate questions, but now is not the time for them. Sewer questions are relevant at the time of site plan if they get to that stage.

Motion by Greenan, seconded by Niederpruem, to grant pre-application and preliminary approval of the proposed 51-lot Clearview Estates Subdivision located off Caldwell Drive.

2012-A (continued)

On the question, Mr. Rathmann suggested just granting pre-application approval and stated they need time to look at the plan since it was just received before the meeting. He further noted that they had asked for a tree survey last month.

Mr. Greenan responded that a tree survey is not necessary for granting preliminary approval.

Ayes: (3) Mr. Greenan, Mr. Nigro, Chairman Niederpruem

Noes: (3) Mr. Rathmann, Mr. Mendola, Mr. Ciancio Motion Denied

Motion by Rathmann, seconded by Mendola, to grant pre-application approval of the proposed 51-lot Clearview Estates Subdivision located off Caldwell Drive.

Ayes: All Noes: None Motion Carried

OTHER BUSINESS

Motion by Greenan, seconded by Mendola, to change the November meeting to Wednesday, November 14, 2012 at 7:00 P.M.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Niederpruem, seconded by Greenan, to adjourn the meeting at 7:25 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A Felser

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD SECRETARY