

The meeting was called to order at 7:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL: Present - Margaret Bebak
 James Frick
 Dale J McCabe
 Raymond Nalewajek
 Eric Sailer
 Joseph Sherman
 Jeffrey Schieber, Code Enforcement Officer
 Chris Trapp, Town Attorney

 Absent - George Clifford

APPROVAL OF PROOFS OF PUBLICATION

Motion by Sherman, second by McCabe, to receive and file the proofs of publication and posting of legal notice.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Frick, seconded by McCabe, to approve minutes 2022-01 of January 13, 2022.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

SPR2021-05

A request from Brad Vaillancourt c/o Canisius High School for site plan approval for property located at 2885 Clinton Street for construction of an athletic complex with all related site improvements.

Motion by McCabe, seconded by Frick, to table the item at the request of the applicant.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

SPR2022-01

A request from Aebly & Associates c/o Sean Hopkins, Esq. for site plan approval for property located at 1465 and 1471 Union Road, 798 Center Road, and 150 Fremont Avenue for construction of a 2-story office building, with future development, and all related site improvements.

SPR2022-01 (continued)

Motion by McCabe, seconded by Frick, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Sean Hopkins with Hopkins Sorgi and McCarthy, LLC along with Anthony Pandolfi of Carmina Wood Morris presented on behalf of the applicant and provided the following details:

- ✓ Request is for Phase 1 of the project which consists of a two-story office building with an approximate 3,080-sf footprint located on parcel 1
- ✓ Phase 2 of the project calls for a restaurant with a drive-through
- ✓ The Town Board rezoned the site and granted a special use permit to accommodate the future Phase 2 project; a tenant has not been identified.
- ✓ On November 15, 2021, the Town Board issued a negative SEQR declaration and was consistent with the recommendation of the Planning Board
- ✓ The site is subject to the Union Road overlay district requirements; the site has been designed based on those standards.
- ✓ Two area variances were granted from the Zoning Board of Appeals pertaining to parking spaces on parcel 1 along with a rear yard setback; the current setback is 0' and the office building will have a rear yard setback of 22'.
- ✓ No vehicular access will be granted to Freemont Avenue
- ✓ Some parking spaces for Phase 2 will be installed with construction of Phase 1
- ✓ There will be no lighting spill-over onto Freemont Avenue
- ✓ Landscaping includes a decorative screening wall to screen the parking
- ✓ The drainage, sewer, and utility improvements have been designed to work together for both phases of the project
- ✓ The Town Engineer has provided correspondence that states the plan does comply with the technical standards
- ✓ Nearby property owners have been informed of the project status
- ✓ Correspondence was received from the NYSDOT and ECDPW indicating the need for a traffic impact study during Phase 2

Mr. Sherman referred to the exiting of traffic onto Union Road and questioned if the driveway cuts would prevent left hand turns onto Union Road. Mr. Hopkins stated it is designed to be right in and right out only with a median in the middle.

Mr. Sailer referred to the median and stated they typically do not work in this area and believed it could cause more harm than good; especially when a restaurant goes in. Mr. Hopkins stated the comment is noted.

Mr. Frick questioned the height of the fence and location of the dumpster. Mr. Pandolfi stated 30' back from the right-of-way, the fence height drops to 3' for clear sight lines. The dumpster will be fully screened as required by code.

Mr. Frick questioned if the underground stormwater detention is sized for both phases of the project. Mr. Hopkins stated the detention is sized for both phases and will be constructed during Phase 1 of the project. The decorative wall will also be constructed during Phase 1.

SPR2022-01 (continued)

Mr. Sherman referred to the underground retention and questioned if this was open for irrigation purposes or on a slab. Mr. Pandolfi stated the chambers lay on a stone base allowing infiltration through the stone to underdrains. There is not concrete slab. Mr. Hopkins stated this complies with the DEC standards.

Mr. Nalewajek questioned if the size of the dumpster is for both phases. Mr. Hopkins stated this is for both phases.

Mr. Sherman questioned who was responsible for maintaining the water storage system. Mr. Hopkins stated it is the owner's responsibility.

Ms. Bebak expressed concerns with the phases and requested more detail. Mr. Hopkins stated the funds for Phase 2 are based on the long-term lease. Mr. Aebly could pay for the financing now, but there is no tenant to build to. The screening wall will be in Phase 1 and requested leniency with where the wall would end. The stormwater management will be installed now along with 15 parking stalls on Phase 2.

Ms. Bebak requested clarification with the facade and design of the office building. Mr. Pandolfi stated the building is all brick. Mr. Hopkins stated the building has oversized windows and a decorative clock feature.

Mr. Sherman questioned if there will be a construction manager with the project. Mr. Aebly stated the construction will be done by Perconi Construction. Mr. Sherman noted a certificate of insurance will be a requirement naming the town as additionally insured and a hold harmless agreement.

A neighboring resident stated Mr. Aebly should be commended for this project. The fence has been worked out with Mr. Aebly and the garbage enclosed. The resident questioned if the fencing for the neighboring properties be placed in Phase 1. Mr. Aebly stated the fencing for the neighboring properties will be installed in Phase 1.

Motion by Frick, seconded by McCabe, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Sherman, seconded by Frick, to grant Phase 1 site plan approval for property located at 1465 and 1471 Union Road, 798 Center Road, and 150 Fremont Avenue for construction of a 2-story office building, with future development, and all related site improvements.

Motion by Bebak, seconded by Frick, to amend the motion to include the following requirements: 1) all the work shown on the Phase 1 plan be performed including, fencing and infrastructure; 2) Highway Work Permits from the ECDPW and NYSDOT be obtained.

Ayes: All

Noes: None

Motion Carried

SPR2022-02

A request from JSC Management Group for site plan approval for property located at 1997 – 2003 Ridge Road and 2007 Ridge Road for construction of a new +/- 3,500-sf restaurant with double drive-thru and associated parking.

SPR2022-02 (continued)

Motion by Bebak, seconded by Sailer, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Todd Markovich with APD Engineering presented on behalf of the applicant and provided the following details:

- ✓ The property is comprised of three lots which include houses, garages, and a vacant lot
- ✓ Rezoning was granted by the Town Board
- ✓ The Zoning Board of Appeals has tabled the variance request pending receipt of correspondence from the ECDPW; positive feedback has since been provided from Erie County
- ✓ The plans show an approximately 2,700-sf building with a double drive-through towards the rear; two separate order points would queue and merge into a lane at the drive through window
- ✓ 24 parking stalls are required, and 28 parking stalls are proposed
- ✓ The proposal is for two driveways onto Ridge Road: both with full access. Traffic reports have been sent to Erie County as well as the Town of West Seneca.
- ✓ A dumpster area is in the southwest corner and will be enclosed
- ✓ A proposed cross access easement with Wendy's is in negotiations
- ✓ Truck traffic would come off Ridge Road, circulate around the building and exit onto Ridge Road
- ✓ Parking is proposed on the side and front of the building along with a drive aisle
- ✓ The front parking setback is proposed for 3' as this is essential to the operations of the building
- ✓ Drainage will flow towards the roadway with some towards the rear to green space; a series of inlets will collect water and discharge to an onsite underground system on a stone base discharged at a controlled rate.
- ✓ Landscaping will be done to the west to screen the residential property
- ✓ A lighting plan has been submitted and spillage will be kept to a minimum
- ✓ The Town Engineer provided correspondence with six bullet points with no major issues

Mr. Sherman inquired if the project requires 4:1 water mitigation. Code Enforcement Officer Jeffrey Schieber stated there was a comment from the Town Engineer regarding sewer mitigation; the ratio will be determined by the Town Engineer based on documentation provided by the applicant. The town will receive a sewer mitigation fee.

Mr. Sherman questioned if a berm will be required in the green space along the residence. Mr. Markovich stated there is a small area that will not be built on. A resident expressed concerns at a previous meeting and there will be a buffer with the green space in its natural state.

Ms. Bebak noted the adjacent neighbor was looking for some fencing. Mr. Markovic stated a fence will be placed and illustrated the location to the Planning Board members.

Motion by Frick, seconded by McCabe, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Bebak, to table the item.

Ayes: All

Noes: None

Motion Carried

2022-01

A request from Gary Reiche for a home occupation permit for property located at 159 East & West Road.

Motion by Frick, seconded by Bebak, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Mr. Reiche stated he is applying for a Federal Firearms License. Mr. Reiche will have multiple safes on the property and sales will be by appointment only, Monday – Thursday. Customers would order guns, with Mr. Reiche performing the transfer of ownership. Clientele would be limited.

Mr. McCabe questioned if ammunition would be sold. Mr. Reiche stated possibly ammunition would be sold.

Mr. Sherman questioned how many firearms could be at the residence at any one time. Mr. Reiche stated there would be approximately 5 – 10 pistols and long-arms.

Mr. Sherman asked who would perform the background investigations. Mr. Reiche stated a background check is performed before the gun is sold. The purchaser must also register the gun prior to taking possession of the firearm.

Motion by McCabe, seconded by Frick, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded Bebak, by to recommend approval of the home occupation permit for property located at 159 East & West Road.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Bebak, seconded by McCabe, to adjourn the meeting at 7:48 P.M.

Ayes: All

Noes: None

Motion Carried

**AMY M. KOBLER
TOWN CLERK/PLANNING BOARD SECRETARY**