



**SPR2022-02** (continued)

Chairperson Bebak referred to the cross-access easement and questioned if there is a proposal. Mr. Markovich stated there is an inherent cross access easement that exists with the deed of the vacant property. However, the location is not defined. APD Engineering is working with the adjacent owner's attorneys to solidify where this will exist. The proposed location provides the least impact to Wendy's and is most impactful to the applicant.

Mr. McCabe questioned what would happen if the cross-access agreement is not resolved. Mr. Markovich stated another location for the easement would be sought that is suitable to both parties. No agreement in place would not halt construction or hinder the operation of the store.

Mr. McCabe referred to the cross-easement and questioned if this were to change in the future, would the applicant be required to return to the Planning Board for approval of the new easement or lack of an easement. Code Enforcement Officer Jeffrey Schieber stated the easement or lack of does not have an impact on traffic, or Fire Department operations. The connection is not a requirement, it just makes things easier.

Mr. Frick questioned if the applicant had any concerns with Erie County's requirement to pave 150' of Ridge Road. Mr. Markovich stated he needs to speak with the county to better understand the theory behind the requirement. If sections of pipe and pavement are being replaced, they possibly do not want patching.

Mr. Frick inquired if paving requirements would stop the project. Mr. Markovich stated the project would progress.

Mr. McCabe questioned if any of Erie County's request would change the engineering approval. Mr. Markovich stated it was his opinion this would not be affected. The county has specified a sidewalk along the frontage and the plan calls for a sidewalk that needs to be moved to the south. Curbing is shown on the property and the county requested the curbing end on the property. The county requested the replacement of the structure the project will tie into, replacement of the pipe across the street, replacement of the gutter at both aprons, concrete at the aprons along with the need for some county permits.

Mr. McCabe questioned if this was to be approved, would the applicant object to the condition that any changes be reviewed by the Town Engineer. Mr. Markovich stated this was agreeable.

A resident referred to the traffic flow; the intersection is very busy with the local businesses and questioned if a traffic study has been completed. Mr. Schieber stated this project gets reviewed by ECDPW who own Ridge Road. A traffic study entails quantifying cars, times, density, congestion, etc. The applicant has produced a traffic study completed by a traffic engineer. The traffic report gets forwarded to ECDPW who has reviewed and approved the study stating there is no major impact on the traffic.

The resident expressed concerns with vehicles making a left. Mr. Schieber stated the new light at Aldi's/Big Lots helps the problem by breaking up the traffic.

The resident questioned if there will be a single lane or a turn lane. Mr. Schieber referred to the site plan, the shaded gray area illustrates the entrance out and in. You would enter on the left of the property and proceed to the front. Ms. Bebak stated the cross-access easement should help mitigate traffic concerns.

**SPR2022-02** (continued)

A resident questioned if the public is allowed to engage with the ECDPW and if the reports are available. Mr. Schieber stated he can show the documents. The project has been before the Planning Board to rezone the property and the Town Board provided final rezoning approval. More property was acquired, and the applicant returned to the Planning Board and back to the Town Board to have all parcels conducive to the C2(S) zoning and once again, the applicant returned to the Planning Board. The applicant was also before the Zoning Board of Appeals to secure a variance. Mr. Schieber stated he can provide a copy of the traffic study.

The resident suggested dedicated center turn lanes, moved back farther from the intersection. Mr. Schieber stated when a project is brand new, the logistics, (i.e., building and dumpster placement) are sorted out.

Mr. McCabe questioned if the resident was referring to a dedicated center line in the street. The resident stated this was correct. Mr. McCabe stated this would require the county to change their traffic flow pattern. A traffic engineer takes all the possible issues into consideration and presents the report to the county engineer for review.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by McCabe, to adopt the following resolution:

WHEREAS, the Planning Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant for property located at 1997 – 2003 Ridge Road and 2007 Ridge Road (SBL 143.06-1-11, 143.06-1-12, and 143.06-1-13) ("Subject Property"), for construction of a new +/- 3,500-sf restaurant with double drive-thru and associated parking (the "Project"), and reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, the Erie County Division of Planning, after carefully and fully reviewing a description of the proposed project, along with the application and other documents as submitted to the Town of West Seneca, replied in writing that the project was to be of local concern; and

WHEREAS, the Planning Board held a public hearing which was properly noticed to the public wherein the project was discussed; and

WHEREAS, the Planning Board, carefully and fully reviewed the application including the following documents submitted by the applicant: property survey, site plan, drainage plan, landscaping plan, lighting plan engineering report, and traffic impact study; and

WHEREAS, the Planning Board, upon taking an independent hard look and reasoned evaluation of all of the above-referenced information, comments and written documentation with regard to the project;

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WHEREAS, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; now, therefore, be it

RESOLVED that pursuant to 6 NYCRR 617.7(a) the Planning Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Frick, to grant 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 with the following conditions: 1) review and approval of the cross-access agreement by the Town Attorney; 2) updating the plans to address the ECDPW comments and file the required permits as requested in correspondence to the Town Clerk dated March 9, 2022.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Bebak, seconded by McCabe, to adjourn the meeting at 7:26 P.M.

Ayes: All

Noes: None

Motion Carried

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