

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

**WEST SENECA PLANNING BOARD**  
**Minutes #2018-05**  
**May 10, 2018**

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance led by Sergeant-at-Arms George Clifford.

**ROLL CALL:** Present - Robert Niederpruem Jr., Chairman  
Donald Mendola  
James Rathmann  
George Clifford  
Margaret Bebak  
Dale J McCabe  
Brendon Najm  
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.

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### **APPROVAL OF PROOFS OF PUBLICATION**

Motion by Rathmann, 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 Mendola, seconded by Rathmann, to approve Minutes #2018-04 of April 12, 2018 and minutes from the April 26, 2018 special meeting.

Ayes: All

Noes: None

Motion Carried

### **OLD BUSINESS COMMUNICATIONS**

#### **2018-02**

A request from J Randy Steiner for a rezoning and special permit for property located at 1412 Ridge Road, being part of Lot No. 289, changing its classification from C-1 to C-2(S), for an auto repair shop.

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

Ayes: All

Noes: None

Motion Carried

**2018-02** (continued)

J Randy Steiner stated the Town Code requires three parking spaces per bay and he only has 12 spaces available, so he would like to just use the four inner bays and eliminate the two outer bays. The garage doors will remain, but he will enlarge the front office on the east side and use the other bay for work benches. Mr. Steiner stated the building was previously used for auto repair and has been vacant for eight years. He will continue to make repairs to the building and the drainage issue in the front that is caused by tree debris will be fixed. He will also address the rear drainage and do the studies and work if he knows the proposal will receive approval.

Mr. Clifford questioned if Mr. Steiner had received approval from AAMCO. Mr. Steiner responded they did a zip code study and found that this location will not take away from other AAMCO's, so they will be inclined to give him the franchise.

Mr. Mendola questioned if the front receiver has been cleaned out and stated the rear of the property must also be cleaned up so that water can drain. Mr. Steiner responded the front receiver was cleaned and he will be installing a 24" catch basin. He does not own the property in the rear, but will clean it out with the owner's permission.

Chairman Niederpruem stated he would be OK with a four bay shop with 12 parking spaces.

Mr. Rathmann requested that Mr. Steiner submit scaled drawings prior to the next meeting.

No comments were received from the public.

Motion by Mendola, seconded by Rathmann, to close the public hearing and table this item.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS COMMUNICATIONS**

**SPR2018-03**

A request from Ebenezer Railcar Services Inc. for site plan approval for property located at 1005 Indian Church Road to construct a 94,000 sf manufacturing facility.

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

Ayes: All

Noes: None

Motion Carried

**SPR2018-03** (continued)

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form, a property survey and detailed drawings of the proposed building.

Timothy Arlington of Apex Consulting introduced Jeffrey Schmarje, President of Ebenezer Railcar Services, and stated their proposal to construct a 94,000 sf building at 1005 Indian Church Road. The main portion which is 84,000 sf will be used for fabrication of new railcars. Ebenezer Railcar Services currently leases space in Lackawanna where they employ 60 people. They would like to upgrade their offices and consolidate with this location. The site involves 45 acres and the proposed building will be 600' long and 50' high. There will be parking for 107 vehicles which exceeds the minimum requirements. A large retention pond will be installed with landscaping around it. Due to the location of the building, there is no sewer in the area, so they are installing a duplex grinder system and pumping it 3000' back to Indian Church Road. Electric is available, but they will be bringing in a new gas service. The disturbance area is 8.5 acres, so a SPDES permit is required along with a stormwater prevention plan. The town is lead agency for SEQR and responses were received from the Army Corps of Engineers, NYSDEC and the State Historic Preservation Office. A wetlands concern was flagged by Charles Rosenburg of NYSDEC and was delineated five years ago. Comments were received from Town Engineer David Johnson today and they will address the comments and respond quickly.

Chairman Niederpruem questioned if there are any federal wetlands on the site and if there was any correspondence from the Army Corps of Engineers regarding this.

Mr. Arlington stated to his knowledge there are no federal wetlands on the property. The Army Corps of Engineers had responded with comments and Mr. Arlington responded back to them within a few days, but they have not received anything in return.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Clifford, to table this item pending receipt of clearance from the Army Corps of Engineers on the wetlands.

Ayes: All

Noes: None

Motion Carried

**SPR2018-04**

A request from Union Concrete & Construction Corporation for site plan approval for property located at 435 Meyer Road to construct a new 17,800 sf office building.

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 letter from Wilson Environmental Technologies concerning a preliminary wetlands delineation, a response to SEQR concerning an archeologically sensitive area, a site plan, a survey and a stormwater prevention plan.

Robert Pidanick of Nussbaumer & Clarke Inc. represented Union Concrete Construction (UCC) and stated their request for a SEQR determination and site plan approval for the proposed 17,800 sf building. Mr. Pidanick stated UCC is a heavy highway contractor located at 105 Center Road since 1953 and employs more than 100 people. They also rent shop and yard space at 1655 Union Road and have a storage yard on Meyer Road. They are in need of more shop, office and yard space and would like to centralize their operation at 435 Meyer Road. Mr. Pidanick referred to the site plan and stated with the 6000 sf mezzanine inside the building there will be a total of 24,000 sf. Employee and visitor parking will be in the front and will be fully screened. The remainder of the site will be done with millings compacted so it functions like pavement and is solid enough to support the weight of vehicles. The east corner of the site adjoins Westminster Road and they will provide screening with a berm and trees. A drainage swale will treat the water and the rate of runoff will be reduced after the site is fully developed. A fire hydrant will be installed on site and they are currently working out details with Erie County Water Authority on whether backflow prevention will be inside or out. A fuel depot will be located above ground on a concrete slab. There are no state wetlands on the property and nothing qualifies as federal wetlands. A Phase I cultural resources investigation was performed and none were found. The only issues identified by NYSDEC were the archeologically sensitive area and the need for a stormwater prevention plan (SWPP). A SWPP was prepared and submitted to Town Engineer David Johnson along with a drainage study and it has been reviewed and approved.

Mr. Clifford questioned the height of the berm and Robert Hill of UCC responded they will make it 4' or 6' high, whatever will make the neighbors comfortable.

Code Enforcement Officer Jeffrey Schieber referred to the standard buffer for the Industrial Park which is a 4' to 5' berm with trees planted on top and suggested the same for this project.

**SPR2018-04** (continued)

Mr. Pidanick proposed 5' tall White Spruce trees spaced 20' on center.

Mr. Rathmann questioned the purpose of the large trees in the front and suggested using Red Maple trees instead. He further questioned if the trees around the perimeter along Route 400 and adjacent to the property are within UCC's property. Mr. Pidanick responded the trees are not on UCC's property and they will remain.

A Covington Drive resident questioned if UCC will be using the hydrant for their personal use and expressed concern that frequent use could make it unusable if needed for an emergency.

Mr. Pidanick stated the hydrant will be owned by UCC and metered and they will pay Erie County Water Authority. Chairman Niederpruem also noted there are twin 30" mains that run through the right-of-way at the power lines, so the water supply is sufficient.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Mendola, 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 435 Meyer Road (SBL 134.11-1-3.11) ("Subject Property"), for a 17,800 sf office building (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**, 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

**SPR2018-04** (continued)

**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: (6) Mrs. Bebak, Mr. Mendola, Mr. Rathmann, Mr. Clifford, Mr. McCabe, Mr. Najm

Noes: None                      Abstentions: (1) Chairman Niederpruem                      Motion Carried

Motion by Bebak, seconded by Mendola, to grant site plan approval for property located at 435 Meyer Road to construct a new 17,800 sf office building, with inclusion of a 4' berm and trees as indicated on the landscape plan.

Ayes: (6) Mrs. Bebak, Mr. Mendola, Mr. Rathmann, Mr. Clifford, Mr. McCabe, Mr. Najm

Noes: None                      Abstentions: (1) Chairman Niederpruem                      Motion Carried

**SPR2018-05**

A request from Frank Wailand of F.J. Wailand Associates for site plan approval for property located at 50 Ransier Drive to use as a transfer station for loading and unloading construction debris inside the building.

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, an architectural rendering of the building, a survey and a site plan.

Frank Wailand of F.J. Wailand Associates represented Sahlem's Roofing and stated their proposal to use the existing 24,000 sf building at 50 Ransier Drive as a transfer station for loading and unloading non-organic construction material for transfer to another location. Cosmetic improvements will be made to the main building and two adjacent buildings and the site will be enhanced with landscaping. An office is located in the back of the building and there is adequate parking.

William Sahlem of Sahlem's Roofing stated single axle vehicles will access the bays on the side of the building and the bay on the end is for semi trucks. Weighing of the vehicles is done outside and the transfer process is contained within the building. The outside of the property will be cleaned daily. The hours of operation will be Monday – Friday, 7:30 am to 5 pm and Saturday, 8 am to 1 pm.

