

The meeting was called to order at 6:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL:	Present	-	Margaret Bebak, Chairperson James Frick Christopher Holmes Dale J McCabe Eric Sailer Joseph Sherman Jeffrey Schieber, Code Enforcement Officer Chris Trapp, Town Attorney
	Absent	-	Timothy Hayes

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Bebak seconded by Sherman, to approve minutes 2022-11 of December 8, 2022.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

SPR2021-009

A request of Lauer - Manguso & Associates Architects and Engineers for site plan approval for property located at 310 Orchard Park Road for construction of a new 1,749-sf restaurant and all related site improvements.

Motion by Bebak, seconded by Frick to table site plan approval for property located at 310 Orchard Park Road for construction of a new 1,749-sf restaurant and all related site improvements.

Ayes: All Noes: None Motion Carried

SPR2022-013

A request from The Broadway Group, LLC for site plan approval for property located at 3030 and 3036 Seneca Street for redevelopment as a 10,640-sf, single tenant, free standing retail store with all related site improvements.

A representative from the Broadway Group presented the following:

- Being sought tonight is a determination relative to SEQR.
- The Zoning Board of Appeals granted the requested variances at the December 2022 meeting.

- The SEQR referrals have all been sent with most agencies responding with comments of significance; ECDPW did not object to the proposed access point and the NYSDEC noted potential archeological sensitivity at the site and acknowledged the extreme number of previous disturbances, noting there is most likely nothing remaining.
- The NFTA has stated they prefer to decide the location of the bus stop after development takes place.

Mr. Sailer referred to the southern side of the site plan and noted there are no foundation plantings, questioning if this was for semi-trucks to enter the parcel. The representative from the Broadway Group stated some minor 3' depth foundation plantings could be placed.

Mr. Sailer noted there are not plantings on the northern side of the site plan and suggested plantings for softening. The representative from the Broadway Group agreed.

Mr. Sailer stated Erie County suggested the project provide pedestrian access to Center Road and suggested taking the front sidewalk to the property line. The representative from the Broadway Group stated this is something he could work with the NFTA on.

Mr. Sailer stated it was previously mentioned there should not be access from Center Road. There are a few businesses along Center Road, and it is Mr. Sailer's opinion that there will be traffic from Center Road. The turn to Seneca Street seems very dangerous. The representative from the Broadway Group stated Ms. Bennett had conversations with Erie County who communicated the preference for the curb cuts and cut throughs with the intersection; this is something that can be worked in. Mr. Sherman noted Lind Avenue could provide access to Seneca Street from Center Road.

Code Enforcement Officer Jeffrey Schieber suggested that his office and the applicant have conversations with Erie County to see what will be allowed. Chairperson Bebak agreed with this.

Mr. Frick stated he believed the sidewalk should be extended as far west as it can and if at any point Erie County decides to improve the intersection the point of the triangle would be the pedestrian crossing.

Mr. McCabe stated he had concerns with a driveway that would have access from Center Road. The signal is a short distance away and vehicles from Center Road would be required to make a left turn into the property. The representative from the Broadway Group stated the same concern and this was the reason Seneca Street was decided upon.

Mr. Sherman expressed concerns with the snow pilings at the point if the sidewalk is extended; what would be the expectations for emergency snow removal. The representative from the Broadway Group stated the snow storage would be limited at the tip as not to have a negative impact on the site lines. There is a contract in place to haul snow away during larger storms and suggested noting on the site plan the snow storage requirements for the area in question.

Timothy Dressler, 204 North Avenue, stated this project will improve the area, but expressed concerns with the residents and the increased traffic on Lind Avenue.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Sailer, to have the Town of West Seneca act as the lead agency regarding the project.

Ayes: All

Noes: None

Motion Carried

Motion by Frick, seconded by McCabe, to issue a negative SEQR declaration for property located at 3030 and 3036 Seneca Street for redevelopment as a 10,640-sf, single tenant, free standing retail store with all related site improvements based on the following: The Town of West Seneca Planning Board, as Lead Agency, is required to evaluate the environmental impacts of this project pursuant to Title 6 NYCRR 617 and to make a determination of significance of any impact. This is an "unlisted Action" per NYCRR Part 617 as it does not meet the thresholds for a "Type 1 Action" per section 617.4 nor does it meet the requirements of a "Type 2 Action" per section 617.5. Based upon the Planning Boards review of the environmental impacts and in compliance with section 617.7(b) the Planning Board finds in summary that this is redevelopment of an existing commercial property; the demands for utilities are less than the prior use; the site development will have landscaping and additional green space compared to the existing conditions. The Planning Board finds no significant environmental impacts as outlined in section 617.79(c) were determined, including but not limited to, no significant effect on air quality, surface and ground water quality and quantity, traffic, or noise. Also, this project will not create a hazard to human health or a major change in energy usage. In addition, this project does not create any short- or long-term cumulative impacts on the environment. This project will have no significant environmental impacts. Therefore, a negative SEQR declaration is issued for this action and the final site plan approval be tabled until the February 9, 2023, meeting.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

SUBDIVISION REQUEST

A request from Nusbaumer & Clarke for a 14-lot subdivision of land in the Queens Landing Subdivision. This request is for Queens Landing Phase 4 Townhomes.

Robert Pidanick, an associate with Nussbaumer & Clarke, Inc., stated Queens Grant is requesting final subdivision approval for a 14-lot expansion that has been added to the existing Queens Landing Subdivision:

- Queens Grant received subdivision approval in December; the sanitary sewer and water lines have already been installed as they were servicing the development that was purchased.
- A new downstream sewer capacity analysis was performed; Erie County reviewed the analysis, and it was demonstrated that the additional 14-lots could be brought online.
- A drainage plan was submitted for the additional lots.

Code Enforcement Officer Jeffrey Schieber noted this project was previously before the Planning Board and Town Board. The project received a rezone and special use permit along with a negative declaration pursuant to SEQR. The plans have been reviewed and approved by the Town Engineer and the ECDOH.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

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

Ayes: All Noes: None Motion Carried

Motion by Bebak, seconded by Frick, to approve a 14-lot subdivision of land in the Queens Landing Subdivision.

Ayes: All Noes: None Motion Carried

SUBDIVISION REQUEST

A request from The Marrano/Marc Equity Corporation for 6- additional lots in the Greenspring Subdivision.

Anthony Pandolfi, with Carmina Wood Design and Dave DiPaolo with Marrano Marc Equity were present. Mr. Pandolfi presented the following:

- The 6-additional lots will be located south of subplot 1 of the Greenspring Subdivision; 1.55 acres off the rear of 790 Reserve Road.
- The site is zoned R-75
- The intention is to file the 6-lots on a separate map cover as opposed to amending the map cover.
- Construction has started for the subdivision; Phase 1 is complete.
- The road ends between sublots 39 and 40 which is the same as lots 1 - 4 of the new 6-lots; 4 of the 6 new lots have road frontage and infrastructure (i.e., sewer, water, storm)
- When phase 2 is completed in the spring the goal would be to develop the additional lots

Code Enforcement Officer Jeffrey Schieber stated the applicant is looking for a preliminary approval for the extension.

Mr. Sherman questioned if the Town Engineer had any concerns about the sewer or drainage. Mr. Schieber stated this would be presented at the next meeting. Engineering documents will be reviewed and presented at a later meeting. Mr. Pandolfi stated there may have to be an extension to the stormwater pond; this will be looked at more in depth.

Mr. Frick questioned the location of the crosswalk. Mr. Pandolfi stated this was to avoid being in the middle of the lot; he can look at this and make revisions.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

Chairperson Bebak stated the Planning Board is allowing the project to move on to the next phase.

2022-007

A request of Ronald Trigilio, Architect for a special use permit for property located at 2157 Union Road, changing its classification from C-1 to C-1(S) for a construction of a 20' x 32' building addition with all related site improvements for use as a dog day care.

Kelli Osborne stated she would like to expand her current dog grooming business to include a kennel and dog day care.

Code Enforcement Officer Jeffrey Schieber stated the property is currently zoned C-1 and town code permits a kennel with a special use permit. There is a proposed addition on the south side of the building and the animals would be fully enclosed. There is an existing masonry wall that exists on site.

Mr. Frick questioned the hours of the operation and when the dogs would be outside. Ms. Osborne stated the day care dogs would be inside 90% of the time; the boarding dogs would be walked in and out, they would not be outside for extended periods. The business would be open 9:00 AM – 9:00 PM; day care would be from 8:00 AM – 5:00 PM. Ms. Osborne stated she lives on site.

Chairperson Bebak requested clarification if the dogs go in an enclosed building at night. Ms. Osborne stated the dogs would go into their own enclosed suite that is approximately 5' x 8' and on camera.

Mr. Sherman questioned how the dog waste is disposed of. Ms. Osborne stated the dog waste is double bagged and placed for trash pickup.

Mr. Schieber stated the applicant is proposing a new 6' high fence along the south side of the property.

Chairperson Bebak referred to the neighboring house on Woodbine Avenue and questioned if a fence will be placed along the property line. Ms. Osborne stated there will be a new fence.

Mr. Sherman questioned the lighting. Ms. Osborne stated there will be motion lights downward pointing that will not spill into neighboring yards.

Mr. Sherman questioned how many dogs can be housed at any one time. Ms. Osborne stated there could be a maximum of 14 dogs in day care and 7 – 14 dogs being boarded.

Mr. McCabe questioned if Ms. Osborne would object to a 14 dog maximum. Ms. Osborne explained the dogs being boarded are not necessarily in day care; the boarded dogs would receive a specific playtime and receive one on one time for socialization with their caregiver of the day. There would be set employees to run the day care and the boarding.

Chairperson Bebak requested more information regarding the different offerings for dogs. Ms. Osborne stated day care will have small dogs with no more than 14 dogs. There will be two people to attend to the dogs all day and this will run from 8:00 AM – 5:00 PM. The boarding will have runs inside the facility with an area for feeding and a play. Boarding is overnight and set up like a hotel with the option to also attend daycare.

Mr. McCabe questioned the maximum number of dogs Ms. Osborne would have on the property at one time including all of the programs. Ms. Osborne stated approximately 30 dogs.

Mr. Frick noted the proposed plan shows 15 kennels and questioned where the daycare would be. Ms. Osborne stated the day care would be in the kennel building; the boarders would be in their suite. The store front is grooming, and the addition would house the boarding and daycare.

Mr. Sailer questioned if dogs being groomed would be placed with the boarding or daycare dogs. Ms. Osborne stated they would be separate.

Mr. Sherman questioned if there were licensing requirements. Ms. Osborne stated every dog must be up to date on shots; there is a meet and greet scheduled to see how the dogs respond. There are also requirements

**WEST SENECA COMMUNITY ROOM
1300 Union Road
West Seneca, NY 14224**

**WEST SENECA PLANNING BOARD
Minutes #2022-01
January 12, 2023**

for daycare. The dogs are put on a lead to see how they respond to other dogs. The first concern is every dog's safety. The dogs can not be aggressive.

Chairperson Bebak questioned if a license is required. Ms. Osborne stated there is not a licensing requirement.

Timothy Dressler, 204 North Avenue, questioned if the addition would be insulated to protect the neighbors from the barking. Ms. Osborne stated she lives on site and the building will be insulated and sound proofed.

Mr. Dressler referred to the wall and questioned if this would be taller. Mr. Schieber stated there is a proposal for a 6' fence coming off the new addition and turning east; the 4' wall could be raised a bit to 6' in total height.

Mr. Dressler questioned the fence material. Ms. Osborne stated the fence will be stockade.

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

Ayes: All

Noes: None

Motion Carried

Motion by Frick, seconded by Sherman, to recommend approval of a special use permit for property located at 2157 Union Road, changing its classification from C-1 to C-1(S) for a construction of a 20' x 32' building addition with all related site improvements for use as a dog day care and dog boarding.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Bebak, seconded by Frick, to adjourn the meeting at 6:54 P.M.

Ayes: All

Noes: None

Motion Carried

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