



- A comment letter was received from Town Engineer Dave Johnson regarding stormwater review and these concerns were all addressed this afternoon. There are still minor revisions, and conditional approval was granted by Mr. Johnson.

Chairperson Bebak noted, the change in zoning has already been granted by the Town Board. Tonight, is site plan approval. Site plan approval encompasses where the buildings are located, landscaping, safety measures, etc. The Planning Board will address the applicant and then open the floor to the public for questions and concerns.

Mr. Sherman questioned if there will be any parapets in the roof line of the 12 and 10-unit buildings. Code Enforcement Officer Jeffrey Schieber stated in a duplex or multi-unit building there is a fire separation between each unit that extends from the concrete floor in the basement up to the roof along with fire treated plywood.

Mr. Sherman questioned the material of the roof to prevent a fire in a lower unit from spreading to an upper unit. Mr. Pandolfi stated this is more of an architecture question but all fire codes for buildings are being followed.

Mr. Frick referred to the letter from Mr. Johnson and questioned if the untreated portions to the north and south are being addressed. Mr. Pandolfi stated these are green spaces and additional green infrastructure will be added to treat the runoff. All NYSDEC requirements for stormwater management are being met.

Mr. Sherman asked Mr. Hanley to address the fire safety issue. Mr. Hanley stated the architect suggests if there should be fireproof insulation or drywall; the project is not this far along. Other projects have had fireproof drywall and fire rated insulation.

Mr. Lorigo, the attorney for George Flattery, stated the codes are very strict. This project would need to meet all the strict building and safety codes and are enforced by the Code Enforcement Officer.

Mr. Sherman questioned if there would be a sprinkler system in the buildings. Mr. Hanley stated a sprinkler system will be in the buildings.

Mr. Hayes referred to the screening and noted the Colorado Blue Spruce shown on the plan and questioned the spacing. Mr. Pandolfi stated they are shown in clumps of three spaced approximately 20' apart and he would be open to other suggestions.

Mr. Hayes stated the plans show the Colorado Blue Spruce at a 6' – 7' height and noted previously residents were concerned about the site line screening and the prevention of people cutting through their property. Mr. Pandolfi stated if the Planning Board would like a fence this could be done; the trees provide good screening.

Mr. Hayes questioned how the mail kiosk and bus shelter will be lit. Mr. Pandolfi stated the lighting will be simple wall pack porch lighting.

Mr. Hayes noted there is absence of lighting on poles in the middle of the development. Mr. Pandolfi stated a light pole can be added if this is a concern.

Chairperson Bebak requested information on the sidewalks that are being incorporated. Mr. Pandolfi stated the development is completely walkable by sidewalks from the units to the bus stop and to Orchard Park Road. The

bus shelter and mail kiosk are sidewalk accessible with recreational space and open permanent space which will be deeded in the back of the property.

Mr. Hayes questioned if the open space and recreation space would be maintained. Mr. Pandolfi stated the permanent open space will stay as is.

Erica and Karl Cole, 1144 Orchard Park Road had the following comments/questions:

- There is metal culvert and an 8' difference between their property and the project; how will this be leveled out – Mr. Schieber explained there is an easement on file with Erie County; as the project was developed the applicant has proposed to provide an easement for the drainage area to allow the Town of West Seneca to maintain the pipe and help drainage. Mr. Pandolfi stated the buildings sit approximately 1' above existing grade and the Town Engineer has reviewed the project to ensure no neighbors will receive the developments water. Mr. Pandolfi illustrated the location of the swales.
- What is the use of the recreation area, will the pine trees be replacing fencing, will the area be fenced during construction – Mr. Pandolfi stated the area will be fenced during construction and inspections will be done once a week to keep debris and water from impacting the neighbors with typical construction hours.
- Would some trees be saved and requested the maple tree be saved – Mr. Pandolfi stated things that do not impact the swale can be saved. Mr. Pandolfi suggested Mrs. Cole speak with Mr. Hanley regarding the maple tree.
- Requested clarification on the lighting – Mr. Pandolfi stated the lighting will be dark sky compliant that is shielded down and there will be no spillage onto the neighbors.
- Referred to the driveway and traffic circle – Mr. Pandolfi stated the NYSDOT stated where the driveway should be located to coordinate with the traffic circle.
- Referred to the green space – Mr. Pandolfi stated this will be plantings along the property line for screening with grass in between.
- Is this the final plan – Chairperson Bebak explained this is the final submittal for plans and questioned if Mr. Hanley would speak with Mrs. Cole after the meeting about screening her property. Mr. Hanley stated he would like the opportunity.
- The back culvert with the pipe is open in the yard and during rain this area floods. Would the town widen and clean out the culvert? Mr. Schieber stated at the conclusion of the project, the Town Engineer returns to the site with the plans and ensures what has been done conforms to the requirements. It is Mr. Schieber's belief this will get better as the town will be maintaining the area.

Jennifer Balogh, 67 East & West Road, stated she lives on the north end of the culvert and deals with flooding. Mr. Schieber stated the town may be able to clean out the culvert and this would be coordinated with the Highway Department.

Virginia Gannon, 53 East & West Road stated the culvert backs up; the runoff on East & West Road drains into the culvert and the large rocks have now fallen into the creek. Mr. Schieber stated this could be coordinated with the Highway Department to clean out the culvert. Mrs. Gannon would like to see a fence placed on the property.

Peter Kwitowski, 40 W. Cranwood Drive, referred to the landscaping plan and questioned the layout of buildings and expressed concerns that another building would be constructed in the future. Mr. Kwitowski further questioned the placement of the landscaping and if the mature trees will stay. Chairperson Bebak stated there

will be a deed restriction filed stating nothing will be built, and this area will stay as is. Mr. Pandolfi stated some trees will be cleared to properly grade the property.

Mr. Hayes questioned if some more Colorado Blue Spruce could be added to the south side of the property lines to extend to W. Cranwood. Mr. Pandolfi stated this could be done.

A resident questioned if the sewers along Orchard Park Road would be replaced and believed there was already an abundance of traffic in the area. Mr. Schieber stated there have been two sanitary sewer studies regarding the project. The Town Board just approved a project to reline sewers in this district. Meetings have been held with the NYSDOT with concerns about the roundabout.

A resident questioned when the Flattery's building would be demolished due to rodents in the property. Mr. Hanley stated the project should begin in the spring. Mr. Schieber stated first responders typically use the buildings for training before they are demolished.

Ben Race, 1100 Orchard Park Road, stated he was in favor of the project as it would clean up the area. Mr. Race expressed concerns about the lighting, noise, and privacy and requested a fence be erected. Chairperson Bebak questioned if fencing to the first building would be sufficient. Mr. Race stated this was acceptable. Mr. Hanley stated he was open to fencing and tress and would be willing to work with the neighbors.

Mr. Schieber requested clarification on the fencing and trees. Chairperson Bebak stated there should be a 6' fence along the south line with breaks in the fence to work around drainage easements, where there is not a fence the landscaping plan should be followed with trees inside the fence; along the north there should also be a 6' fence starting at the corner of the parking to the building.

Mr. Hayes suggested fencing from the corner of the parking lot back to the maintenance building. Mr. Sailer stated he believed the fence in the front due to lighting concerns was appropriate and felt a fence that long would be a maintenance issue. Mrs. Cole stated she would like a fence to the culvert.

Chairperson Bebak stated there should be a fence on the south, to the back culvert and heavy landscaping after and including up to the back corner where no landscaping is shown on the plan.

Susan Kims, 99 Covington Drive, spoke as a resident and stated she lives downstream of the sewers and questioned the sewer district. Mr. Schieber stated this is sewer district no. 13. Mrs. Kims questioned if this comes into district no. 5. Mr. Schieber stated he believed this was correct.

Mrs. Kims stated former Town Engineer Steve Tanner had the sewers cleaned starting at Covington Drive towards the City of Buffalo and noted there was a blocked section of line. It was cleared and found that there was no bottom to the line and this district is still paying on the bond. When this project is built how will it affect the district it is flowing into. Mr. Schieber stated two sanitary sewer studies were done and it was determined that what was existing at Flattery's was in terrible condition and the new construction would be of new materials that would limit the infiltration that is currently happening. They have quantified the fixtures inside the bar to provide some correlation as to the actual increase. The ultimate determination by Mr. Tanner was that the problem is not necessarily the line on Orchard Park Road but when it intersects with another sanitary sewer line.

Mrs. Kims stated Mr. Tanner told her it would come past her street and there is no bottom to the line. Mr. Schieber stated the Town Board just voted to reline the main line sanitary sewers. Mrs. Kims stated her area

has been relined and she would like assurance this project will not cause a problem for her. Mr. Schieber stated the new Town Engineer could review Mr. Tanners report. The town imposes mitigation fees that solely go to the benefit of the sewers.

Mr. Sailer stated it is his assumption that the sewer study was done, reviewed by the Town Engineer, and approved; this should be the assurance. Mrs. Kims stated this was done by Mr. Tanner and she would like some assurance. Mr. Schieber stated this was based on the number of units and this has not changed.

Mr. McCabe stated the Planning Board does not have the authority to give this type of assurance. The Planning Board is advisory to the Town Board. This project was approved by the Town Board. Mrs. Kims stated at that time nothing was said about the sewer lines and she was provided with information from Mr. Tanner and would like to know if the information is correct and what needs to be done. Mr. Schieber stated it is his impression nothing has changed and the intent of the town with the sewer linings is to get better.

Mrs. Kims stated she has a letter stating there is a problem with the line, and they went and quick cleaned the line.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Frick, to approve the site plan for property located at 1130 Orchard Park Road for construction of a 44-unit multi-family community and all related site improvements with the following changes: 1) 6' wood fencing be erected on the north side beginning at the parking and going to the west corner of the building on the north; 2) 6' wood fencing be erected on the south and up to the culvert; 3) increase the screening along the south line until the jog; 4) contingent upon resolution of the Town Engineers comments on minor details.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Sherman, seconded by Frick, to adjourn the meeting at 7:13 P.M.

Ayes: All

Noes: None

Motion Carried

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