

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

WEST SENECA PLANNING BOARD
Minutes #2017-04
April 13, 2017

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

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
Jim Rathmann
Joseph Sherman
Margaret Bebak
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer
John J Fenz, Town Attorney

Absent - George Clifford

Chairman Niederpruem read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

APPROVAL OF PROOFS OF PUBLICATION

Motion by Sherman, seconded by Rathmann, 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 #2017-03 of March 9, 2017.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

2016-07

A request from Vann Advertising, Inc. for a special permit for property located at the rear of Bullis Road property on the north side of Route 400, being part of Lot No. 366, changing its classification from M-1 to M-1(S), to construct a two-sided 10' x 36' billboard sign, 35' high.

2016-07 (continued)

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

Ayes: All

Noes: None

Motion Carried

Attorney Ralph Lorigo represented Vann Advertising and stated a contract to purchase the property was worked out and Mr. Vann intends to construct the billboard on one parcel and develop the other parcel for residential use. A survey was presented indicating the location of the proposed billboard that meets all the specifications outlined in the Town Code.

Mr. Mendola noted a response was received from Erie County indicating they had no recommendation, but no response was received from NYSDOT. Code Enforcement Officer Jeffrey Schieber stated the application was referred to NYSDOT on July 26, 2016 and Mr. Vann will have to receive their approval prior to construction of the billboard.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Rathmann, to recommend approval of the request for a special permit for property located at the rear of Bullis Road property on the north side of Route 400, being part of Lot No. 366, changing its classification from M-1 to M-1(S), to construct a two-sided 10' x 36' billboard sign, 35' high, conditioned upon approval from NYSDOT.

Ayes: All

Noes: None

Motion Carried

V. NEW BUSINESS COMMUNICATIONS

SPR2017-02

A request from Tim Kropovitch for site plan approval for property located at 3220 Clinton Street to construct a 4500 sf pre-engineered metal building with parking for automotive repair and sales.

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

Ayes: All

Noes: None

Motion Carried

SPR2017-02 (continued)

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form and construction plans for the proposed building.

Architect James Wittmann represented Tim Kropovitch and stated his plan to construct a 4500 sf pre-engineered metal building at 3220 Clinton Street for automotive repair and sales, noting a portion of the building will be used for a customer waiting area. There will be 24 parking spaces - 10 for auto sales, three for the owner and employees and the balance for cars being serviced. The auto repair portion of the building is 50' x 80' with four overhead doors and the front office will be 20' x 25'. There will be metal wall panels on the exterior with a 5' stone Wainscot around the perimeter of the front underneath the windowsills. A black open metal fence with stone piers will be constructed around a portion of the parking lot in the front and a 6' high stockade solid wood fence in the rear to screen storage behind the building. The piers will have the same stone product that is attached to the face of the building, possibly brown tone, and Mr. Kropovitch is thinking either dark green or medium brown for the exterior wall panel.

Chairman Niederpruem stated the Planning Board is very concerned with the architectural look of the building and want the colors to blend with others in the area.

Mr. Kropovitch responded the colors will not totally match others, but he wants it to be complimentary. He is also concerned about appearance of his business and stated an overhang was added over the office entrance for aesthetics.

Chairman Niederpruem referred to the billboard indicated on the site plan and Mr. Kropovitch responded the billboard was there when he bought the property and it is owned by Lamar Advertising.

Mr. Mendola questioned storage of vehicles. Mr. Kropovitch responded that any vehicles to be serviced will be stored behind the stockade fence along with his truck that will be used to plow the parking lot.

Mr. Rathmann questioned if the metal fence will be tubular steel or aluminum and commented on the grade around the detention basin, noting they also need to indicate the grade around the entrance. He further commented on the choice of plantings indicated on the plans and suggested others that will not grow as tall and not be attractive to deer.

Mr. Wittmann responded the fence will be tubular aluminum. He had spoken to Wm. Schutt & Associates concerning the grade around the detention basin and they will be correcting it along with other items on Town Engineer David Johnson's list.

SPR2017-02 (continued)

Mr. Sherman questioned the type of lighting planned for the site and the hours of operation for the business.

Mr. Wittmann responded wall packs will be installed on the perimeter of the building and noted the nearby billboard provides considerable light for the area so they are not proposing light posts in the parking lot. Mr. Kropovitch stated he intends to be open Monday – Friday, 8 A.M. – 5 P.M. and some Saturdays for a half day.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

Motion by Bebak, seconded by Rathmann, to table site plan approval for property located at 3220 Clinton Street pending approval of the Town Engineer.

Ayes: All Noes: None Motion Carried

2017-05

A request from Marty & Michelle Monaco for a rezoning with site plan approval for property located at 1420 Union Road, being part of Lot No. 112, changing its classification from R-65 to C-1, to install a parking lot with landscaping.

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 of intent from the property owners, drainage information, a survey and a site plan.

Architect Frank Wailand represented the Monaco's and stated their request to rezone a one-quarter acre parcel on the west portion of the property at 1420 Union Road to install 13 parking spaces to facilitate a beauty parlor. A letter was received from Town Engineer David Johnson indicating that runoff is an issue. There are no receivers on Greymont Avenue so there is nothing to tie into and Mr. Johnson suggested mitigating on the property. The plan is being revised and some parking spaces will be removed for a bioretention system on the property. No calculations are currently available, but there is sufficient land. The parking lot will be lit with a 15' high sky friendly LED light and there will be no light spillage off the property. A landscaped berm with Blue

2017-05 (continued)

Spruce will be installed on the front of the property for screening and the entrance on Greymont Avenue will be offset from the parcel across the street to prevent lights shining. There will be four chairs with hours daily 9 A.M. – 4 P.M. and half days on Saturday. A stockade fence will be installed on the north and south property line as indicated on the drawing and there is an area for snow storage.

Mrs. Bebak questioned if the beauty salon is located in the front. Mr. Willand responded the beauty salon will be located in front and there is one family in the back building with two parking spaces for the apartment. The main entrance for the business will be off Greymont Avenue and it will operate by appointment, so there will be minimal traffic impact on the street.

Mr. Rathmann noted the handicapped parking space should be as close as possible to the building and requires handicapped access from the parking space to the building.

Mr. Mendola questioned if parking in the front of the building is possible. Mr. Willand responded parking in front is not possible with NYSDOT.

Mr. McCabe questioned the zoning of the parcel to the north along Greymont Avenue. Mr. Willand responded the zoning on both sides of the property is R-65.

Jessica Shanahan lives on Greymont Avenue and stated the exit for the parking lot will be 40' from her home. She commented on the narrow width of Greymont Avenue and expressed concern for the safety of children and people that walk dogs in this residential neighborhood. Mrs. Shanahan further commented on maintenance of the property and expressed concern that lights will shine into her living room. She questioned why so many parking spaces are needed if the beauty salon will operate by appointment only.

Chairman Niederpruem responded Town Code specifies the number of parking spaces required.

Rachel Berent expressed concern for the children in the area when there are no sidewalks or curbs and commented on the possibility of something less desirable locating there if the beauty salon closes in the future. She was also concerned about the proposed entrance to the property on Greymont Avenue and stated the nearby Family Hair Center had previously applied for additional parking and were rejected because it is on a residential street. Mrs. Berent suggested the property be divided so the beauty salon will be located on commercial property on Union Road and a house could be built on the back parcel.

SPR2017-03 (continued)

Mr. DiNicola stated it was suggested that the pole barn and parking lot be switched, but there are gas and water easements that run through the entire area so they cannot do that. There were also comments on the flood plain which is where the additional parking spaces were added for events, but they can be removed if necessary.

Chairman Niederpruem questioned if there is a deadline for the grant funding. Robin Clouden of Kids Escaping Drugs stated this project is part of a rapid expansion grant and they need to open the building within six months.

Mr. Rathmann commented this is a wonderful project and will be an asset to the community, but there are things missing from the survey because it is not updated. He questioned if some of the grades are correct and stated more information is needed on where the new building is going. They also need compliance with NYSDEC for filling the flood plain.

Karl Spencer represented the West Seneca Environmental Commission and stated they would like the natural state of the property preserved and a tree survey is required.

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Rathmann, to table this item pending receipt of engineering approval, an updated survey and a tree survey.

On the question, Mr. Sherman stated a special meeting can be called if information is provided in advance of the next meeting.

Ayes: All Noes: None Motion Carried

2017-06

A request from Bart Adams for a rezoning and special permit for property located at 4972 & 4982 Seneca Street, being part of Lot No. 264, changing its classification from R-75 to R-50(S), for construction of five 6-unit townhome buildings on a private road.

Motion by Mendola, seconded by Sherman, 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 Metzger Engineering, a legal description, a survey and a site plan.

2017-06 (continued)

Attorney Ralph Lorigo represented Bart Adams and stated Mr. Adams is the contract purchaser of a 200' x 1100', 4.9 acre parcel at 4972 & 4982 Seneca Street that is currently zoned R-75. He would like to rezone the property to R-50(S) to construct five 6-unit luxury townhomes, 30 units, which is well below the density requirement of the town. After meeting with the neighbors, the plan was modified to include a 150'-x-200' buffer at the rear of the property to the north lot line and the cul-de-sac was removed. There will be a 58' buffer on the westerly side of the property and 40' to the rear property line on the easterly side. The development will have a homeowner's association, so there will be no town maintenance of roads and no town garbage pickup or snow plowing. The exterior of the homes will be controlled by the homeowner's association and no maintenance will be needed by the property owner. The townhomes are geared toward people who want to downsize; they are two bedroom units with a one car garage. Mr. Lorigo did not see traffic to be a concern and noted less than 100 cars are anticipated, so no traffic study is needed.

Mr. Clifford questioned how fire apparatus will access and maneuver the site. Michael Metzger of Metzger Civil Engineers responded there will be a turnaround at the end of the street and it will be designed to be in compliance with the NYS Fire Code and have adequate turnaround space for emergency vehicles.

Chairman Niederpruem questioned the possibility of wetlands on the site and Mr. Lorigo responded a wetlands delineation was not done, but there is nothing indicated on the maps. Mr. Rathmann stated Erie County soils maps and the town comprehensive plan indicate a good portion of the site is hydric soils, which is an indication of wetlands.

Jill Simko expressed concern about additional traffic from the development, noting she has two children and there are no sidewalks on Seneca Street. Mrs. Simko was also concerned about lights, privacy, deer and a decrease in property value of her home.

Mark Davis had serious concerns about spot zoning, noting there are older single family homes on Seneca Street and newer single family homes in the Villa Destro subdivision, so 30 townhome units in between does not fit and is not in conformance with the Comprehensive Plan. He commented on sewer issues in Sewer District #13 and \$30 million in sewer improvements that were made and stated adding 30 townhome units to the system is a bad idea. Mr. Davis noted the tree conservation ordinance and comprehensive plan talks about preserving trees, but this project will require removal of a number of trees.

Rick Gorenflo commented on traffic concerns and drainage/sewer issues.

