

NEW BUSINESS

SPR2024-04

A request of Chris Jerge for construction of a multi-family dwelling – 5 units proposed with site infrastructure for property located at 711 Harlem Road.

Doug Feyes of Carmina Wood Design on behalf of property owner Chris Jerge made the following comments about the proposed project:

- ✓ Property is a previously developed 0.42-acre site zoned C-1
- ✓ Proposed use is a 5-unit townhouse building
- ✓ Variance for the rear setback was granted in October 2022 by the Zoning Board of Appeals reducing the setback to 8' to fit the rear of the building on the lot
- ✓ Harlem Road is a NYSDOT road, and the applicant has applied for Permit 33 approval

Chairperson Bebak questioned if the applicant applied for additional variances. Mr. Feyes stated he is not aware of additional variances being applied for. Mr. McCabe stated he understood the applicant needs a variance for the number of units. Chairperson Bebak stated the applicant was at the previous Zoning Board of Appeals meeting. Code Enforcement Officer Baksa stated the information he has is the variance granted in 2022 for a rear setback of 17.84' instead of 30', parking setback of 8.33' instead of 10', and a bulk area of 18,276-sf instead of 28,000-sf.

Mr. Feyes continued:

- ✓ The townhouses and parking will cover most of the site
- ✓ Parking spaces are being counted in the driveways and will not include the garages
- ✓ Two additional parking spaces on the west side of the site
- ✓ Underground water retention to reduce post development drainage that will out falls into the storm system on Harlem Road noting this NYSDOT is reviewing this, also
- ✓ A fire lane is located on the south end of the site for emergency vehicle turn around

Mr. Sherman questioned if the applicant has elevations at completion of the project to provide the Planning Board. Mr. Feyes stated he will follow up and provide this.

Chairperson Bebak questioned the screening that will be utilized. Mr. Feyes stated vegetation along with deciduous and evergreen trees will be added along the back property line. There are trees through the site including street trees and shrubs along the parking lot. Drawing L-100 is the Site Landscape Plan. Chairperson Bebak referred to the fencing along the property line in the drawing and questioned if this is existing or new fencing. Mr. Feyes stated he believes there is existing fencing that will remain. Chairperson Bebak stated the Planning Board requires full fencing and requested the applicant be prepared to provide specific details on the shielding noting any gaps will need to be addressed. Mr. McCabe questioned the type of shrubs along the rear. Mr. Feyes referred to the planting schedule and stated Eastern Red Cedar.

Chairperson Bebak questioned if there will be bicycle accessibility. Mr. Feyes stated each unit has a garage that can be used for storage, an onsite bike rack is not in the plans.

Mr. Frick stated in his opinion there is not enough space to accommodate 12 vehicles and requested the applicant have all parking spaces indicated on their plan at a future meeting. Mr. Feyes corrected his earlier statement and confirmed the garage spaces will be counted as parking spaces. NYSDOT will be widening Harlem Road and

Mr. Feyes believes sidewalks are also being added; he will confirm this information with NYSDOT. Mr. Frick clarified that the Planning Board would like the applicant to include a striped designated area through the parking lot and a concrete sidewalk up to the NYSDOT right-of-way. Chairperson Bebak questioned if the parallel parking spaces near Harlem Road are the "extra" spaces and if there is space for overflow parking. Mr. Feyes confirmed the two spaces allow the applicant to meet the requirement and there is no extra space available.

Mr. Frick stated the Planning Board must confirm a variance for the number of units has been granted. Chairperson Bebak stated the property is zoned R-50(S) and variances have been secured for the required items. Mr. Baksa confirmed variances were granted in 2017 and 2022. Mr. Frick stated the Planning Board denied a proposed 6-unit building in 2022 and would like confirmation that a variance has been granted to place a 5-unit structure on this site. Mr. Baksa stated in the Zoning Board meeting minutes from the 2022 a 5-unit building was being discussed. Mr. Frick stated this satisfies his concern.

Chairperson Bebak stated the Town Engineer provided a letter dated August 6, 2024, listing 13 outstanding items and advised the applicant that all items must be addressed prior to site plan approval and questioned if the applicant has received a response from SHPO. Mr. Feyes stated not at this point. Chairperson Bebak stated the Planning Board may have one. Mr. Baksa confirmed the letter is dated July 8, 2024.

Mr. Frick stated the Planning Board reviewed the Short Form EAF and found no issues. Based on the review this is an unlisted action and the town completed parts 2 and 3: Part 2 has no significant impact, and Part 3: The development is proposed on a previously disturbed lot, believed to be a multi-family residence, a 5-unit development will have no adverse effects as outlined in 6 NYCRR Part 617.7(c)1 therefore, the Planning Board should adopt a negative declaration.

Motion by Frick, seconded by Bebak, that the Planning Board adopt a Negative SEQR Declaration.

Ayes: All

Noes: None

Motion Carried

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

WHEREAS, the Town 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 711 Harlem Drive ("Subject Property"), for construction of a new +/- .42 acre two story residential town home development and associated site work and parking (the "Project"), and reviewed the draft completed Part II and Part III 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 they reviewed the project and the project was to be of local concern; and

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

WHEREAS, the Town Planning Board, carefully and fully reviewed the application including the following documents submitted by the applicant and other interested entities: Response from Erie County Water Authority, Erie County DOT, NYSDOT, SHPO, and the Town of West Seneca Engineering Department; and

WHEREAS, the Town 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;

WHEREAS, upon review of Parts I, II, and III of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Town Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that this is an unlisted action and preparation of a Full 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 Town 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 table the site plan review pending the review of outstanding items from the Town Engineer.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Bebak, seconded by Frick, to adjourn the meeting at 6:22 P.M.

Ayes: All

Noes: None

Motion Carried