WEST SENECA PLANNING BOARD Minutes #2024-09 September 12, 2024

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
Timothy Hayes
Christopher Holmes
Dale J McCabe
Eric Sailer
Joe Sherman

Jeff Baksa, Code Enforcement Officer

Chris Trapp, Town Attorney

Absent - None

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

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

Ayes: All Noes: None Motion Carried

#### **APPROVAL OF MINUTES**

Motion by Frick, seconded by McCabe, to approve minutes 2024-08 of August 8, 2024.

Ayes: All Noes: None Motion Carried

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

Aves: All Noes: None Motion Carried

#### **OLD BUSINESS**

#### SPR2019-03

A request of Frank Wailand, Agent for site plan approval for property located at 3155 Seneca Street for construction of two (2) multi-tenant commercial buildings.

Frank Wailand of F.J. Wailand and Associates Inc and site development Engineer Christopher Andrzejewski provided updated drawings to address the Planning Board's concerns with the appearance of the structure along Seneca Street depict decorative masonry and decorative steel panels along the front of the building. Mr. Frick referred to the drawing and questioned if the masonry extends to the top of the windows and doors. Mr. Wailand stated the masonry will be 7'4" high with 2 horizontal bands of contrasting colors and the decorative steel panels will be above the masonry.

Chairperson Bebak reviewed the elevations with Mr. Wailand:

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- ✓ Building A is parallel to Seneca Street, office entrance doors facing Seneca Street, loading areas behind the building
- ✓ Building B, perpendicular to Seneca Street, will have bays, cannot get behind the building

Code Enforcement Officer Schieber stated the applicant provided an updated application and updated Short Environmental Assessment form, a copy of the agreement between the parcel owner and utility easement area, a clearance letter from SHPO, a wetland delineation indicating there are no wetlands on the site, and the Town Engineer has given approval.

Mr. Frick referred to the Short Environmental Assessment Form and made the following comments:

- ✓ Confirmed corrections were made to Part 2
- ✓ The Planning Board prepared Parts 2 and 3:
  - o Part 2 No or small impact may occur under all items
  - Part 3 Determination of Significance Spec building (minor manufacturing and/or retail) will not generate a significant increase in demand on public water or wastewater services. Determination has been made that no wetlands will be affected by this project. SHPO has determined there will be no impact on any historic resources by this project. Therefore, the proposed action will not result in any significant adverse environmental impacts.

Motion by Frick, seconded by Sherman, to recommend that the Town Board adopt a Negative SEQR declaration for property located at 3155 Seneca Street:

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 Environmental Assessment Form ("EAF") prepared by the applicant for property located at 3155 Seneca Street ("Subject Property"), for construction of multi-tenant spec buildings and storage facilities covering approximately 4.0 out of 5.8 acres 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 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 hereby moves to declare itself as lead agency for this project after giving due notice to all other interested parties; 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 DEC outlining various matters for consideration, Erie County Department of Environment and Planning, NYSDOT, SHPO with accompanying comments, Earth Dimensions, Inc., National Grid, and the Town of West Seneca Engineering Department with additional comments; and

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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 prior to the issuance of a Negative Declaration; 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 Hayes, to grant site plan approval for property located at 3155 Seneca Street for construction of two (2) multi-tenant commercial buildings.

Ayes: All Noes: None Motion Carried

### SPR2024-03

A request of Embury Holdings, LLC for expansion of the existing building with sitework for property located at 287 Center Road.

Matt Fitzgerald of Phillips Lytle, attorney for the applicant, made the following comments:

- ✓ Application was before the Planning Board for concept plan review and the Zoning Board of Appeals for the necessary variances
- ✓ At the request of the Planning Board and Zoning Board of Appeals, additional landscaping was added and surrounds the front yard parking lot
- ✓ There were no other changes to the plans, noting additional drainage detail required for Engineering approval was added and the approval was received
- √ The proposal is a minor expansion of an existing dental facility and is a Type 11 Action under SEQR and
  no further review is required
- ✓ Complies with town code and site plan approval

Chairperson Bebak requested clarification of the perimeter fencing. Mr. Fitzgerald stated there is existing fencing mid-way back along the property line and wraps along the rear of the property stopping at about the same point along the eastern side of the property. There is no fencing in the front yard and landscaping is preferred aesthetically, will not exacerbate inconsistencies with the surrounding properties, and will not obstruct the existing sign. Mr. Fitzgerald concluded the fencing will remain as is and additional landscaping will screen the parking lot. Mr. Frick questioned if the fence is a stockade fence. Mr. Fitzgerald confirmed this.

Mr. McCabe questioned if continuing the use of the property was discussed at the Zoning Board of Appeals meeting. Mr. Fitzgerald stated the focus of the Zoning Board of Appeals was the area variance component and reiterated their position that once a use variance is granted, the use can expand or contract on the property as long as the use does not ultimately change from what the use variance originally was. The Zoning Board of Appeals did not raise any issues about this position.

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Mr. Frick questioned the proposed lighting for the new parking area along the existing residential properties. Mr. Fitzgerald stated no lighting is being proposed because of the hours of operation. Mr. Frick clarified, what are the plans for the parking along the east side toward the back. Mr. Fitzgerald stated there is an existing light on the building and no new lighting is proposed. Mr. Frick questioned if the lack of additional lighting is a safety concern during the winter months. Mr. Fitzgerald stated this is the existing condition and consider additional lighting to be more impactful on the neighboring property owners. Chairperson Bebak questioned the location of the existing light. The light is located above the side service door where the roof meets the building is on a timer turning on at 6 A.M. and off at 7 A.M. Mr. Fitzgerald stated the applicant can add an additional light on a timer if the Planning Board requires this.

Motion by Bebak, seconded by Sailer, to approve the site plan for property located at 287 Center Road with the following condition: 1) addition of lighting with the proper deflectors.

Ayes: All Noes: None Motion Carried

### SPR2024-04

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

Doug Feyes of Carmina Wood Design, Civil Engineer for the applicant, made the following comments:

- ✓ Addressed comments from the Planning Board and Town Engineer and noted they have received Engineering approval
  - Added sidewalk access to the right-of way, striping to the other side of the drive aisle and handicap parking spaces
  - Additional screening, plantings, to fill in the gaps at the rear of the property
  - Area variance granted by the Zoning Board of Appeals lowering the area per unit required to adjust for the parcel size, increasing it from 3-units to 5-units

Mr. Sherman stated he does not see a shelter for students waiting for school busses. Mr. Feyes stated there is not enough room in the setback to add a shelter and speculated students would wait at their doors and questioned if the town code required a shelter. Chairperson Bebak agreed that there is not enough space for a shelter.

Mr. Frick questioned if there is space for sidewalks along Harlem Road in this location. Mr. Schieber stated he understands the plans include sidewalks along Harlem Road and will review the drawings the town has been provided.

Mr. McCabe questioned how garbage will be managed. Mr. Feyes stated each unit will have their own totes for garbage and recycling.

Chairperson Bebak requested elevation details. Mr. Feyes stated Carmina Wood is not the architect, but can provide general information:

- ✓ Typical townhouse elevation
- ✓ Each unit has a driveway and garage, front door, and green space
- ✓ Two-story units

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Chairperson Bebak questioned if there is stonework on the bottom elevation. Mr. Feyes pointed out on the elevated that were provided that appeared to be stone work, but stated he is not certain.

Motion by Frick, seconded by Bebak, to recommend the Town Board grant site plan approval for property located at 711 Harlem Road for construction of a multi-family dwelling – 5 units proposed with site infrastructure.

Ayes: All Noes: None Motion Carried

### **ADJOURNMENT**

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

Ayes: All Noes: None Motion Carried