

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

WEST SENECA PLANNING BOARD
Minutes #2017-02
March 9, 2017

Vice Chairman Donald Mendola 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 - Donald Mendola
Jim Rathmann
Joseph Sherman
George Clifford
Margaret Bebak
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer
John J Fenz, Town Attorney

Absent - Robert Niederpruem Jr., Chairman

Vice Chairman Mendola 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 Rathmann, seconded by Sherman, to approve Minutes #2017-02 of February 9, 2017.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2017-04 & SPR2017-01

A request from Oakgrove Construction Inc. for a special permit and site plan approval for property located at 422 Mineral Springs Road, being part of Lot No. 128, changing its classification from M-1 to M-1(S), to allow concrete crushing, storage of crushed and uncrushed concrete, equipment storage and topsoil storage & mixing.

Motion by Sherman, seconded by McCabe, to suspend the regular order of business to allow Town Attorney John Fenz to update the public on the special permit and site plan application for 422 Mineral Springs Road.

Ayes: All

Noes: None

Motion Carried

2017-04 & SPR2017-01 (continued)

Mr. Fenz advised the town received an email from the applicant requesting their application be withdrawn from the agenda to allow them time to address concerns of the neighbors; therefore, the Planning Board will not be opening the public hearing this evening and there will be no public comments received at this time. Mr. Fenz further stated that representatives of Oakgrove Construction are present at the meeting to offer their contact information to interested residents.

Buffalo City Council Member Richard Fontana stated he understood Oakgrove Construction has been crushing stone at this site for years. He questioned if there are any legal repercussions if the business has been operating illegally. Mr. Fenz responded there are provisions in the Town Code to address violations along with state and federal regulations.

OLD BUSINESS COMMUNICATIONS

2016-04

A request from Vann Advertising, Inc. for a special permit for property located at 525 Bullis Road, changing its classification from M-1 to M-1(S), to construct a two-sided 10' x 36' billboard sign, 35' high.

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

Ayes: All

Noes: None

Motion Carried

Larry Vann of Vann Advertising stated an updated survey was submitted along with a photograph of the site with the billboard superimposed.

Code Enforcement Officer Jeffrey Schieber advised this application is zoning compliant and no variance is needed.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Sherman, seconded by Bebak, to recommend approval of the request for a special permit for property located at 525 Bullis Road, changing its classification from M-1 to M-1(S), to construct a two-sided 10' x 36' billboard sign, 35' high.

Ayes: All

Noes: None

Motion Carried

2017-A

A request from Christopher Wood of Carmina Wood Morris for preliminary approval of the proposed 9-lot subdivision on the corner of Reserve Road and Westgate Blvd.

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

Ayes: All

Noes: None

Motion Carried

Christopher Wood of Carmina Wood Morris submitted two revised plans for the proposed subdivision that shifts everything to the north to provide access to the flag lot along the creek. The driveway is now along the creek rather than the house. Option A is for eight lots which includes 85' frontage for lots on Reserve Road and the first lot on Westgate Blvd., 75' for two additional lots on Westgate Blvd. and two flag lots. Option B is for nine lots with the lots on Reserve Road having 85' frontage, two lots on Westgate Blvd. with 70' and one with 75' frontage and two flag lots. Mr. Wood indicated on both plans a small exception lot due to a gas well and another exception parcel that is to be sold to a nearby property owner.

Mr. Clifford referred to the wetlands area off Lot #1 and questioned how they will get around it.

Mr. Wood stated both plans disturb the same amount of wetlands, but it is under one-tenth of an acre so it can be done under a nationwide permit and does not require mitigation.

Mr. Rathmann preferred the 8-lot subdivision because it offered a more buildable site for the flag lots. He noted a variance is needed for access to Lot #1 and a tree survey is needed for buildable lot areas. Mr. Rathmann further questioned if the wetland flood plain needs to be designated as a conservation area.

Code Enforcement Officer Jeffrey Schieber responded it does not but stated they make the applicant aware that when they are ready to build on it, they require the areas to be flagged out prior to any development.

Mr. Wood stated the flood map shows Zone X which is outside of the 100 year flood plain.

Mr. Sherman questioned the status of the sewer that collapsed in the area of the proposed development. Mr. Schieber stated an emergency sewer repair was completed by a contractor and the Engineering Department is in the process of surveying the entire area to determine if a substantial replacement is needed. He further stated the proposed development across the street in Orchard Park is planning to tie into that sewer system, but this project will not.

