

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

WEST SENECA PLANNING BOARD
Minutes #2017-02
February 9, 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
George Clifford
Margaret Bebak
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer
John J Fenz, Town Attorney

Absent - None

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 Sherman, seconded by Mendola, to approve Minutes #2017-01 of January 12, 2017.

Ayes: (4) Mr. Sherman, Mr. Mendola, Mr. Rathmann, Mr. Clifford

Abstentions: (3) Mrs. Bebak, Mr. McCabe, Chairman Niederpruem

Noes: None

Motion Carried

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.

2016-05

A request from Vann Advertising, Inc. for a special permit for property located at 1648 - 1650 Union Road, being part of Lot Nos. 84 & 85, changing its classification from M-2 to M-2(S), to construct a two-sided 10' x 36' billboard sign, 35' high.

2016-06

A request from Vann Advertising, Inc. for a special permit for property located at 1940 Ridge Road, changing its classification from M-1 to M-1(S), to construct a two-sided 10' x 36' billboard sign, 35' high.

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.

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 they are withdrawing the special permit application for 1648 – 1650 Union Road. The remaining three applications meet all 16 requirements in the Town Code except for distance between billboards for the 1940 Ridge Road location. A variance was approved by the Zoning Board for that site which is located 1125' rather than 1250' from the billboard at the corner of Ridge Road and Orchard Park Road. The same size billboard is proposed for each location and Mr. Lorigo submitted surveys for the 525 Bullis Road location and 1940 Ridge Road location this date. The attorney for the property owner of the other Bullis Road location will be sending in a letter of authorization and a contract and he asked that the Planning Board table that request until the next meeting.

Mr. Mendola questioned if the billboards are electronic. Code Enforcement Officer Jeffrey Schieber responded the billboards are illuminated, but they are not electronic. Mr. Lorigo stated the face of the billboard is not changed electronically.

Mr. Rathmann noted the Planning Board had requested visuals of the billboard superimposed at each location.

2017-01 (continued)

Chairman Niederpruem stated along with the application the Planning Board received a letter from the property owner, a description of the business, a deed and a site plan.

Paul Reamsnyder of Spectrum Landscape Service stated they are adding a salt barn and fuel tank to the site and would like to do light mechanical work to keep employees working during slow times. The work will include installation of flatbeds, minor snow plow equipment repairs, oil changes, etc. Approval of the special permit is required for them to be licensed by NYS. There will be no painting, collision work or vehicle inspections. There will be outside storage of vehicles.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

Motion by Mendola, seconded by Bebak, to recommend approval of the request for a special permit for property located at 1711 Union Road, being part of Lot Nos. 186, 187 & 198, changing its classification from M-1 to M-1(S), for automotive use with the stipulation there will be no collision work or painting.

Ayes: All Noes: None Motion Carried

2017-02

A request from Up State Tower Co., LLC for a special permit for property located at 3045 Seneca Street, changing its classification from M-1 to M-1(S), for construction of a wireless telecommunications facility.

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

Ayes: All Noes: None Motion Carried

Chairman Niederpruem stated along with application the Planning Board received a full environmental assessment form, a site plan, survey and full set of construction drawings.

2017-02 (continued)

Don Carpenter of Carpenter Consulting Group represented Up State Tower and stated the M-1 zoning district allows a tower not within 150' of a residential district. The proposed site is 180' from Seneca Street and is screened from street view other than the top of the tower. Mr. Carpenter referred to §120-40.16.1(B)(1) of the Town Code and questioned the need for a special permit. He was not opposed to going through the process but did not want to have to renew the permit in the future.

Chairman Niederpruem questioned other possible locations to co-locate or a power tower. Mr. Carpenter responded this is an ongoing project for Blue Wireless as they are upgrading their existing network from 3G to LTE and expanding their footprint for better coverage, so closer site spacing is necessary. They have a tower at Ridge Road and I-90 and they need 160' height for proper spread of the signal. A power tower is not feasible because they are not designed to the same structural standards as a cell tower.

Mr. Mendola suggested a bond to ensure the tower is demolished if it becomes abandoned. Mr. Carpenter stated they would agree to a bond to cover the cost of removal of the tower.

Carl Rosati was concerned there will be clear access going to the tower and requested a gate or fence be installed to prevent access by unauthorized people.

Mr. Carpenter stated there would be no problem gating the entrance to the site.

Motion by Mendola, seconded by McCabe, 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 3045 Seneca Street, changing its classification from M-1 to M-1(S), for construction of a wireless telecommunications facility with the following stipulations: 1) a demolition bond be provided; 2) installation of a gate to control access to the site.

Ayes: All

Noes: None

Motion Carried

2017-03

A request from Marrano/Marc Equity Corporation for a rezoning and special permit for property located at 2730 Transit Road, being part of Lot Nos. 362 & 363, changing its classification from M-1 to C-2(S), for construction of 40 townhome units with associated access drives/driveways.

2017-03 (continued)

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 deed, survey, site plan and a rendering of the townhomes.

Patricia Bittar of Wm Schutt & Associates represented Marrano/Marc Equity and stated their proposal to rezone eight acres of their property at 2730 Transit Road for multi-family dwellings. The two warehouses on site will be demolished and the property will be divided into two parcels. One parcel will continue to house Marrano/Marc Equity's corporate offices, parking and a proposed 3-car garage for storage purposes. The other parcel will be used for the proposed multi-family dwellings. A creek bisects the property and one side, approximately two acres, will be maintained as green space. A wetlands walk through was done by Earth Dimensions up to the creek and it was determined there are 1.013 acres of federal wetlands, so a permit from ACOE will be required to disturb .08 acres. Ms. Bittar presented an aerial view of the site indicating there is 560' from the back of the project to the closest residence.

David DePaolo of Marrano/Marc Equity stated this will be a private development with a homeowner's association. He anticipated a wide range of age groups to reside there and the cost per unit will range from \$165,000 - \$200,000. The units will be 1300 sf, but they may have less units and slightly increase the size of some. These will be two-story buildings and there will be driveways and garages. The proposed project is under the allowed density.

Mr. Rathmann commented on the lack of visitor parking on the plan and stated a tree survey is required. He further commented on the width of the roadway and noted it should be 30' wide.

Mrs. Bebak questioned the intent for the conservation easement area. Mr. DePaolo responded it will be maintained by the homeowner's association but no amenities will be added.

Mr. Sherman suggested installation of a turn around to allow emergency vehicles and school buses to maneuver the site.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

2017-03 (continued)

Motion by Mendola, seconded by Bebak, to recommend approval of the request for a rezoning and special permit for property located at 2730 Transit Road, being part of Lot Nos. 362 & 363, changing its classification from M-1 to C-2(S), for construction of a maximum of 40 townhome units with associated access drives/driveways.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated the Planning Board had received a letter from Christopher Wood detailing the project, a survey and a site plan.

Christopher Wood of Carmina Wood Morris represented the property owner, Peter Liberatore, and stated his proposal to subdivide the northwest corner of Reserve Road and Westgate Blvd. for a 9-lot subdivision. The proposed plan meets the minimum lot areas, except one variance is required for a flag lot on Reserve Road that has only 45' frontage instead of 50'. A wetlands delineation was done, but has not yet been sent to the Army Corps of Engineers. There is .08 acre impact on Lot 1 to provide access to the property. Lots that front on Reserve Road can tie into the sewer across the street and Lots 6, 7, 8 & 9 will tie into a sewer extension on Westgate Blvd. Downstream sewer capacity analysis is required along with 4:1 mitigation. Mr. Wood noted the lots on Reserve Road are zoned R-75A which allows duplexes. The lots on Westgate Blvd. are zoned R-65 which allows single family homes only.

Chairman Niederpruem commented there were concerns from residents of Cherokee Drive, Westgate Blvd. and Chippewa Court due to the recent collapse of a sewer on Chippewa Court, but sewage from the proposed development will go to Reserve Road and down to Mill Road, not to Cherokee, Westgate and Chippewa. Chairman Niederpruem further stated he is not comfortable with Lot No. 9 and suggested taking the driveway area off Westgate Blvd. and making eight 75' lots instead. He also questioned the 100 year flood plain.

2017-A (continued)

Mr. Wood responded the 100 year flood plain area is not well defined on FEMA maps, but they will take another look at it. He also noted the wetland boundary line follows the line of the woods and they will be preserving the woods, so there is a buffer between the new houses and the neighbors.

Richard Klimowicz commented on water problems he has experienced on Dauer Drive and stated water coming from rear properties to his yard has increased over the years as development continues. He wanted to ensure they do not get water from the project.

Mr. Mendola commented that any drainage created by the project will not be allowed to flow onto neighboring properties and the drainage plan must be approved by the Town Engineer.

Carmen Sprouse stated her property abuts the wooded area behind the proposed homes and she wanted to see it preserved. She also expressed concern about the stream in the rear and questioned the location of the house for Lot 1 and 2.

Mr. Wood indicated on the plan a large parcel of land between the Dauer Drive properties and Mr. Liberatore's property.

Jennifer Hickok commented on the aesthetics of the project and expressed concern about the traffic impact.

Mr. Liberatore stated he may not build the homes himself and may just sell the lots to a builder.

Dawn Pause commented on the nature and beauty of this rural area and expressed concern about an increase in traffic, noting she is in the process of adopting an autistic son. She was also concerned about the sewer issue and stated the recent sewer main break occurred in front of her house.

Mr. Wood explained the 4:1 mitigation requirement and stated the developer will have to provide funds that will help with sewer improvements.

Town Attorney John Fenz stated the sewer main break on Chippewa Court was a single occurrence that is not a result of a deterioration of infrastructure and this project will not affect that sewer district.

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

Ayes: All

Noes: None

Motion Carried

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2017-A (continued)

Motion by Mendola to grant preliminary approval of the proposed 9-lot subdivision on the corner of Reserve Road and Westgate Blvd.

The motion was lost due to lack of a second.

Motion by Bebak, seconded by Clifford, to table preliminary approval pending receipt of a revised plan that reduces the number of lots to eight.

On the question, Mr. Sherman requested additional information on the 100 year flood plain.

Ayes: All

Noes: None

Motion Carried


ADJOURNMENT

Motion by Mendola, seconded by Sherman, to adjourn the meeting at 8:30 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY