

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

WEST SENECA PLANNING BOARD
Minutes #2018-08
August 9, 2018

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

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
James Rathmann
George Clifford
Margaret Bebak
Dale J McCabe
Brendon Najm
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 Rathmann, seconded by Mendola, 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 #2018-07 of June 12, 2018.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

2017-A

A request from Christopher Wood of Carmina Wood Morris, P.C. for a SEQR negative declaration for the proposed 8-lot subdivision located at the corner of Reserve Road and Westgate Blvd.

Motion by Mendola, seconded by Rathmann, to adopt the following resolution issuing a SEQR negative declaration for the 8-lot subdivision at the corner of Reserve Road and Westgate Blvd:

2017-A (continued)

WHEREAS, the 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 the corner of Reserve Road and Westgate Blvd. (SBL 153.05-3-27.112) ("Subject Property"), for an 8-lot subdivision (the "Project"), and reviewed the draft completed Part II 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, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an 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 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

2018-A

A request from David Pietras for final approval of the proposed 7-lot Norwood Drive subdivision.

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

Ayes: All

Noes: None

Motion Carried

Attorney Jeffrey Magavern represented David Pietras and submitted a letter received from the Army Corps of Engineers dated August 8, 2018 accepting the wetlands delineation done by Earth Dimensions. Mr. Magavern stated he has been in contact with Town Attorney John Fenz regarding building restrictions for the drainage easement and these will be filed when the subdivision map is filed.

Mr. Fenz reviewed the letter from the Army Corps of Engineers and stated they agree with the wetlands delineation and see nothing as a roadblock.

2018-A (continued)

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Clifford, to adopt the following resolution issuing a SEQR negative declaration for the 7-lot subdivision on Norwood Drive:

WHEREAS, the 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 a proposed 7-lot subdivision along the northerly portion of Norwood Drive (the "Project"), and reviewed the draft completed Part II 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, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an 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 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 Mendola, to grant final approval of the proposed 7-lot Norwood Drive subdivision, subject to recording building restrictions relative to the drainage easement with the Erie County Clerk and filing said restrictions with the Town Clerk, Code Enforcement Office and Town Attorney.

Ayes: All

Noes: None

Motion Carried

SPR2018-06 (continued)

Jacob Metzger of Metzger Civil Engineering represented Matt Green of The Green Organization and stated the project consists of one 3-story, 23-unit apartment building and one 2-story, 10-unit apartment building on the 3.9 acre site at 216 Orchard Park Road. Drainage plans were revised and Town Engineer David Johnson has given his approval. Environmental reports were received and the Army Corps of Engineers stated there is no impact to the wetlands on site. This is an archeologically sensitive area and the NYS Office of Parks, Recreation and Historic Preservation has issued a letter of no impact. Mr. Metzger stated they met with Seneca Hose Fire Department and their only request was that the emergency access road to the north be extended an additional 45' to 47' to allow access by their aerial truck. The plan was revised accordingly.

Mr. Mendola questioned if the weight capacity of the pavers was determined. Code Enforcement Officer Jeffrey Schieber stated the paver system is designed to support fire trucks and the fire chief is providing specifications on the weight of the fire truck to the engineer.

Mr. Rathmann referred to the Planning Board's request for a sidewalk from the buildings to Orchard Park Road. He understood the applicant is not in favor of the sidewalk, but commented there may be children living in the buildings and they need to be pedestrian friendly. Mr. Metzger proposed striping a lane along the roadway for use as a pedestrian walkway. Mr. Rathmann stated he would like to see a curbed concrete sidewalk adjacent to the roadway which will be safer for pedestrian usage. Chairman Niederpruem agreed, noting that striping or paint goes away, and he indicated on the plan where the sidewalk should be located and linked to the buildings and parking areas.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Rathmann, to adopt the following resolution issuing a SEQR negative declaration for the proposed project at 216 Orchard Park Road:

WHEREAS, the 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 216 Orchard Park Road, West Seneca, New York (SBL 134.17-2-1.1) ("Subject Property"), for the proposed development consisting of two (2) residential apartment buildings

SPR2018-07 (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Mendola, to grant site plan approval for property located at 609 Indian Church Road for a 5020 sf one-story, pre-engineered building addition for cold storage.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2018-08

A request from Brian Bookmiller of Queen City Meadery LLC for a special permit for property located at 290 Center Road, being part of Lot No. 102, 103 & 104, changing its classification from C-2 to C-2(S), to produce and sell wine.

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

Ayes: All

Noes: None

Motion Carried

Brian Bookmiller of Queen City Meadery LLC stated their proposal to produce mead (a wine product made with honey, water, yeast and fruit juices) at 290 Center Road, Suite 105. Along with producing the mead, there will be a tasting facility and retail area and they will also sell the product at local fairs and events. Mr. Bookmiller stated this will be a small scale production facility that will use small fermenters. They will operate under a winery license and are bonded through the federal government and NYS Liquor Authority.

Mr. McCabe questioned what alcoholic beverages will be produced or sold at this location. Mr. Bookmiller responded that initially just mead will be produced and sold, but they may add beer in the future. There will be no hard liquor and no food sold. He referred to their other locations in Lancaster and Medina and stated they are a winery with a tasting room and retail space and they will not be open past 9 or 10 P.M.

Mr. Mendola questioned the number of patrons at one time and if there is any odor from the production process. Mr. Bookmiller stated there should be no more than 10 – 12 patrons at one time. Robert Schweizer of Queen City Meadery LLC stated there may be the smell of berries or grapes from the process, but it is a pleasant smell and not offensive.

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2018-08 (continued)

Mr. McCabe questioned the size of the facility and Mr. Bookmiller responded they are leasing 1500 sf.

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 McCabe, to recommend approval of a special permit for property located at 290 Center Road, being part of Lot No. 102, 103 & 104, changing its classification from C-2 to C-2(S), to produce and sell wine and beer, noting the special permit is limited to Suite 105 which is approximately 1500 sf.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Mendola, seconded by McCabe, to adjourn the meeting at 7:55 P.M.

Ayes: All Noes: None Motion Carried



**JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY**