

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

WEST SENECA PLANNING BOARD
Minutes #2017-10
October 12, 2017

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

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
James Rathmann
Joseph Sherman
George Clifford
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer
John J Fenz, Town Attorney

Absent - Donald Mendola
Margaret Bebak

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 Rathmann, seconded by Sherman, to approve Minutes #2017-09 of September 14, 2017.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

SPR2017-04

A request from Slade Potters, LLC for site plan approval for property located at 154 - 162 Slade Avenue for a three story mixed use building (commercial, office & multi-family residential).

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

Ayes: All

Noes: None

Motion Carried

SPR2017-04 (continued)

William Paladino stated comments from the previous Planning Board meeting have been addressed. The tree that was discussed will be preserved and they will try to save as many trees as possible during construction. The sidewalk on the far side of the site will also be accommodated. A parking agreement was prepared and Mr. Paladino's attorney had discussed it with Town Attorney John Fenz.

Mr. Fenz stated he received the parking agreement and it meets legal approval to achieve the objectives of the Planning Board. The town is not a party to the agreement so Town Board approval is not necessary, but the agreement will be recorded in the Erie County Clerk's office.

Mr. Rathmann commented the tree being saved is in the way of the pipe that connects the detention basins and the roots will be cut when it is installed. He suggested rerouting the pipe into a drain in the parking area. Mr. Paladino stated he had no problem reworking the drainage to avoid the tree.

Chairman Niederpruem questioned if 35 additional parking spaces behind Country Inn will be utilized. Mr. Paladino stated the 35 additional parking spaces are part of the parking agreement.

Mr. Rathmann noted the plant materials proposed for the front of the building grow 8' high and 8' wide. He suggested something smaller for sight purposes. Mr. Paladino stated he will check into this.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Sherman, to adopt the following resolution:

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 154 - 162 Slade Avenue (SBL 143.05-1-22; 143.05-1-23; 143.05-1-24; 143.05-1-25.1) ("Subject Property"), for a three story mixed use building (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

SPR2017-04 (continued)

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 the 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 Sherman, seconded by Clifford, to grant site plan approval for property located at 154 - 162 Slade Avenue for a three story mixed use building, conditioned upon the following: 1) addition of 35 parking spaces behind the Country Inn; 2) rerouting of drainage to ensure protection of roots around tree; 3) installation of a sidewalk.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

SPR2017-06

A request from Ebenezer Landing Community LLC for site plan approval for property located at 4592 Seneca Street for 31 single family detached patio homes and 14 attached two-unit townhomes.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form and a set of plans.

Attorney Sean Hopkins represented the developer and stated the project consists of 31 detached patio homes and 14 two-unit townhomes on property zoned R-50(S). Variances were received from the Zoning Board of Appeals with four conditions; 1) preserving 100' on the northernmost portion of the site as permanent open space; 2) parking limited to one side of the roadway; 3) stormwater facility to be privately owned and maintained with addition of landscaping as discussed; 4) fully engineered plans submitted to Planning Board for review and approval. The Town Board also issued a

SPR2017-06 (continued)

negative declaration for SEQR and a special permit for the project. Mr. Hopkins stated input received from the neighbors is reflected in the plans. The roadway for the patio homes was moved further away from Sky Hi Drive properties. Town Engineer David Johnson forwarded a letter with eight comments and the developer had no problem agreeing to these as conditions.

Chairman Niederpruem commented on the number of units and expressed concern about density. He further commented on the storm sewer that goes through Sky Hi Drive and stated there is always a problem with flooding in that area. He suggested they look at downstream storm sewer capacity.

Chris Wood of Carmina Wood Morris stated the plans submitted indicate the same number of units as previously approved. Two detention basins will be installed and each will have a separate discharge to the ditch. Mr. Hopkins further noted in accordance with NYSDEC requirements they cannot increase the rate of runoff that currently exists.

Mr. Sherman questioned if there are wetlands on the site. Mr. Wood responded there is a small wetland but it is non-jurisdictional. They will need a permit from the Army Corps of Engineers and NYSDEC for the culvert.

Chairman Niederpruem questioned if hydrant flow tests were completed. Mr. Wood responded that Erie County Water Authority had provided a flow test.

Mr. Clifford referred to Bldg. 26 and questioned the location of the patio. Mr. Wood responded the location of the patio has not yet been determined and it may be off the side since the rear yard is only 5.55'.

Mr. Rathmann referred to the 9' front yard setback variance granted and indication of 4' setbacks on the site plan. Mr. Wood responded that 4' is a typo in the chart and it should be 9'.

Mr. Rathmann referred to a previous patio home development where they had required a 28' roadway to allow for emergency vehicles and parking on the road. Mr. Wood responded that parking will be restricted to one side of the roadway.

Mr. Rathmann referred to the Town Code on parking for multi-family developments and questioned the need for additional visitor parking. Mr. Wood stated the patio homes have four spaces (two in the garage and two in the driveway) and the townhomes have two spaces per unit (one in the garage and one in the driveway).

SPR2017-06 (continued)

Mr. Rathmann requested a change in the contours on the grading plans and the patios shown on it. He referred to the detention ponds and a need for vegetation to help filter the water and also suggested plantings be added as a buffer for the neighbors. Mr. Wood stated there was a request for pine trees around the detention ponds. Mr. Hopkins added the neighbors in the rear had requested a staggered row of evergreen trees at the southern edge.

Mr. Rathmann questioned the possibility of installing a sidewalk for the residents to walk safely.

Mr. Hopkins stated they will address the items in the memo from Town Engineer David Johnson along with comments made at this meeting including: consideration of a sidewalk; addition of patios on the grading plan with contours labeled; a hydrant flow test for Seneca Street; bio-retention basins outlined.

Chairman Niederpruem requested architectural renderings of the patio homes and townhomes along with sight line information from Sky Hi Drive properties and additional trees for buffering the Sky Hi Drive properties. Mr. Wood suggested groupings of three trees staggered.

Mr. McCabe suggested a long environmental assessment form be completed which would have more information on the project. Mr. Hopkins stated they had no problem completing a long environmental assessment form. He did not see a need for a coordinated review and noted they still needed approvals from the health department and other agencies. Mr. Wood also noted the Town Board had already issued a negative declaration.

Town Attorney John Fenz advised the Planning Board could re-institute the SEQR process if there is different or more specific information presented that was not included in the prior SEQR determination.

Mr. Rathmann requested a landscape plan indicating placement of the trees.

Mr. Wood questioned if the project fell under the subdivision requirement for two trees per lot. Code Enforcement Officer Jeffrey Schieber stated the project would not fall under the requirement for two trees per lot because it is not a subdivision. Mr. Fenz advised that under the Tree Ordinance a tree landscape plan must be submitted with site plan review. Mr. Hopkins stated they will submit a separate landscape plan with a planting schedule.

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

WEST SENECA PLANNING BOARD
Minutes #2017-10
October 12, 2017
Page six . . .

SPR2017-06 (continued)

Karl Spencer represented the West Seneca Environmental Commission and suggested proper biodiversity with selection of trees, so there should be no more than two of any given species out of every five planted.

Motion by Rathmann, seconded by Sherman, to table this item.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Rathmann, seconded by Sherman, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY