

**WEST SENECA COMMUNITY ROOM**  
1300 Union Road  
West Seneca, NY 14224

**WEST SENECA PLANNING BOARD**  
Minutes #2019-02  
February 14, 2019

Vice Chairman Donald Mendola called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance.

**ROLL CALL:** Present - Donald Mendola, Vice Chairman  
James Rathmann  
Margaret Bebak  
Dale J McCabe  
Brendon Najm  
Jeffrey Schieber, Code Enforcement Officer  
Tina Hawthorne, Town Attorney

Absent - Robert Niederpruem Jr., Chairman  
George Clifford

Vice Chairman Mendola read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

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

Motion by Rathmann, seconded by Najm, to receive and file the proofs of publication and posting of legal notice.

Ayes: All

Noes: None

Motion Carried

### **APPROVAL OF MINUTES**

Motion by Najm, seconded by McCabe, to approve Minutes #2019-01 of January 10, 2019.

Ayes: All

Noes: None

Motion Carried

### **OLD BUSINESS COMMUNICATIONS**

#### **SPR2018-10**

A request from Marrano/Marc Equity Corporation for site plan approval for property located north of 2730 Transit Road to construct 38 townhomes, associated parking, landscaping, storm sewer system and utilities.

The applicant requested this item remain tabled until the next meeting.

Motion by Rathmann, seconded by Najm, to table this item until the March meeting.

Ayes: All

Noes: None

Motion Carried

**SPR2018-12**

A request from Sutton Architecture for site plan approval for property located at 3887 Seneca Street for a one story addition with handicapped accessible lift and complete façade renovation.

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

Ayes: All

Noes: None

Motion Carried

Michael Berger of Sutton Architecture represented West Seneca Smiles and stated the overall design was modified and the building will not be as tall as originally planned. He further presented samples of materials to be applied to the exterior of the building.

Code Enforcement Officer Jeffrey Schieber noted this property falls within the Union Road Corridor design standards adopted by the town.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Najm, to grant site plan approval for property located at 3887 Seneca Street for a one story addition with handicapped accessible lift and complete façade renovation.

Ayes: All

Noes: None

Motion Carried

**SPR2019-01**

A request from National Fuel Gas for site plan approval for property located at 365 Mineral Springs Road for an approximate 6000 sf office addition on existing building.

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

Ayes: All

Noes: None

Motion Carried

Russell Bennett of Apex Architects represented National Fuel Gas on their request for site plan approval for an expansion and renovation project at their campus on Mineral Springs Road. Town Engineer David Johnson's comments were addressed, adjustments were made and they have received approval. They also reached out to the City of Buffalo, addressed their comments including a stormwater management report and have received their approval.

**SPR2019-01** (continued)

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Bebak, to grant site plan approval for property located at 365 Mineral Springs Road for an approximate 6000 sf office addition on the existing building.

Ayes: All

Noes: None

Motion Carried

**V. NEW BUSINESS COMMUNICATIONS**

**SPR2019-02**

A request from 1956 Ridge West Seneca LLC for site plan approval for property located at 1956 Ridge Road to redevelop the site for medical outpatient services.

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

Ayes: All

Noes: None

Motion Carried

Dave Nardozi of Silvestri Architects and Andrew Marino of Tredo Engineers represented the applicant and stated their proposal to replace the former restaurant at 1956 Ridge Road with a one story, 3500 sf Well Now Urgent Care facility, noting the paved area will be greatly reduced with a new detention pond and landscaping added.

Mr. Mendola commented on the slope to the rear of the property and questioned how it will be addressed. Mr. Marino responded there is no way to capture stormwater at the bottom of the hill and send it back to Ridge Road. The flow of the watershed will remain the same and engineering approval was received from Town Engineer David Johnson.

Mr. Rathmann suggested moving the parking area along the driveway to the building side and curving the roadway to the back parking lot rather than having a straight driveway, which could result in excessive speed from vehicles entering the site. Mr. Tredo stated it is not a high traffic situation and they have to maintain the driveway location due to an easement for emergency access to Big Lots. Mr. McCabe stated the easement is filed with the Erie County Clerk's office and the applicant would not have the authority to change it without consent from Big Lots. Mr. Rathmann suggested a speed bump be added to slow vehicles down.

**SPR2019-02** (continued)

Code Enforcement Officer Jeffrey Schieber advised SEQR is not required on this project because the site was previously disturbed. He asked Mr. Marino to coordinate with Erie County on the curb cuts and Mr. Marino stated he will be approaching Erie County Department of Public Works concerning removal of one curb cut and maintenance of the other.

No comments were received from the public.

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

Ayes: All    Noes: None    Motion Carried

Motion by Bebak, seconded by Najm, to grant site plan approval for property located at 1956 Ridge Road to redevelop the site for medical outpatient services with addition of a speed bump on the entrance roadway prior to entering the parking area to slow traffic down.

Ayes: All    Noes: None    Motion Carried

**2019-01**

A request from DATO Development, LLC for a special permit for property located at 299 Leydecker Road, being part of Lot No. 396, changing its classification from R-60A to R-60A(S), for a multi-family development consisting of five 10-unit, 2-story buildings and six single story duplexes (24 units).

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

Ayes: All    Noes: None    Motion Carried

Attorney Sean Hopkins of Hopkins Sorgi & Romanowski represented the applicant David Burke of DATO Development and presented copies of the site plan, noting this is an initial presentation of the project and they want to receive public input and come back at a future meeting. The project site is 8.63 acres and they are proposing 74 upscale attached residential units for lease at \$1200 to \$1600 per month. Each unit will have its own garage and dedicated parking space and there will be 25 additional parking spaces for visitors. There is vegetation on the back portion of the site and along the edges and the design allows the trees to stay intact. The eastern most 115' of the site will be preserved as permanent open space and recorded in the Erie County Clerk's office. Mr. Hopkins stated the zoning code allows multi-family projects subject to issuance of a special permit and the Town Board may impose conditions it deems necessary. All infrastructure will be privately owned and maintained. No variances

**2019-01** (continued)

are needed and there is adequate parking. The layout complies with emergency access standards, the development will be limited to the areas that are currently clear, and a landscape plan will be submitted. A Part I long environmental assessment form was completed and there are no wetlands within the project site. They are proposing only 2-story and single story buildings. There will be low level lighting, so no spill over on adjacent properties. The site is located in an archaeologically sensitive area and they have retained the services of Panamerican Consultants who will prepare a cultural resource survey. Erie County Department of Public Works is requiring a traffic study.

Mr. Mendola questioned if the project will be corporate owned. Mr. Hopkins stated DATO Development will retain full responsibility for management, landscaping, etc.

Code Enforcement Officer Jeffrey Schieber advised the project will be sent out for SEQR review after the special permit process.

Residents questioned/commented on the following:

- Is this a rezoning? Mr. Schieber responded only a special permit is needed for the multi-family use.
- Project does not fit the character of a quiet residential home neighborhood; should be single family homes; concerns with renters and what the development could turn into
- Pump station and sewer problems; raw sewage overflows into creek; 74 more residences will add to the problem
- Increase in traffic; a traffic signal is needed at the intersection of Leydecker Road and Southwestern Blvd.; traffic impact study needed
- No sidewalks; shoulder of road deteriorated; possible removal of Leydecker Road Bridge which will cause a problem for emergency service from East Seneca Fire Hall
- Drainage concerns – retention basin is needed
- Environmental concerns – displacement of wildlife
- Neighbor directly across the street had concerns with the driveway in front of his house
- Questioned power being dropped last October; two street lights have been out since that time
- Trespassing concerns with residents of project running four-wheelers/dirt bikes on neighboring properties; liability concerns if someone gets hurt
- Concerns for safety of children in the neighborhood
- Questioned taxes for project, including sewer tax – Mr. Schieber responded tax assessment answers would have to come from the Assessor's office
- Project does not benefit anyone but the developer
- If approved, one neighbor requested 6' fencing all around the project; one neighbor requested a barrier at the southern most lot line of the project

**2019-01** (continued)

- Rodent control is needed when existing building is demolished
- Comments on the developer’s other projects, including one that was sold off; no guarantee this project won’t be sold
- Questioned if area is archeologically sensitive – Mr. Schieber responded as part of the SEQR review the applicant has submitted to the State Historic Preservation Office (SHPO) and they do not have answers on that yet.
- Dual zoning on residential lots with R-100A in the rear – Mr. Schieber responded there is no dual zoning at 299 Leydecker Road and the entire parcel is zoned R-60A
- Suggested feasibility study to substantiate that apartments can be rented since other apartments in the area are not filled; concerned that rents will be lowered if people won’t pay higher rates

Mr. Hopkins responded to the comments and stated the site is zoned for this use and Mr. Burke bought the property because it is zoned for this use. It is not tax subsidized or a low income project. Mr. Burke is confident there is a demand for these types of units and every prospective tenant will sign a lease and is subject to a credit check. All infrastructure will be privately owned and privately maintained and Mr. Burke is willing to discuss screening the project. A 16:1 ratio sewer mitigation is required (for every gallon put into the sewer they have to remove 16 gallons) which guarantees the project cannot make the situation worse. A traffic impact study will be done and they will have to follow a stormwater pollution prevention plan and asbestos abatement. Mr. Hopkins requested this item be tabled until the March meeting and offered to meet with the neighbors to discuss their concerns.

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

Ayes: All    Noes: None    Motion Carried

Motion by Bebak, seconded by Najm, to table this item until the March meeting.

Ayes: All    Noes: None    Motion Carried

**ADJOURNMENT**

Motion by Najm, seconded by Rathmann, to adjourn the meeting at 8:30 P.M.

Ayes: All    Noes: None    Motion Carried

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