

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

WEST SENECA PLANNING BOARD
Minutes #2019-12
December 12, 2019

Chairman 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
Tina Hawthorne, 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 Clifford, 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 Clifford, seconded by Najm, to approve Minutes #2019-11 of November 14, 2019.

Ayes: All Noes: None Motion Carried

Chairman Niederpruem informed the public of his retirement after 24 years of service with the West Seneca Planning Board and thanked the current and past Town Board along with members of the Planning Board. Much has been accomplished in the past 24 years including the Comprehensive Plan, Master Plan, Site Plan Review, and Tree Ordinance along with the architectural standards which helped develop portions of the town.

OLD BUSINESS

SPR2019-06

A request from JSEK West Seneca LLC for site plan approval for property located at 1343, 1347 & 1353 Union Road for a car wash facility.

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

Ayes: All

Noes: None

Motion Carried

Attorney Sean Hopkins of Hopkins Sorgi & Romanowski, PLLC represented applicant Joe Spino and stated the project has been in the works for months awaiting technical review and recommending approval from Dave Johnson from the engineering firm of Clark, Patterson & Lee. The applicant has now been issued a letter in approval of the site plan conditional upon relocation of the stockpiling of soils. Mr. Hopkins stated the petitioner will be obtaining a highway work permit from the NYSDOT; there have been discussions relative to location and number of driveways. With the redevelopment project being a car wash, two curb cuts will be required, one in and one out. Revisions have been made to the architectural plans based on the input from the Planning Board and the petitioner is very proud of the architecture and aesthetics of the building.

Mr. Rathmann commented on the north side of the building with diagonal parking; the plan shows 18' in depth allowing for a 12' parking space; a 21' distance is required for diagonal parking. According to state code handicapped spaces must be 8' wide. James Boy, architecture for the project, stated the space actually overlaps to an area that is flat and will be 8' wide. Mr. Hopkins acknowledged the project will comply with all building standards.

Mr. Rathmann commented on the south side first handicapped parking space that may be in the line of traffic and suggested putting in a bump to slow people down. Mr. Hopkins replied the location can be moved if board would like to impose a condition.

Mr. Mendola expressed concerns with drainage and the neighbors to the east with no drainage from lots 1 – 6. Mr. Hopkins replied many meetings have been held with the neighbors throughout the project noting the drainage on this site historically was not well maintained. Additional drainage has been added going beyond what the DEC standards are for redevelopment; Mr. Spino has committed to the neighbors that he will maintain the property. The drainage is being replaced allowing the drainage to flow into the town publicly owned infrastructure.

SPR2019-06 (continued)

Mr. Rathmann questioned if the garage on the adjoining site on the north will be removed. Mr. Hopkins replied the property owner to the north along Union Road has an easement across a portion of the property; the neighbor will be releasing the easement in exchange for a small portion of property so the garage will be entirely on the neighbor's property.

Mrs. Bebak questioned what final decisions were made on the building materials. Mr. Boy responded the building will be stone and brick with an asphalt shingle roof, a metal copper roof is in the front, metal windows with brick trim, the store front is on Union Road with a lot of glass and a 4' overhang with imitation wood. The final materials will comply with the new design standards

Two residents from Norwood Drive had the following comments/questions:

- ✓ Concerns regarding drainage and questioned where the retention pond will be - Mr. Hopkins stated it on the east end and will hold water temporarily
- ✓ Has a traffic study been done to allow access to Freemont – Chairman Niederpruem replied the design is for entrance and exit from Union Road.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Rathmann, to grant site plan approval for property located at 1343, 1347 & 1353 Union Road for a car wash facility with the following conditions: 1.) adjust diagonal parking to 21' depth; 2.) 8' wide handicapped stall; 3.) handicapped stall on the south side should be moved farther east.

Ayes: All

Noes: None

Motion Carried

2019-07

A request from Young Development Inc. for a rezoning & special permit for property located at 945 Center Road, being part of Lot No. 204, changing its classification from R-65A & R-75 to R-60A(S), for construction of 32 attached residential units for lease with attached garages.

Motion by Clifford, seconded by Najm, to table this item pending further information.

Ayes: All

Noes: None

Motion Carried

SPR2019-08

A request from Life Church for site plan approval for property located at 4928 Seneca Street, to construct a 13,422 sf single-story building addition and parking lot expansion for 266 spaces.

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

Ayes: All

Noes: None

Motion Carried

Jason Utzig, P.E. of C & S Engineers, Inc. represented Life Church and stated the petitioner is proposing a 13,422 sf single story addition to the existing church along with 3 new parking lots, landscaping, and utilities including fire service for the addition, tie in of new sewer and water service along with parking lot lighting. An arborist was on site and some of the existing trees cannot be saved.

Pastor Lorene Sperrey stated although he understands the impact the view has on the neighbors. The arborist was on site to judge the health of the trees and determine the safety and the impact on the parking space; it is their opinion that the trees are unsafe. Putting pavement around the trees and disturbing the topsoil is a detriment to the trees and the parking lot could not be done with trees.

Chairman Niederpruem stated he has read the report and the two silver maple trees are about 70 years old with a life expectancy of 20 more years.

Mr. Mendola stated previously he had a few concerns about drainage and the Town Engineer has given his opinion and approval questioning if it was possible to replace the trees. Pastor Sperrey stated he would be happy to plant new trees on the borderline to improve the neighbors view.

Mr. Rathmann suggested adding some handicapped parking spaces to the back where the new worship space is. Pastor Sperrey replied the front building will be the new lobby area and would be the primary place for the handicapped parking.

A Seneca Street resident expressed concerns about increased traffic and removal of green space for the deer. Pastor Sperrey replied the deer come and go through the property; the parking spaces are needed due to the congregation size and they will meet the town landscaping requirements. The majority of the parking is in the rear of the site.

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

Ayes: All

Noes: None

Motion Carried

SPR2019-08 (continued)

Motion by Bebak, seconded by Najm, on the recommendation of the Town Attorney, 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 Full Environmental Assessment Form ("EAF") prepared by the applicant for property located at 4928 Seneca Street (SBL 135.19-1-36) ("Subject Property"), for construction of new protein manufacturing facility (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 Najm, to grant site plan approval for property located at 4928 Seneca Street, to construct a 13,422 sf single-story building addition and parking lot expansion for 266 spaces.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

SPR2019-10

A request from James Jerge for a site plan approval for property located at 1700 Union Road for construction of a 7209 sf building to be used by the current operation.

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

Ayes: All

Noes: None

Motion Carried

SPR2019-10 (continued)

Chris Wood with Carmino & Morris represented Mr. Jerge and stated the proposal is for a single story building addition to the existing transfer station to be located adjacent to the south side of the building; the owner is acquiring from the town the Inez Avenue paper street. The building addition allows the operation to be totally inside the building. Currently the debris is stored in the building and transferred to trucks outside the building. The new building will have a well for the larger trucks allowing all debris to be transferred inside.

Chairman Niederpruem stated the location is currently a transfer station and is zoned properly at M-2.

Mr. Wood stated currently there is a permit from the DEC for the site and transferring debris inside the building will be an improvement.

Mr. Jerge stated he has owned the site since 2003; this is just an improvement to the site and the NYS DEC and is welcoming keeping the debris inside. The permit to operate as is expires in 2025; this manages and contains the debris.

Town Attorney Tina Hawthorne stated she has spoke with engineering regarding the project affecting any infrastructure; engineering recommended against abandoning the paper street due to headwall in contact with the NYSDOT who has provided a record drawing of a concrete box culvert in the right of way that provides for drainage in the area. Mr. Woods stated the petitioner would be willing to provide an easement so the box culvert could stay and would work around it.

Mrs. Bebak questioned if the building is in the right away. Mr. Woods replied the paper street is only 40' wide; there is 30' from the building to the south edge of the paper street.

Mr. Mendola questioned if any additional requests have been received from the NYS DEC. Mr. Jerge replied there have been no additional requests.

Mr. Rathmann stated the request would be an improvement to the site. Mr. Jerge stated the debris is construction debris such as wood and cardboard.

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

Ayes: All

Noes: None

Motion Carried

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SPR2019-10 (continued)

Motion by Bebak, seconded by Clifford, to table the item for further review.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Najm, seconded by Rathmann, to adjourn the meeting at 8:43 P.M.

Ayes: All

Noes: None

Motion Carried

**AMY M KOBLER
TOWN CLERK/PLANNING
BOARD SECRETARY**