

Chairman Rathmann 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 - Chairman Rathmann
Margaret Bebak
George Clifford
James Frick
Dale J McCabe
Raymond Nalewajek
Eric Sailer
Jeffrey Schieber, Code Enforcement Officer
Tina Hawthorne, Town Attorney

Absent - None

APPROVAL OF PROOFS OF PUBLICATION

Motion by McCabe, seconded by Bebak, 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 McCabe, to approve minutes 2020-09 of November 12, 2020.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2020-10

A request from Joseph Lowry, III for a rezoning for property located at 295 Main Street, changing its classification from R-65A to C-1, to allow 10,000-sf of office space and 4,000-sf of processing/warehouse space.

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

Ayes: All Noes: None Motion Carried

Ralph Lorigo presented on behalf of the applicant, stating the property is currently non-conforming with the use. The property is zoned R-65A and has been used commercially for over 60 years. Formerly the property was Cloverleaf Dairy and for the past 30 years was home to ACI Controls. The building is approximately 14,000-sf; 4,000-sf has been used as office space and 10,000-sf for warehouse use. Tractor trailers have been on sight approximately once per week. The property may continue in the non-conforming use status, however the building recently sold to the applicant and the building will used as an engineering firm. The use will flip with 10,000-sf being used as office space and the remaining 4,000-sf to be used as processing/warehouse space.

2020-10 (continued)

There will be no more tractor trailers, just parking for the approximately 35 employees. Although the property may stay with the non-conforming use, the applicant wishes to have the property properly zoned.

Code Enforcement Officer Jeffrey Schieber stated surrounding property owners were notified and have emailed their concerns; all were addressed. Mr. Schieber explained to residents this would be an engineering/office facility with no expansion plans. This is simply to make the property zoning compliant. Town Code states if a non-conforming use property is damaged more than 50% of the assessed value, the property must resort to the current zoning. If something were to happen to this building, it would no longer be permitted to be a business and would resort to a one- or two-family home. The zoning compliance helps with financing. Many properties such as this exist throughout the town.

Mr. Lorigo stated the engineering consulting firm has been in business for over 25 years with two other locations. The structure will be mostly used as office space with some analyzing in the warehouse portion.

Mr. Frick questioned what type of testing would be done and the noise levels. Mr. Lorigo stated the testing would take place in the smaller warehouse portion of the building and would test mixes of concrete; compression strength testing may be done.

Mr. Nalewajek questioned if there was other testing which may be performed. Mr. Lowry replied the testing is mainly concrete with some soil testing and structural steel with radiography equipment. Mr. Lorigo stated the testing is allowed with the C-1 zoning; less than 4 people would be involved in the process.

Ms. Bebak questioned if the testing would take place near the loading dock area. Mr. Lorigo replied that was correct.

Mr. Nalewajek questioned if there would be exhaust or dust collection. Mr. Lowry replied the soil testing is vented as a safety measure to the employees and goes through a hepa filter system.

Mr. Sailer questioned if this location would be the primary testing facility and expressed concerns with the cylinders. Mr. Lowry replied this is intended to be the primary testing facility; broken cylinders are placed into a concrete dumpster to be hauled away. No outside storage is being sought.

Chairman Rathmann questioned the 43 parking spots, the parking lot requirements and suggested eliminating some parking for green space. Mr. Lorigo stated there are 30 – 35 employees and there is sufficient parking, possibly green space could be placed at the front.

Mr. Nalewajek questioned the number of trucks. Mr. Lorigo stated daily deliveries will be a pickup truck alleviating the tractor trailers currently coming in.

Mr. Clifford questioned if the dumpster will be covered. Mr. Lorigo stated it is not covered now but could be.

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

Ayes: All

Noes: None

Motion Carried

2020-10 (continued)

Motion by Bebak, seconded by Sailer, to recommend approval for property located at 295 Main Street, changing its classification from R-65A to C-1, to allow 10,000-sf of office space and 4,000-sf of processing/warehouse space.

Ayes: All

Noes: None

Motion Carried

SPR2020-11

A request from The Broadway Group, LLC for a site plan approval for property located at 5203 Seneca Street for construction of a retail store with all related site improvements.

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

Ayes: All

Noes: None

Motion Carried

Tara Mathias presented on behalf of the applicant stating the parcel is currently a vacant nursery. The proposal is to demolish the existing structure and construct a 9,000-sf retail store to serve the daily needs of the community. The proposal calls for landscaping around the perimeter and 30 parking spaces. The parking is less than the zoning ordinance requires, and the applicant will seek a variance from the Zoning Board of Appeals. From previous experience, the applicant feels the 30 spots would be sufficient. Storm water management would discharge into the existing system surrounding the property. Typically, 8- 10 employees would be on site.

Mr. Clifford asked the name of the store. Ms. Mathias stated the name is Dollar General.

Ms. Bebak questioned the one access point. Ms. Mathias stated they are not against two access points, NYDOT typically prefers one. Mr. Schieber stated the project has been sent out for SEQR review, comments will be coming in from the NYSDOT and the fire department. Access points may be requested by the fire department to comply with requirements. Projects are brought before the Planning Board to help sort out any issues, to then send to the Zoning Board of Appeals, and return to the Planning Board for site plan approval.

Ms. Bebak noted two access points would allow more area for additional parking, the sketch plan shows a lot of green space. Ms. Mathias stated there is a considerable amount of landscaping with approximately 14 trees and 96 shrubs. This configuration could be changed.

Chairman Rathmann referred to the property line on the site plan and questioned the area between the street and the property line. Ms. Mathias stated that is the right of way for the county and would need county review and approval.

Chairman Rathmann stated architectural renderings are reviewed; with five roadways intersecting there is a lot of visibility. People will see the side of the building and well as the front and it is preferred the building be more residential in appearance to fit in with the neighborhood and referred to a Shelby County Dollar General. Ms. Mathias stated the Shelby County Dollar General is a prototype that is being phased out. That specific store is in a historical overlay district and had zone requirements. The West Seneca store has some upgrades including engineered brick, cement party board, muted colors, shutters, and awnings. Additional features can be added to parts visible from the street to dress up the building.

SPR2020-11 (continued)

Mr. Nalewajek stated more thought should go into how this business fits into a residential area and would like 3D graphics. Ms. Mathias replied she can investigate that further and noted, the property is in a C-2 district and that is how the adjacent properties are being used. There are residential areas nearby but this zoned commercial. Mr. Nalewajek stated he is referring to the appearance of the building and would like softening with more landscape. Mr. Nalewajek would also like a lighting plan. Ms. Mathias stated this will be supplied.

Mr. Schieber stated the fire code requires 150' from where the fire trucks parks to protect the building and most likely will be requesting access along the right side of the building. Mr. Schieber will follow up with the fire department.

Ms. Bebak questioned how the plan lays out compared to the current building. Ms. Mathias stated she believed the building will sit further back than the existing building. The parking area would be where the building is now. There is a 30' setback in the rear and the building was moved to avoid utility lines.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by McCabe, to table a site plan approval for property located at 5203 Seneca Street, to allow the petitioner time to complete the site plan.

On the question, Mr. McCabe requested the petitioner go before the Zoning Board of Appeals to resolve the parking issue. Ms. Mathias stated she would be willing to go before the Zoning Board of Appeals. Ms. Mathias questioned if the Planning Board would be favorable towards reducing the parking area. Ms. Bebak replied it may not be favorable but not objected.

On the question, Ms. Bebak questioned if the purchase was contingent upon site plan approval. Ms. Mathias stated the property is under contract and is dependent upon site plan approval and the permitting process.

Ayes: All

Noes: None

Motion Carried

SUBDIVISION REQUEST

A request from Nexgen Development II, LLC for a forty-four (44) lot, single-family home subdivision extending from John Alex Drive to Reserve Road.

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

Ayes: All

Noes: None

Motion Carried

Peter Sorgi of Hopkins Sorgi and McCarthy, LLC and Chris Wood, project engineer from Carmina Wood Morris presented on behalf of the applicant. Mr. Sorgi stated they are before the Planning Board for preapplication input. The applicant is proposing a 44-lot subdivision, zoned R-75, all lots are zoning compliant and consistent with neighboring lots in the area. Per the NYS fire code, there is two access points. There are some trees on sight and the goal is to save as many as possible.

SUBDIVISION REQUEST (continued)

Chairman Rathmann stated he was at the site today and the area is like a swamp with standing water and wetlands. The adjoining properties on John Alex Drive had water up to their property lines. Mr. Wood stated when the detention systems and back yard drainage are put in, it should alleviate some of the problems and help the neighbors. The site unfortunately is on the receiving end of backyard drainage on all three sides.

Mr. Nalewajek questioned if the intent is to mitigate the standing water along the outside perimeter of the site. Mr. Wood replied in accordance with the town standards, the plans will be reviewed by the engineering department and backyard drainage will be placed in all lots to mitigate the standing water.

Mr. Nalewajek questioned if fills will be brought in. Mr. Wood stated fill will be generated from the storm water management area and excavation of the basements. Typically, subdivisions do not have fill brought in.

Mr. Frick expressed concerns the storm water management size and questioned if preliminary calculations were done to ensure the proper size. Mr. Wood replied they are preliminary sized right now and if another lot needs to be used, they can do so. To the west, the property is owned by the town and there is a substantial amount of land that was not incorporated into the detention basin.

Chairman Rathmann stated concerns of the road being long and straight and questioned if a T intersection can be created. Mr. Wood replied that may be looked at and would create one more corner lot. Mr. Sorgi stated a stop sign could be placed at lot 41 and a traffic calming device could be worked out.

Chairman Rathmann questioned if archaeological was in the area. Mr. Wood replied the study was not conducted yet and will be completed.

Chairman Rathmann questioned who the builder would be. Mr. Sorgi replied one of the principles of the development company is also in construction and will be building the homes.

Chairman Rathmann requested the next site plan overlay the wetland area to acknowledge the location, and a tree survey would need to be completed. Mr. Sorgi replied all this will be completed with the SEQR process.

Chairman Rathmann stated neighbors have expressed concerns with buffer zones and what trees remain. Mr. Sorgi replied the intent is to save as many trees as possible.

Mr. Schieber stated approximately 95 letters were mailed to residents, and approximately 10 emails were received with the following concerns:

- ✓ Trees – Mr. Schieber stated the applicant must provide a tree survey
- ✓ Buffer – Mr. Schieber stated there have been issues in the past with buffers; going forward buffers would have to be very specific. No town requirement to have a buffer.
- ✓ In the past saving trees on John Alex Drive hindered the installation of the drainage system and grading of the properties
- ✓ Sewer capacity – Mr. Schieber stated the applicant will do a sewer analysis for review by the Town of West Seneca
- ✓ Drainage – there proposed retention pond next to a current retention pond
- ✓ Traffic – the builder is asked to split the construction trucks 50/50
- ✓ Estimated cost of the house and who is the developer

SUBDIVISION REQUEST (continued)

Mr. McCabe stated the Zoning Board of Appeals attempted to give a definition of a buffer. Mr. McCabe is in favor of keeping trees along the lot lines, but cautions calling this a buffer. Mr. Schieber stated Mr. McCabe is correct. On John Alex Drive there is a conservation area applied to the subdivision map, to every lot, and the builder did not tell people of this.

Chairman Rathmann stated the zoning ordinance states a buffer is to be 50' wide. If good judgement is used along with the tree survey, a happy agreement could be met.

Mr. Schieber stated no trees are to be cut from the site until everything is in place and approved.

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

Ayes: All

Noes: None

Motion Carried

Motion by Clifford, seconded by McCabe to table the subdivision request.

On the question, Mr. Schieber explained a preapplication approval should be provided by the Planning Board. §103-3 of the Town Code states the preapplication process. Town Attorney Tina Hawthorne concurred with the interpretation of the Town Code.

Ms. Bebak stated the Planning Board would approve the concept. Mr. Clifford requested clarification of the Code.

Mr. Schieber stated §103-3 of the Town Code specifically deals with the subdivision of land. This is the section the developer follows to have a typical subdivision approved. The steps are, a preapplication, conditional approval of a preliminary layout, plans including engineering, final approval of the subdivision. Town Attorney Hawthorne stated if this is tabled, the petitioner would need to come back, the preapplication is being approved.

Motion by McCabe to grant preapplication approval for a forty-four (44) lot, single-family home subdivision extending from John Alex Drive to Reserve Road with the following condition: 1) the entrance way from Reserve Road be possibly modified from the east to the west side.

On the question, Town Attorney Hawthorne stated at this point in time, nothing is definitive with conditions. Mr. Sorgi stated the preapplication approval is with the understanding the petitioner looks at the issues brought up today. The petitioner will address, investigate, and address in the next application.

Chairman Rathmann stated the preapplication approval states a subdivision can go in and proceed to the next step where modifications can be made.

Motion by Clifford, seconded by Bebak, to grant preapplication approval for a forty-four (44) lot, single-family home subdivision extending from John Alex Drive to Reserve Road contingent upon the applicant taking the remainder of the necessary steps requiring additional approval.

Ayes: All

Noes: None

Motion Carried

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

**WEST SENECA PLANNING BOARD
Minutes #2020-10
December 10, 2020**

ADJOURNMENT

Mr. Clifford stated his term on the Planning Board expires with this meeting and he has applied to remain on the Planning Board. In the event a new member is appointed, Mr. Clifford wishes the new member the best of luck. Mr. Clifford thanks the residents and Planning Board members and was honored to serve.

Motion by Clifford, seconded by Bebak, to adjourn the meeting at 8:22 P.M.

Ayes: All

Noes: None

Motion Carried

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