

impact its site plan. Consequently, Levy Grid is withdrawing its current site plan application, SPR2022-014, and will resubmit its site plan application at a later date. We appreciate your continued patience and look forward to bringing this project to the Town.

An inaudible comment/question was received from the public.

Chairperson Bebak stated the process is to submit a site plan with specifications on what is to be built; this is being changed and will be resubmitted.

Mr. Schieber stated notification to neighbors within 300' of the property is provide for a special permit and/or rezoning; this project requires neither. The Planning Board agenda is published on the town website and in the newspaper.

An inaudible comment/question was received from the public.

Mr. Sherman requested residents to address the board from the podium so comments may be part of the minutes.

A resident expressed concerns with the proximity of the project to residential homes; there is a potential for an explosion and noted this is very close to the electrical grid.

Mr. McCabe stated the application is no longer pending and there is nothing at the present time for this board to deal with.

A resident questioned if taxpayers may vote on the project. Town Attorney Chris Trapp stated this is not an option and therefore this board exists.

A resident questioned why there was no notification and referred to another project that received notification. Chairperson Bebak stated this does not fall into the parameters that Mr. Schieber explained and noted, the public is welcome to participate.

Mr. McCabe stated previous proceeding the resident referred to was a rezoning in the town and the town code requires notification. This project fits into the zoning code and requires no notification. The project was here for site plan review which determines the layout and any safety factors required.

The resident stated the project is zoned residential and manufacturing. Mr. McCabe explained the parcel is zoned manufacturing. Mr. Schieber stated the north side of Indian Church Road is all residential, the south side is all manufacturing.

The resident questioned the liability. Mr. McCabe sated at this point the application has been withdrawn.

Chairperson Bebak stated once the project is resubmitted the Planning Board would be happy to hear comments.

SPR2021-009

A request of Lauer - Manguso & Associates Architects and Engineers for site plan approval for property located at 310 Orchard Park Road for construction of a new 1,749-sf restaurant all related site improvements.

James Manguso with Lauer – Manguso & Associates Architects and Engineers present the following:

- The site plan is for a 1,700-sf restaurant (Rachel's Mediterranean Grill)
- The location is in front of the Wegmans Plaza between Goodyear and KeyBank.

- A new proposed curb cut is shown along Seneca Street and the existing access along Transit Road will remain.

Mr. Hayes referred to the entrance/exits and questioned if any will be directional only. Mr. Sheedy stated the proposal is for full access. Mr. Hayes expressed safety concerns with making a left hand turn across a three-lane highway so close to a traffic signal. Mr. Sheedy stated this is an existing curb cut and if the NYSDOT deems a safety hazard they will take this under review.

Mr. Frick stated both right in and right out should be considered due to the location. Mr. Frick questioned if the survey was completed as there is a large grade drop off along the lower rear parking lot that may need to be filled in. Mr. Sheedy stated the survey is being worked on and he will provide a better answer afterwards.

Mr. Frick questioned if a traffic study will be completed as this project would produce a steady stream of traffic. Mr. Sheedy stated if the NYSDOT requires one, a traffic study will be completed.

Mr. Frick questioned the archaeological site and what it pertains to. Mr. Sheedy stated this is not known, this has been a suggested site. The site has previously been developed and they do not feel there will be any issues.

Mr. Sherman would like to mandate a NYSDOT traffic study due to the amount of traffic from surrounding businesses. Mr. Sailer concurred. Mr. Sheedy stated if the Planning Board mandates a study, it will be performed.

Mr. Hayes referred to a neighboring project and questioned if the two need to be reviewed in tandem. Code Enforcement Officer Jeffrey Schieber stated the two projects would be treated independently as they are separate parcels.

Mr. Schieber stated on November 16, 2022, this project was submitted to the following agencies: Erie County Department of Planning, ECDOT, local fire department, ECWA, NYSDEC, Army Corp of Engineers, West Seneca Environmental Commission, NYSDOT, SHPPO, and the Town of Elma. Acknowledgment was received from ECWA for connections. A response was received from SHPPO and stated the archeological sensitive area should be evaluated unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. As the applicant stated, this parcel has previously been disturbed.

Mr. Sailer stated engineering should be done to ensure there is no stacking onto Transit Road.

Mr. Hayes questioned if there is an issue with the turning radius for emergency vehicles. Mr. Schieber stated he has not yet received input from the fire department.

Mr. Hayes questioned the width of the entrance from Transit Road. Mr. Sheedy stated the width is 24'.

Mr. Schieber stated this site plan may have been generated from tax maps, the northwest corner appears to have a portion of neighboring garage on the car wash property. This is currently being sort out with the survey.

Mr. Sherman questioned what sewer mitigation would have to done. Mr. Schieber stated the documents are reviewed by the Town Engineer who imposes a sewer mitigation fee.

Michael and Deborah Wing , 5627 Seneca Street had the following comments/questions:

- Expressed safety concerns for pedestrians walking along Seneca Street; there are no sidewalks; busy intersection.

