

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

**WEST SENECA PLANNING BOARD**  
Minutes #2018-06  
June 14, 2018

Chairman Robert 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  
John J Fenz, 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.

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

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

Ayes: All

Noes: None

Motion Carried

### **APPROVAL OF MINUTES**

Motion by Mendola, seconded by Rathmann, to approve Minutes #2018-05 of May 10, 2018.

Ayes: All

Noes: None

Motion Carried

### **OLD BUSINESS COMMUNICATIONS**

#### **2017-A**

A request from Christopher Wood of Carmina Wood Morris, P.C. for final approval of the proposed 8-lot subdivision located at the corner of Reserve Road and Westgate Blvd.

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

Ayes: All

Noes: None

Motion Carried



**2018-01** (continued)

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

Ayes: All

Noes: None

Motion Carried

Mark Schiffhauer stated a drainage plan has been submitted and approved by Town Engineer David Johnson. A parking plan was also submitted indicating 15 spaces – two for employees, one handicap space and 12 spaces for display of vehicles for sale.

Chairman Niederpruem noted a letter was received from Town Engineer David Johnson stating he reviewed the drainage plan and approves subject to providing a swale or some other means to protect the residents to the west. Chairman Niederpruem also referred to stipulations imposed on a previous site plan application for this property including: grass to be planted and maintained behind the building with no parking behind the building now or at any time in the future; installation of a 175' long, 5' high privacy fence to screen the property from the neighbors; no banners or streamers (no longer allowed under the Town Code); removal of blacktop along Seneca Street and Center Road prior to installation of grass per the site plan.

Mr. Rathmann questioned if there will be any signage for the business and the lighting proposed. Mr. Schiffhauer responded the only sign will be on the window of the building. There is an existing light pole that lights the parking lot and there will be no additional lighting.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Najm, to recommend approval of a special permit for property located at 5190 Seneca Street, being part of Lot No. 279, changing its classification from C-2 to C-2(S), for minor vehicle repairs and display of vehicles for sale, subject to the following: 1) compliance with Town Engineer David Johnson's letter and stipulation to protect the west property line with a swale; 2) grass to be planted and maintained behind the building with no parking behind the building now or at any time in the future; 3) display of no more than 12 vehicles for sale; 4) installation of a 175' long, 5' high privacy fence to screen the rear property from the neighbors; 5) removal of blacktop along Seneca Street and Center Road prior to installation of grass per the site plan; 6) compliance with all restrictions prior to issuance of a certificate of occupancy.

Ayes: All

Noes: None

Motion Carried

**SPR2018-03**

A request from Ebenezer Railcar Services Inc. for site plan approval for property located at 1005 Indian Church Road to construct a 94,000 sf manufacturing facility.

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

Ayes: All

Noes: None

Motion Carried

Timothy Arlington of Apex Consulting and Jeff Schmarje of Ebenezer Railcar Services Inc. stated their request for site plan approval for a 94,000 sf building at 1005 Indian Church Road. Mr. Arlington stated they had received a "no jurisdiction" letter from the Army Corps of Engineers and David Denk of NYSDEC. A survey team staked out the project and the only issue was the road coming in to the main project. One spot was delineated wetlands by the NYSDEC, so the driveway is now curved and comes across the tracks. This is a minor change from the original plan and no permit is needed. They have addressed the comments in Town Engineer David Johnson's letter and received a satisfactory response in return. They are awaiting approval from the Erie County Sewer District and Water District.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Rathmann, 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 1005 Indian Church Road (SBL 134.07-3-18.211) ("Subject Property"), for a 94,000 sf 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

**SPR2018-03** (continued)

**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 1005 Indian Church Road to construct a 94,000 sf manufacturing facility, listing the ECIDA as an interested party.

Ayes: All

Noes: None

Motion Carried


**ADJOURNMENT**

Motion by Clifford, seconded by Rathmann, to adjourn the meeting at 7:30 P.M.

Ayes: All

Noes: None

Motion Carried

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