

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

WEST SENECA PLANNING BOARD
Minutes #2017-11
November 2, 2017

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance led by Sergeant-at-Arms Joseph Sherman.

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
James Rathmann
Joseph Sherman
George Clifford
Margaret Bebak
Dale J McCabe
Jeffrey Schieber, Code Enforcement Officer

Absent - John J Fenz, Town Attorney

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 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 Sherman, seconded by Rathmann, to approve Minutes #2017-10 of October 12, 2017.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

SPR2017-06

A request from Ebenezer Landing Community LLC for site plan approval for property located at 4592 Seneca Street for 31 single family detached patio homes and 14 attached two-story townhome units.

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

Ayes: All

Noes: None

Motion Carried

SPR2017-06 (continued)

Attorney Sean Hopkins of Hopkins Sorgi & Romanowski PLLC stated the site plan was updated to show the location of decks and patios on individual units and the actual location of storm water management improvements. A landscape plan was prepared and includes different types of trees as requested by the West Seneca Environmental Commission. Consideration was given to sidewalks, but as this is a private road they do not believe they are necessary. Part I of an environmental assessment form will be completed and submitted and elevations will be ready for the December meeting. Mr. Hopkins noted a detailed economic analysis was submitted last year indicating the project will have a large positive fiscal impact on the town with a projected \$58,424 annually to town taxes and \$183,000 annually to school taxes.

Christopher Wood of Carmina Wood Morris DPC stated hydrant flow testing was done on Seneca Street and there is 52 psi residual pressure at the furthest hydrant. Comments from Town Engineer David Johnson were addressed and returned for his review. Mr. Wood stated he will resubmit an entire set of plans with the engineering comments and other items such as contours as requested by the Planning Board.

Mr. Mendola referred to the ditch going through the property and suggested it be piped to avoid an issue with keeping it clean. Mr. Wood responded the ditch is a jurisdictional waterway and the Army Corps of Engineers would have to approve. He did not think they would allow the entire length to be piped but will talk to them about it. Mr. Hopkins noted they will be forming a homeowner's association that will assume maintenance and responsibility of that area.

Mr. Mendola questioned if there is sufficient room for a school bus to turn around and if a traffic study was completed. Mr. Wood responded the cul-de-sac is 55' radius which is standard size and sufficient for a school bus to turn around. Mr. Hopkins stated the project was reviewed by Erie County, but a traffic study was not required because it will not generate more than 100 trips per hour.

Mr. Sherman questioned if visitor parking was addressed. Mr. Wood responded each unit has four parking spaces and parking will be allowed on one side of the road.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Rathmann, to table this item until the December meeting.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2017-13

A request from Metzger Civil Engineering for a special permit for property located at 216 Orchard Park Road, being part of Lot No. 282, changing its classification from C-2 to C-2(S), for a multi-family development.

Chairman Niederpruem stated along with the application the Planning Board received a survey, site plan, deed description and a rendering.

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

Ayes: All

Noes: None

Motion Carried

Michael Metzger of Metzger Civil Engineering represented the developer and stated their proposal for a multi-family development on approximately four acres of property at 216 Orchard Park Road. The property is zoned C-2 and is located next to the Ironworkers Hall. There is 65' frontage which then opens in the rear and extends to the creek where there is a 100 year flood plain. There will be one entrance and the middle portion will be developed with nothing near the 100 year flood plain. The proposal is for three buildings - two residential and one parking garage. The first residential will be a 10-unit townhome style, 2-story, with end units having individual garages. The second residential will be 22 or 23 units, 3 stories high, with mostly two bedroom and some one bedroom rental units. The third building will be a 10-unit parking garage centered on the property and away from the flood plain. Mr. Metzger stated they have studied the town's comprehensive plan and believe the project is consistent with it and will conform to the zoning classification.

Chairman Niederpruem questioned if there had been any discussions about the project with the Ironworkers Hall, funeral home or Wegman's. Mr. Metzger stated they had talked to the Ironworkers Hall and they are favorable to the project. They had not talked to Wegman's and he was not sure about the funeral home.

Robert Frantsits commented on the number of units proposed for the size of the area and also thought there should be more than one entrance/exit onto Orchard Park Road. He was concerned the project will increase the traffic in an already busy location and requested an impact study. Chairman Niederpruem stated only 33 units are proposed and that will not have a large impact on the traffic.

Mr. Metzger stated Orchard Park Road is a state highway and the proposed project does not come close to the threshold that would require a traffic study. There will be an environmental review, but he did not expect any comments from NYSDOT requiring a traffic study. It is estimated there will be 25 to 28 cars per hour during peak times. Mr. Metzger further noted NYSDOT would not allow two curb cuts for this size project and according to Town Code the driveway must be at least 30' wide, which is wide enough for emergency vehicles. There was also some discussion with town departments and a request to consider three lanes – one lane in and two lanes out.

SPR2017-13 (continued)

Mr. Sherman questioned the demographics of the residents. Mr. Metzger stated he had no idea on demographics at this point but noted the developer is experienced with residential development and this will be a higher end, upscale project.

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

Ayes: All

Noes: None

Motion Carried

Motion by Sherman, seconded by McCabe, to recommend approval of a special permit for property located at 216 Orchard Park Road, being part of Lot No. 282, changing its classification from C-2 to C-2(S), for a multi-family development, noting the special permit is specifically for the project presented.

Ayes: All

Noes: None

Motion Carried

2017-14

A request from Young Development Inc. for a rezoning & special permit for property located at 965 Center Road, being part of Lot No. 203, changing its classification from R-60A to R-60(S), for a multi-family development.

Chairman Niederpruem stated along with the application the Planning Board received a short environmental assessment form, a conceptual plan and a survey.

Mrs. Bebak noted she will be recusing herself from voting on this project.

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

Ayes: All

Noes: None

Motion Carried

Attorney Sean Hopkins of Hopkins Sorgi & Romanowski PLLC represented Young Development Inc. and stated their proposal for a multi-family development on a 4.3 acre site at 965 Center Road, previously Harvey D Morin VFW Post. Although the current zoning would allow for buildings with a height of 40', the proposed project is six single story buildings, four 4-unit and two 6-unit, with attached garages. They will be upscale units with rents of \$1500 to \$2000 per month. Mr. Hopkins commented on other possible uses in an R-60A district and stated the proposed project is compatible with the character of the neighborhood and will be attractive to seniors wanting to downsize and professional singles. Earth Dimensions conducted a wetlands investigation and there are no jurisdictional wetlands on site. Mr. Hopkins presented conceptual elevations for the buildings that were developed by an architect. He stated they will provide adequate landscaping/screening and welcomed the neighbors input.

SPR2017-14 (continued)

Chairman Niederpruem understood the density was met but still had some concerns. He commented that Center Road is very flood prone and Ebenezer Brook is in close proximity to the site. He was concerned with rapid runoff and putting roof drainage into the brook. Christopher Wood of Carmina Wood Morris DPC stated the site is already developed and they will not be increasing the impervious surface by much. He will propose to reuse one of the storm pipe connections to the street and have underground detention.

Mr. Rathmann had a problem with the layout of the project, noting the front building appears to be right on Center Road. He further commented this is a multi-family project and is surrounded by single family properties. Mr. Hopkins responded the setback of the front building is 85' and there are no variances required from the Zoning Board of Appeals.

Susan Kims did not believe the project fit in the single family neighborhood.

Mike Flicinski commented on flooding problems and standing water in the area and expressed his concern with runoff from the buildings.

Jared Alexandowicz, Commander of Harvey D Morin VFW Post, commented that flooding comes from the neighbor in the rear. He further stated there are multi-family units down Center Road and the project will not have an effect on traffic.

Tom Cizdziel lives behind the site and was concerned with his privacy and the proximity of the buildings to his property. Chairman Niederpruem stated there is a 25' setback from the back of the buildings to the rear property line.

Barb Miller commented that flooding is also a problem on Sherwood Court and wanted to ensure there will be no entrance to the project from Sherwood Court. Mr. Hopkins stated there is no connection to Sherwood Court proposed and they would agree to that as a condition of the special permit.

Catherine Loerch was concerned that the project not become low income housing. Mr. Hopkins stated there are no guarantees, but Young Development has an excellent track record in WNY. He presented the conceptual elevations and stated the developer will be spending a lot of money and the rents will be at least \$1500 per unit.

Angelo Casciani stated most of the property is already paved and there is currently a fair amount of runoff. He preferred the new buildings not be raised which would cause more runoff. Mr. Casciani further stated the flooding problem has been there a long time and he did not believe fixing the property will make the flooding go away. Chairman Niederpruem noted the project must contain its own water.

SPR2017-14 (continued)

Valerie Greiner expressed concern that the project not connect to Sherwood Court. Chairman Niederpruem stated the site plan review process will address this along with berms, landscaping, etc.

Donna Marinaccio questioned why there is only one entrance/exit proposed when there were two for the VFW post. Mr. Hopkins stated they would rather have two driveways, but Center Road is a county road and Erie County will ask for a reduction in curb cuts.

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

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Niederpruem, to recommend approval of a rezoning & special permit for property located at 965 Center Road, being part of Lot No. 203, changing its classification from R-60A to R-60(S), for a multi-family development, conditioned upon the following: 1) no access to Sherwood Court; 2) all single story buildings.

Ayes: (3) Mr. McCabe, Mr. Clifford, Chairman Niederpruem

Noes: (3) Mr. Mendola, Mr. Rathmann, Mr. Sherman

Abstentions: (1) Mrs. Bebak

Motion Denied

ADJOURNMENT

Motion by Mendola, seconded by Sherman, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY