

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

**WEST SENECA PLANNING BOARD
Minutes #2019-07
September 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
Kimberly Conidi, Deputy 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 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 Rathmann, seconded by Mendola, to approve Minutes #2019-07 of July 11, 2019.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

SPR2019-04

A request from Frank Wailand for site plan approval for property located at 3155 Seneca Street for construction of a 13,400 sf multi-tenant building and 89 storage units.

Chairman Niederpruem advised the Planning Board received late information, so this item will be held over until the next meeting.

Motion by Clifford, seconded by Mendola, to table this item until the October meeting.

Ayes: All

Noes: None

Motion Carried

2019-01

A request from DATO Development, LLC for a special permit for property located at 299 Leydecker Road, being part of Lot No. 396, changing its classification from R-60A to R-60A(S), for a multi-family development consisting of five 10-unit, 2-story buildings and six single story duplexes (24 units).

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 DATO Development, LLC and presented a color copy of the site plan for the proposed multi-family development consisting of 74 upscale units (five 2-story, 10 unit buildings and six single story buildings with duplex units) on the 8.63 acre site at 299 Leydecker Road. There will be a total of 173 parking spaces or 2.38 spaces per unit. The eastern 115' of the site will be preserved as permanent open space and a declaration of restrictions will be filed with the Erie County Clerk. Mr. Hopkins stated the project is modeled after the Sherwood Meadows project in Hamburg, an upscale project with more than 70 percent of the residents making more than \$50,000 per year and 30 percent making more than \$75,000 per year. They believe the proposed project is compatible with the character of the neighborhood. The lighting plan will be low level and there will be adequate screening. A landscape plan will be provided at the time of site plan approval. The traffic impact study indicates 28 vehicles exiting and eight vehicles entering the site during the morning weekday peak hour and 17 vehicles exiting and 28 vehicles entering during the afternoon peak hour. A letter was received in July from Erie County Department of Public Works stating any concerns relative to traffic have been satisfied. The site is located in an archeologically sensitive area and Pan America Consultants performed testing which revealed no resources eligible for inclusion in the national or state registry. The NYS Office of Parks, Recreation and Historic Preservation has issued a no impact letter. A downstream sanitary sewer capacity report was prepared and it confirmed during wet weather conditions there is adequate downstream capacity. Mr. Burke is also required to make a financial contribution equal to four times the peak flow, so this will confirm that downstream sanitary sewer capacity will be improved during wet weather conditions. Sewer, water and electric for the site will be private.

Mr. Clifford questioned when the traffic study was done. Mr. Hopkins stated traffic counts were taken in March on a weekday when school was in session. Mr. Clifford commented there is a possibility that Erie County will not be fixing the Leydecker Road Bridge. Mr. Hopkins acknowledged that possibility and stated Erie County has no specifics as to when that will occur. The traffic study was based on current roadway conditions. Mr. Clifford questioned compatibility of the project and Mr. Hopkins responded it is different than single family homes on individual lots but they believe it

2019-01 (continued)

is compatible. The buildings will be upscale with fewer units per building. The proposed \$1300 to \$1600 rent is based on the market and Mr. Burke is confident there will be renters. If not, they may have to adjust slightly, but it will not be subsidized or low income housing and credit checks will be done.

Mr. Mendola referred to a letter from Town Engineer Steven Tanner expressing concern with the pumping rates and not getting proper output at the pump stations. Chris Wood of Carmina Wood Morris stated the pumps are set at 50 Hertz and can be adjusted to 60 Hertz; the town's sewer department would control that. The report indicates there is capacity and they need municipal approval and DEC approval. Final approval comes from the DEC and they cannot do the project without DEC approval.

Eight residents of the surrounding area spoke in opposition to the proposed development and had the following concerns, comments & questions:

- ✓ Concerned with addition of 74 units when sewer is not handling current sewage – Mr. Wood stated work was done at the pump station a few years ago. They have not had any sewage overflows into the creek since then and the pumps are not running at capacity.
- ✓ What does Hertz have to do with sewer capacity – Chairman Niederpruem stated if the variable frequency drive is operating at 60 Hertz it would be capable of 1250 gallons per minute, but it currently is only performing at 50 Hertz. They do not have a firm answer from the Town Engineer if it can go to full capacity. Mr. Mendola recited a statement in Town Engineer Steven Tanner's letter, "Even at the 50 Hertz setting, the pumps have enough capacity to handle the additional flow from this development, and if additional pumping capacity is required, the town can reset the upper limit of the variable frequency drive to allow additional flow rate."
- ✓ Number of vehicles exiting the site; traffic situation and accidents that have occurred; concerned with day and time the traffic study was done – Mr. Hopkins advised the traffic study was done Wednesday, March 20, 2019, 7 – 9 am and 4 – 6 pm. The trip generation is the national standard and the counts are what is happening there today. The level of service analysis was conducted at each of the intersections in the study area and showed no degradation based on increased traffic.
- ✓ Privacy issues; opposed to two-story buildings; prefer one-story if project is approved
- ✓ Number of vacancies at numerous apartment complexes; may have to reduce rent if units are not filled; concerned it will become subsidized housing
- ✓ Project will double the number of residents in the neighborhood
- ✓ Property is not currently being maintained

2019-05 (continued)

Motion by Bebak, seconded by Najm, to recommend approval of a special permit for property located at 200 Westminster Road, being part of Lot No. 206, changing its classification from M-2 to M-2(S), for an online auto sales business with the following stipulations: 1) maximum six vehicles inside and maximum three vehicles outside; and 2) area in front of overhead garage doors must be kept clear at all times.

Ayes: All Noes: None Motion Carried

2019-06

A request from Bonnie Scirri for a home occupation permit for property located at 1005 Center Road for a home bakery.

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

Ayes: All Noes: None Motion Carried

Bonnie Scirri stated she recently owned a bakery on Orchard Park Road that specialized in gluten free items. The bakery closed in 2018 and she would now like to bake from her home. There will be a few pickups, but it will mostly be deliveries to restaurants.

Code Enforcement Officer Jeffrey Schieber stated the property complies with the necessary criteria for a home occupation, and if approved by the Town Board, the permit is renewable annually.

Mrs. Bebak referred to the home occupation permit application and questioned if Ms. Scirri intended to sell baked goods outside her home. Ms. Scirri responded she did not.

A resident questioned if Ms. Scirri will be using her home oven or commercial type equipment and expressed concern about exhaust mechanisms. Ms. Scirri responded she has a small commercial electric oven located off the kitchen and there are no exhaust fumes.

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

Ayes: All Noes: None Motion Carried

Motion by Bebak, seconded by Rathmann, to recommend approval of a home occupation permit for property located at 1005 Center Road for a home bakery.

Ayes: All Noes: None Motion Carried

SPR2019-05

A request from Rosina Food Products Inc. for site plan approval for property located at 3100 Clinton Street for construction of a 111,223 sf food processing factory.

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

Ayes: All

Noes: None

Motion Carried

Russell Corigliano, President & CEO of Rosina Food Products; Gregory Setter, Chief Operating Officer of Rosina Food Products; Eric Naber, Senior VP of Operations & Quality Assurance for Rosina Food Products; and Freida Speicher & James Hail of Stellar, a design build company located in Jacksonville, Florida appeared before the Planning Board to present their proposed project.

Mr. Corigliano stated their proposal to construct a 105,000 sf facility at 3100 Clinton Street to add capacity to their current protein production. Rosina is outgrowing their current location in Cheektowaga and several possibilities for expansion were examined. The 40-acre parcel on Clinton Street was purchased in 2005 and they also own a pasta producing facility on Empire Drive that borders this site.

Chairman Niederpruem offered the following comments/suggestions/questions:

- ✓ Suggested Mr. Corigliano consult with Union Fire Company concerning hydrant placement, chemicals used in operation, etc. - Code Enforcement Officer Jeffrey Schieber stated Union Fire Company has the site plan application and he will facilitate a meeting. Ms. Speicher stated the building will have an automated fire protection system in accordance with the building codes.
- ✓ Commented on the density of the site and noted Benchmark Environmental did some borings. The site is technically a Brownfield area and extensive cleanup is needed due to railroad residual that was left. A tree survey was completed indicating there are 61 percent cottonwood trees and an archeological survey indicated some artifacts. - Mr. Setter stated they are working with the NYS Historic Preservation Office. Phase 1 & 2 were completed and they are working on Phase 3. Arrowheads and broken pottery were found on an 800 sf area and once the site is cleared they will bring documentation.
- ✓ Questioned the SEQR & wetlands - Mr. Setter stated they have a wetlands delineation project the NYSDEC & Army Corps of Engineers has approved. There are .8 acres of wetlands that need to be remediated and he will forward the documents upon receipt.
- ✓ Questioned downstream sewer capacity - Mr. Hail stated there have been multiple meetings, but Erie County has not yet determined if there is capacity. A meeting is scheduled for Monday morning for an update on flows and infiltration of rainwater which is the major issue on accepting additional flow. There will be pre-treatment on site.

SPR2019-05 (continued)

A Clinton Street resident had the following comments/questions/concerns:

- ✓ Commented on hydric soils on site and stated years ago NYSDOT installed a pipe under Clinton Street that connects to a ditch behind his house, but recent studies show there is zero output from the pipe and the ditch hasn't been maintained in many years; expressed concern that the project will cause the ditch to overflow on his property and questioned who will maintain it – Mr. Setter stated the detention pond was designed for a 100 year storm, so most of the time there should be little or no flow to the ditch.
- ✓ Concerned with sanitary sewer overflows and issues within the town – Mr. Mendola noted this site is located in an Erie County Sewer District and is not maintained by the town.
- ✓ Concerned with noise from truck traffic and exhaust fans – Mr. Naber stated there will be approximately 15 trucks entering the site per day and primarily the first two shifts.
- ✓ Concerned about light pollution – Mr. Naber responded lighting on the building will face down. The parking lot will be lit at night for the employees, but they will keep as many trees as possible and only remove those where the facility is being built. There is a big buffer of mature trees along Clinton Street.
- ✓ Questioned if an environmental study was done – Ms. Speicher stated an environmental survey indicated there are bats on site and they will do whatever they can to reduce the impact on their habitat.
- ✓ Concerned with affect on Eden Heights senior residential facility which is located next door – Ms. Speicher stated all trees along the neighbor's property will remain.
- ✓ Concerned with additional traffic on Clinton Street with 140 employees; suggested using Gardenville Parkway on Union Road for employee access – Ms. Speicher stated a traffic analysis indicated no significant impact during peak times. Mr. Corigliano stated they need multiple entry points for fire truck access.
- ✓ Concerned about possible leakage of ammonia used for refrigerant – Ms. Speicher stated the ammonia system will have all safety measures in place and the tanks are designed to hold the ammonia when it's released.

Mike Was of the West Seneca Environmental Commission did not believe the tree survey met the town's tree ordinance as it was not compiled by a certified arborist and does not indicate tree diameter or the value of the trees. Mr. Setter stated he believes the person is a certified arborist and will confirm. The survey indicated 157 cottonwoods.

SPR2019-05 (continued)

Mr. Rathmann offered the following comments on site issues:

- ✓ Handicapped parking access aisles need to be 8' wide
- ✓ Site plan indicates the emergency access has parking in front of the gate - Ms. Speicher responded this was an error and the new drawing shows the area completely open.
- ✓ Suggested shorter trees around utility poles; two islands also have white spruce trees that are full to the ground and could cause visibility issues
- ✓ Suggested parking lot lighting be baffled on one side and directed down

Chairman Niederpruem stated they are concerned about curb appeal as Clinton Street is an entrance to the town. Mr. Schieber referred to Image A which is the Clinton Street view and noted the building cannot be seen from the road.

Mrs. Bebak commented on the appearance of the security house. Ms. Speicher stated it will be a small pre-fab building for check in. The building will be setback 220' from Clinton Street, but they could enhance the appearance.

Mr. Clifford suggested that any trucks arriving on the third shift use Empire Drive to access the site. Ms. Speicher stated they are concerned about the turning radius and power lines. Mr. Corigliano stated trucks arriving on the third shift will be irregular, but they will consider the suggestion.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Clifford, to table this item pending receipt of additional information.

Ayes: All

Noes: None

Motion Carried

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 Clifford, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

SPR2019-06 (continued)

Attorney Sean Hopkins of Hopkins, Sorgi, Romanowski, PLLC represented JSEK West Seneca LLC and stated the new car wash facility will be located on the site of a former nursery that has been in a dilapidated condition. They will try to get the site cleaned up this season and have started to get bids for the work. The neighbors will be given written notice when the work will commence.

Roger Chopra, environmental consultant for the project, stated an asbestos assessment was done and they applied for and were granted a variance from NYS for hand and mechanical methods of cleanup due to the partial demolition of the greenhouses. They are in the process of getting bids back from contractors and there is 10-day notification to NYS prior to starting the job. The work process will take three to four weeks.

James Boy, project architect, presented renderings of the front facade and stated they had discussed putting stone on the front and conforming to the new design standards for the town, but haven't come up with final materials.

Mr. Hopkins stated they will need variances for ingress and egress as the Town Code requires 12' and they are 9' to 9.5'. They will be applying to the Zoning Board and hope to have approval before site plan approval. If the variances are not approved, they will have to redesign the site. They are also awaiting comments from NYSDOT. Mr. Hopkins further stated they are researching the latest technology to minimize sound impacts.

Chairman Niederpruem questioned the following:

- ✓ Access by emergency vehicles and the ability to maneuver the site - Joseph Spino, owner of JSEK West Seneca LLC stated he has a call in to Vigilant Fire Chief John Gullo to discuss emergency access to the site.
- ✓ The intent of the future retail - Mr. Spino stated there will be a dog wash along with office space for a future tenant, but he does not envision it to be a high traffic situation.
- ✓ Referred to downstream sewer capacity and questioned if the water will be recycled - Mr. Spino stated they will reclaim 60 percent of the water and they will not be discharging enough to require a downstream report. Chairman Niederpruem suggested this be made clear in the engineering report. He also requested the report address permanent closure of the sewer laterals for the buildings that are demolished. Code Enforcement Officer Jeffrey Schieber advised this is a requirement of the Engineering Department.

Mr. Najm questioned the parking situation and traffic pattern to exit the site. Mr. Spino explained the parking and flow of traffic on site.

SPR2019-06 (continued)

Mrs. Bebak commented on the façade of the building and provided pictures of other buildings to assist with choices of materials and appearance, noting the town is interested in architectural design and would like to see brick and contrast. Mrs. Bebak further stated although the Town Code specifies that windows not be covered, she preferred not to see the inside motors through the windows. Mr. Spino stated they will take a look at the windows and Mr. Boy will provide sample materials for the building façade at the next meeting along with pictures.

Mr. Rathmann stated the following comments/questions:

- ✓ Referred to the grading and noted there is only one drainage structure on the entire site - John Schenne, project engineer, stated the entire site will be sheet drained and they will be retaining for a 25 year storm and releasing at the rate of a 10 year storm.
- ✓ Grading on north property line is 1.5' higher than the neighbor; suggested adding drainage swales and more detail – Mr. Schenne stated he will look at adding a swale. Mr. Spino noted he agreed to put drain tile in the back of the neighbors' properties and that will be reflected on the drawings.
- ✓ Referred to the block garage on the north side of the site and stated the property line goes through the building - Mr. Hopkins stated Mr. Spino relinquished easement rights to that property.
- ✓ No trees are shown on the survey and no contours shown
- ✓ Parking and traffic circulation is confusing
- ✓ Traffic on Union Road and possible issues with entering the site

Mr. Clifford referred to the drainage and questioned why it was designed for a 25 year storm rather than a 100 year storm. Mr. Schenne stated this was the requirement specified by the town's engineering firm, Clark Patterson Lee. Mr. Hopkins stated different standards apply for redevelopment sites and they will follow up with the Engineering Department.

Mr. Schieber stated Vigilant Fire Department had suggested using a computer program to determine proper turning for emergency vehicles. They also requested signage indicating a fire lane, a Knox Box and access to the site with gates & locks from Fremont Avenue.

A resident referred to concerns with entering the site and did not see this as an issue, noting there will be less traffic entering the site than other businesses on Union Road (i.e. Consumers Beverages).

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SPR2019-06 (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Bebak, to table this item pending receipt of further information.

Ayes: All

Noes: None

Motion Carried


ADJOURNMENT

Motion by Bebak, seconded by Clifford, to adjourn the meeting at 9:30 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY