

The meeting was called to order at 7:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL:

Present	-	Margaret Bebak, Chairperson James Frick Timothy Hayes Dale J McCabe Raymond Nalewajek Eric Sailer Joseph Sherman Jeffrey Schieber, Code Enforcement Officer Chris Trapp, Town Attorney
Absent	-	None

APPROVAL OF PROOFS OF PUBLICATION

Motion by Frick, second by McCabe, 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 McCabe, to approve minutes 2022-06 of June 9, 2022.

Ayes: All Noes: None Motion Carried

OPEN THE PUBLIC HEARING

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

Ayes: All Noes: None Motion Carried

OLD BUSINESS
SPR2021-05

A request from Brad Vaillancourt c/o Canisius High School for site plan approval for property located at 2885 Clinton Street for construction of an athletic complex with all related site improvements.

Mr. Vaillancourt stated Canisius High School is present tonight for final site plan approval. Since the last meeting Erie County has signed off on the SEQR. Also, the Town Engineer has reviewed and approved the Canisius and Lexington Green project.

Code Enforcement Officer Jeffrey Schieber stated at the last Planning Board meeting a negative SEQR declaration was approved pursuant to the project. The meeting minutes, a new 239-M form, as well as all previous approvals relevant to the project were resubmitted to Erie County. Erie County acknowledged receipt of the documents

SPR2021-05 (continued)

and provided two emails stating the SEQR process has closed. Erie County does not speak on behalf of any other agency relative to a highway work permit. In addition, the Town Engineer has responded to the questions, comments, and concerns raised by residents that were based on the Lexington Green development and has provided a letter explaining what will take place at Lexington Green relative to berm work. The letter states the project at Lexington Green will have no effect on Canisius and Canisius will have no effect on the Lexington Green project.

Chairperson Bebak questioned if Mr. Warren's recent letter was answered by the Town Engineer's statement that there is no impact. Mr. Schieber stated the letter received from the Town Engineer was in direct response to the letter from Mr. Warren.

Mr. Frick stated the letter from Mr. Warren requests the Planning Board rescind the negative declaration; however, there is no reason to do this. Mr. Frick believes the Planning Board should continue with the site plan approval process.

Mr. McCabe stated it is his understanding the facilities are expanding but the parking areas are not expanding. Mr. Vaillancourt stated this is correct. Mr. McCabe stated the expansion of the facilities is basically baseball diamonds and the use is seasonal, dependent on sports. Mr. Vaillancourt stated this is correct. The reason there is no increase in the parking area is because the use is targeted to specific sports and specific seasons.

No comments were received from the public.

Motion by Bebak, seconded by Frick, based on the prior issued negative SEQR declaration and the proper posting of the declaration, to approve site plan approval for property located at 2885 Clinton Street for construction of an athletic complex with all related site improvements.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS
2022-04

A request of Hanley Development of WNY for a rezone for property located at 1130 and 1140 Orchard Park Road, being part of Lot No's. 372 and 373, changing its classification from C-1 and R-75 to R-50(S) for construction of a 40-unit apartment development.

Anthony Pandolfe, PE with Carmina Wood Design presented the following:

- Total site area is 5.32 acres
- The current zoning is C-1 in the front portion of the property and R-75 in the back
- The request is for a rezone of the entire property to R-50(S); (S) indicating a special use permit required for a multi-family development.
- The proposal illustrates 45-apartment units; four 10-unit buildings and one 5-unit building
- The proposal includes permanent open space in the rear of the lots to provide an extra buffer between the development and residential yards.
- Stormwater management will be up front along Orchard Park Road

2022-04 (continued)

Mr. Sherman questioned the reasoning behind placing the retention pond at the front of the property. Mr. Pandolfe stated the pond must be discharged to an existing storm sewer system; the rear of the property has no place to discharge the pond to.

Mr. Sherman noted he lives in the vicinity of the development and there are two retention ponds in his neighborhood and believes this location will cause a problem with waterfall collecting. The retention pond should be moved to the rear of the property. Mr. Pandolfe noted this is a dry detention basin and will have a dry basin; there will not be standing water unless there is a heavy rain event.

Mr. McCabe questioned if any variances will be needed. Mr. Pandolfe stated the project does not anticipate the need for variances. However, the project is still awaiting a formal boundary survey to lay the project out. There is a small portion that may require a minor setback variance.

Mr. McCabe questioned if the number of units fit on the acreage. Mr. Pandolfe stated this is the reason the R-50 zoning is required; this allows the density calculation of 45-units.

Mr. Frick referred to the sanitary sewer capacity and requested Mr. Pandolfe address this. Mr. Pandolfe stated the project was required to complete a downstream sewer capacity analysis which showed issues with the West Seneca portion of the sewer. The Erie County portion is good, the town portion is undersized. There are options for mitigation that would be coordinated with the Town Engineer. Other towns would permit existing lateral replacements as part of mitigation. West Seneca typically calculates a fee based on the flow. Mr. Pandolfe stated the developer is willing to work with the town and go above and beyond what is required.

Mr. Frick stated there appears to be a discrepancy in the analysis that was performed. Mr. Pandolfe stated he noticed this but did not prepare the report; he will go back and look at this.

Mr. Sherman stated another concern is the traffic at Fisher Road and Orchard Park Road. Mr. Pandolfe stated in terms of traffic, commercial zoning is typically more intense than residential. This is a commercially zoned property and is considered a down zoning. When the traffic analysis is prepared published references are used; commercial zoning is always more intense. The NYSDOT currently has a project out to bid to improve the safety of this intersection with construction slated in the spring of 2023. Mr. Sherman noted this has been a declining business over the years and apartments would tremendously increase the traffic flow. Mr. Pandolfe stated he understood, however if this parcel was bought and sold something commercial could be there with the current zoning.

Mr. Sherman referred to the EAF form which states the proposed plan was consistent with the adopted comprehensive plan. It is Mr. Sherman's opinion that the project is not consistent. This project would not be consistent to the neighborhood. The comprehensive plan calls for public transportation and Mr. Sherman noted there are no public transportation stops in the vicinity. Mr. Pandolfe stated to the north, there are apartment units. There is a proposal for pedestrian access up to Orchard Park Road with a sidewalk.

Mr. Hayes requested clarification on the exact number of units and what will be in building no. 5. Mr. Pandolfe stated the plan being shown is for 45-units, four 10-unit apartments, and one 5-unit. The building being referred to is the 5-unit building. Mr. Hanley stated the 5-unit building will be 2-bedrooms and 2-bath apartments, townhouse style. Although, this may change as this is just the concept plan.

2022-04 (continued)

Mr. Hayes explained he asked the question because of the number of units and the sewer study that was completed. Mr. Hayes stated there are various numbers on the sewer study and requested the calculations be looked and revised. Mr. Pandolfe stated he would personally investigate this.

Mr. Sherman questioned the plan for a turn-around for emergency vehicles and school busses. Mr. Pandolfe illustrated the proposed turn-around for busses and emergency vehicles. The turn-around has been designed in accordance with the NYS Fire Code. Code Enforcement Officer Jeffrey Schieber stated there are several ways to maneuver emergency vehicles. What is shown is referred to as a hammerhead turn-around and is permissible.

Mr. Sailer questioned if there is anything relative to the sewer capacity in terms of cost or other issues that would completely stop this project. Mr. Pandolfe stated the willingness to work with the town on mitigation; there will be a point where it is just too much.

Mr. Hayes referred to the sewer study and noted there was data presented that showed only one day with just over a 1/2" of rain; will further studies be completed with new calculations? Mr. Pandolfe stated NYS requires one day with over a 1/2" of rain to complete the study.

Mr. Schieber noted for the public, in addition to this board there are various agencies that review the project, this is the formal SEQR process. This project was provided to the Erie County Department of Planning, NYSDOT, ECDOT, West Seneca Environmental Commission, West Seneca Fire Department, Erie County Water Authority, NYSSHPO, NYSDEC, and the Army Corp of Engineers.

Chairperson Bebak questioned if the town has received negative responses from any agency other than the response received regarding the sewer capacity. Mr. Schieber stated the NYSDOT website shows a plan for some type of development with construction to take place in 2024; there is no specifics. A letter was received from the Town Engineer alluding to all the issues. The Erie County Department of Planning provided correspondence with three bullet points relative to the comprehensive plan and includes the remark that the town should encourage the applicant to provide a schedule of landscaping and any proposed lighting be dark sky compliant. Erie County has acknowledged receipt of the application on the 239-M form.

Public comments were received from Virginia Gannon, 53 East & West Road, Andrew Ciepiela, 211 Mill Road, John Glose, 133 East & West Road, Jeffrey Scroger, 46 West Cranwood Drive, resident, 1150 Orchard Park Road, Anthony Grisanti, 1109 Orchard Park Road, Tamara Ardon, 816 Fisher Road, Karl Cole, 1144 Orchard Park Road, Scott Ciura, 28 Laurelton Drive, Thane Hoffman, 73-77 East & West Road, Phillip Czekalski, 99 East & West Road, Jennifer Balogh, 67 East & West Road, and Marissa Scroger, 46 W. Cranwood Drive expressing the following:

- Referred to a line on the site plan and questioned if this was a drainage ditch that runs parallel along the residential properties and empties to Cazenovia Creek - Mr. Schieber stated the line on the site plan just distinguishes the zoning of the property.
- During heavy rains, the backyards flood and questioned where the excess water will go - Mr. Pandolfe stated the project goes through a site plan review process and is reviewed by the Town Engineer who reviews the stormwater management plan. The site must be designed to collect all rainwater runoff on site and may not discharge to other properties. All water will be collected onsite and discharged into a

2022-04 (continued)

detention basin and out to the storm sewer along Orchard Park Road. This may help to mitigate the runoff currently going from this site to other properties.

- A signal is currently on the corner of Orchard Park Road and East & West Road and traffic concerns were expressed; will make accessing residential driveways difficult; suggested a traffic circle.
- The properties eventually will become dilapidated properties with landlords who do not care; homeowners take more pride in their property - Frank Jacobson, attorney for the project stated the Hanley/Liberatore families have been in the community for decades and own many properties throughout the town. This is a West Seneca business developing for West Seneca residents.
- Should not be giving up green space – Mr. Jacobson stated the project preserves a great deal of green space to protect the neighbors. There are several apartment buildings in this area, and this follows the character of the community. It is Mr. Jacobson’s opinion that residential buildings would be better than a commercial property.
- Concerns with flooding and ponding in the yards and driveways.
- Will change the atmosphere of the neighborhood which is mostly single-family homes.
- Project should be on the Seneca Mall property
- If approved, a fence should be in place to protect the property owners from the renters - Mr. Jacobson referred to the screening; this is a vacant piece of property with brush along the back. The property has been dilapidated and an eye sore. The site plan calls for screening to the neighbors with the planting of trees. If the Planning Board were to recommend a fence that could be investigated; natural screening is usually preferable.
- If the project followed the comprehensive plan, it would not need to be rezoned; the population density that is being asked is far above what is currently there.
- The Cranwood Drive neighborhood frequently deals with sewage backing up into basements; the infrastructure is over capacitated and suggested a thorough study of where the problem starts and if the project will make it worse.
- There is currently a Deer Management Plan, and this will take away more green space.
- Will lower property values; will be renters living on site.
- Construction concerns
- Sewer problems when it rains; the electrical grid is too old.
- The engineering standards this project will be required to abide by are old and outdated for the current weather systems we have.
- Should be mixed use with commercial and luxury apartments.
- Should have a gate to keep the residents’ children protected from Orchard Park Road
- How close will the tree line shown on the site plan be to residential yards?
- Concerns regarding the type of people living in the apartments, section-8 housing, and crime – Chairperson Bebak noted this meeting is for zoning only, the smaller details are taken care of at later meetings. Mr. Hanley stated the rent prices will start at \$1,500 - \$1,600 per month increasing from this amount. This is not a low-income development.
- What would the lighting be on the development?
- Concerns regarding residents and children on residents’ private property and upper units will see into residential yards.
- Has a study been done to determine the need for 45 more apartments?
- Questioned the towns requirement for greenspace and what does permanently undeveloped mean – Chairperson Bebak stated at site plan the Planning Board could suggest recording in the property deed the permanent open area.

2022-04 (continued)

Motion by Bebak, seconded by Frick, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Frick, seconded by McCabe, to table the rezone for property located at 1130 and 1140 Orchard Park Road, being part of Lot No's. 372 and 373, changing its classification from C-1 and R-75 to R-50(S) for construction of a 40-unit apartment development to allow the Planning Board to conduct more research on the engineering aspects, zoning code, and sanitary sewer capacity and mitigation.

On the question, Mr. Sherman stated he would also like to include a comprehensive traffic study be conducted as the traffic will influence the area.

Chairperson Bebak questioned if a traffic study was completed. Mr. Pandolfe stated under NYSDOT regulations a traffic study was not warranted. Mr. Sherman stated he would like a traffic study completed.

Ayes: All

Noes: None

Motion Carried

Chairperson Bebak explained that no recommendation was made tonight on the zoning; more information is required. The applicant would reappear before the Planning Board for a recommendation, after which the applicant would appear before the Town Board for a final decision.

SPR2020-010

A request of DiDonato Engineering and Architectural Professionals for site plan approval for property located at 2970 Transit Road for the construction of multiple single-story storage units, a 124' x 106' 3-story building for storage units, and all associated site work.

Mr. Frick stated he was recusing himself from this request due to a conflict and left the presentation table.

Chris Gardner was present to represent DiDonato Engineering and Architectural Professionals and stated they are seeking site plan approval for U-Haul. The project has been before the Planning Board for rezoning which was granted in November 2021.

The site plan has been developed; the final proposal consists of refacing of the existing structure and has been designed to town code. Portable storage buildings are also being proposed.

All the concerns that have been brought to the attention of the applicant have been addressed. Feedback was received from Erie County regarding the redevelopment. This was currently a vacant parcel. The town gave approval for the drainage. A substantial amount of grass and landscaping has been added to comply with the town code.

Mr. Sherman questioned the number of vehicles and trailers available for rental. Mr. Sherman stated he understood that U-Haul installed hitches and questioned if vehicles would be left overnight which would add to the number of vehicles on the lot. Todd Schnitzer, President of U-Haul WNY, stated the specific number of trucks and trailers is based on customer demand. This area is very short on equipment; trucks and trailers come and go. The hitch installs typically are done during the day with pickup before nightfall.

SPR2020-010 (continued)

Chairperson Bebak questioned the parking. Mr. Schnitzer stated customer parking is in the front. The retail area is in the existing building. There is not much foot traffic coming into the building.

Mr. Schnitzer stated one design change is to keep most of the flow to the southside of the property; the north side is the regional office with employees there every day. The remainder of the main building will be storage facilities.

Chairperson Bebak stated she recalled the rear of the property had culverts. Mr. Schnitzer stated there is a large culvert and U-Haul has worked with the town to have the culvert cleared out to allow the drainage to work again.

Chairperson Bebak questioned who owns the culvert. Mr. Schnitzer stated U-Haul owns through the culvert and up to the back of houses. Mr. Gardner stated this was a group effort and U-Haul paid the town to clean the culvert.

Mr. Nalewajek asked if there was 24-hour access to the property. Mr. Schnitzer stated 24-hour access is only granted after verification of the customer; the focus is interior load and unload. This is controlled access with cameras and swipe cards and an alarm notification system.

Mr. Sailer questioned if gating the property was investigated. Mr. Schnitzer stated fencing the back was previously discussed. The area for offices has been gated. The access points coming into the building for storage are in the front section. Mr. Schnitzer has spoken to residents and has tried to keep things away from their property.

Mr. Sailer stated the property seems very stark and he would like to see foundation plantings to help the look of the property. Mr. Schnitzer stated there are plans to incorporate plants and place some towards the road.

Mr. Gardner referred to the rendering and stated the greenspace was removed to work on the building face, but greenspace will be put back. Mr. Sailer stated he would like to see a landscape plan.

Code Enforcement Officer Jeffrey Schieber illustrated the trees, grass and plantings proposed along the site plan. Mr. Sailer stated he was referring to the front façade which previously showed trees, greenspace and shrubs which have all been removed for asphalt. If you look from Transit Road, there would be zero greenery. The town code requires foundation plantings.

Chairperson Bebak stated she believed the Planning Board members were looking for landscaping in front of the old building. Mr. Schnitzer stated the bay doors in the front are a residential look to give a more residential feeling and will investigate what plantings/ground cover could provide a softer feel.

Chairperson Bebak questioned the lighting plan. Mr. Gardner stated there is existing pole lighting and lighting on the building. It is all pointing down to not spill onto the neighbors.

Chairperson Bebak asked if the neighbors in the rear of the property are looking for fencing. Mr. Schnitzer stated the initial plans called for fencing and he is more than happy to provide that. The site plan shows a fence.

