

The meeting was called to order at 6:00 P.M. followed by the Pledge of Allegiance.

**ROLL CALL:** Present - Margaret Bebak, Chairperson  
 James Frick  
 Timothy Hayes  
 Christopher Holmes  
 Dale J McCabe  
 Joe Sherman  
 Jeffrey Schieber, Code Enforcement Officer  
 Chris Trapp, Town Attorney

Absent - Eric Sailer

**APPROVAL OF PROOFS OF PUBLICATION**

Motion by Sherman, 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 Frick, seconded by Sherman, to approve minutes 2023-09 of September 14, 2023.

Ayes: All    Noes: None    Motion Carried

**NEW BUSINESS**

**2023-04**

A request from Slade-Potters, LLC for a rezone and special use permit for property located at 0, 104, 110, 116, 126, 140, 144, 154, 158, 160, and 162 Slade Avenue, being part of Lot No’s 291 and 292, changing its classification from C-1 to C-2(S), for use as multi-family buildings and a restaurant.

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

Ayes: All    Noes: None    Motion Carried

Tom Fox with Ellicott Development Company provided the following presentation:

- The request is for a recommendation to the Town Board from the existing zoning of C-1 to C-2(S)
- There are currently three hotels on the property.
- Ellicott Development is looking to diversify the uses on the property; the additional development would follow with the 2016 Comprehensive Plan regarding mixed use development.
- The proposal is for two, 46-unit, 4-story buildings; the buildings would be multi-family and the reason for the C-2 zoning.
- There will also be two accessory structures (garages) to the residential area; both garages would be single story and would provide 33 enclosed parking spaces. There will be paved/surface parking for a total of 211 parking spaces.

- The multi-family component is in response to market demand and took into consideration the existing uses in the area from Ridge Road to Cazenovia Creek.
- This is an easily accessible location, and a restaurant would benefit the existing uses and neighborhood.
- Variances will need to be secured including setback variances for the front and rear yard and a side yard variance for the garages, along with a density variance for the residential and building height. The proposed building height is just over 40' to the soffit line and 50' to the roof. A 40' maximum height is allowed.

Mr. McCabe questioned if the special permit portion of the request would cover the full parcel or only a portion. Mr. Fox stated this covers the full parcel. Mr. Fox illustrated which parcels are being rezoned in the application. From the southern edge of 162 Slade Avenue to 132 Slade Avenue, which is not owned by the applicant, is existing C-2 zoned. The parcels that are zoned C-1 need to be rezoned to C-2; the special permit covers the entire area that rezoning is requested on.

Code Enforcement Officer Jeffrey Schieber stated it was his impression that the special use permit encompasses all the property as all the property is being used for quantified density for the bulk area. Mr. Schieber illustrated parcels A, B and C along with their zoning. This would clean up the zoning with all parcels being C-2 with a special use permit.

Chairperson Bebak noted this was a concept plan and remembered prior concept plans had more of a mixed use of commercial and residential and further questioned why the developer was moving away from this. Mr. Fox stated the previous concept plans did not have commercial use and were multi-family; the buildings were always shown as multi-family with different versions of a restaurant but not in a single structure. Mr. Fox stated his records show the concept was always for the buildings to be straight residential and this is the need for C-2 which allows straight residential without a commercial first floor. The restaurant component is not user specific at this point. The size and inclusion of a drive-through can be achieved under C-2 zoning.

Chairperson Bebak questioned if the zoning was changed to C-2(S) would this prohibit a restaurant. Mr. Schieber stated the restaurant is C-2 zoning and a special permit would address the drive-through.

Mr. Frick questioned the living area of the apartments. Mr. Fox stated the apartments will be a mix of 1, 2, and 3 bedrooms; the mix will be approximately 50% 2- bedrooms and the remainder percentage will be split between one and three bedrooms.

Mr. Hayes referred to building no. 2 and stated there are 43 accessible parking spots and questioned where the other residents of building no. 2 will park and how they will get to their building. Mr. Fox stated parking would be along Slade Avenue and along the back north. There are also garage spaces. The residents will be walking along sidewalks. The plan has the exact number of spaces that the town code requires. Typically, 2 and 3-bedroom rentals will receive 2-parking spaces and 1-bedrooms a single space unless another one is required. Each building should need approximately 65 – 70 spaces. Most of the spaces are near the building and ADA compliant will be required.

Mr. Frick noted there does not appear to be much green or recreational space for the tenants. Mr. Fox stated west of building no. 1 has an area, there is also a patio area. The areas were shifted to accommodate a fire turn-around, but areas will be incorporated into the site plan.

Mr. Frick noted the developer owns from 126 Slade Avenue and 121 and 132 Slade Avenue is not the developer's property and questioned what the plan is for what is currently on 126 Slade Avenue. Mr. Fox stated potentially accessible green space only in the rear portion of the property. There are no intentions right now for the front portion of the property other than retaining and maintaining the green area. Mr. Frick stated there was an older concrete pad and noted it would be nice to have that cleaned up.

Mr. Sherman questioned if the school district had been contacted to see how children would be picked up or dropped off. Mr. Fox stated he has not contacted the school district and would contact the school district to accommodate their needs. Mr. Sherman stated he would like something built into the plans such as a building for the children to protect them from the elements along with vehicle traffic.

Mr. McCabe questioned if correspondence was received from Seneca Hose Fire District. Mr. Schieber stated this application was received and processed on September 25<sup>th</sup> and sent for a coordinated SEQR review; the SEQR determination will be made by a future Town Board. The application was sent to: Erie Count Department of Planning, NYSDEC, Army Corp of Engineers, West Seneca Environmental Commission, NYSDOT, ECDOT (who owns and operates Slade Avenue), Seneca Hose Fire Department, WSCSD, Erie County Water Authority and Office of Parks and Preservation. Two comments have been received along with a resident letter. The ECWA acknowledges the fact that the application has been received and they have been provided with the Environmental Assessment forms. Because the proposed project includes two buildings with 46-units in each and a restaurant, any modifications to the existing water service or new service becomes required. The ECWA will need to review and approve detailed plans and specifications relating to the delivery of water prior to the construction. The ECWA requests submission of anticipated water usage per day. The applicant has been provided this letter.

Seneca Hose Fire Department provided correspondence with the following questions:

- What is the construction of the four-story buildings – Mr. Fox stated they will be wood frames.
- The fire department would like a standpipe system – Mr. Fox stated this can be done.
- The drawings do not indicate location of the fire department connections; typically, this is done as the project progresses and this is usually coordinated with the Fire Chief – Mr. Fox stated the plans are preliminary and they will certainly meet with the Fire Chief.
- Could the access road behind building no. 1 be extended/angled to follow the property line to allow a ladder truck in – Mr. Fox stated the letter has been shared with the engineer and there is room to modify this to allow the fire department access. Mr. Hayes stated this shows 20' i width for the turnaround and questioned what the town code references. Mr. Schieber stated a typical fire truck is 20' and an aerial truck is slightly larger.
- The plan does not include fire hydrants – Mr. Schieber stated this will come as the plan is worked on.
- With the existing complex, has there been consideration for fire lanes – Mr. Fox stated this will be reviewed by the civil engineer.
- Carbon monoxide alarms in hallways and individual occupancy are required.
- What type of fire alarm system – Mr. Fox stated the plans are just schematic now, but plans will be prepared to code.

Mr. McCabe noted Seneca Hose Fire Company has a ladder truck and he assumes it would be sufficient for the height of the buildings. Mr. Schieber stated Seneca Hose has an aerial ladder truck that is 110' and they also deal with the adjacent hotels. There are requirements as to how far the fire truck must be away from the building, the details can be figured out.

Mr. Sherman questioned if any water pressure tests had been completed to ensure an additional pump was not needed. Mr. Fox stated this will be completed at the appropriate time.

Mr. Hayes stated he recently attended an Erie County Housing Summit, and it was noted that at the end of 2021 40% of renters spend 30% of income on housing; has any thought been given to making this affordable and what is considered market rate. Mr. Fox stated the market rate is in the range of low to mid-teens up to and including mid \$2,000 per month based on the unit type. Given the current construction costs there would have to be offsetting subsidies and would propose a challenge.

Michael Tuberdyck, 132 Slade Avenue, a resident at 120 Slade Avenue, Norine Kubacki, 100 Slade Avenue, Robert Lawson, 120 Slade Avenue, and a resident from 76 Slade Avenue, expressed the following concerns:

- Opened New Visions Photography in 1979 on Slade Avenue
- Has seen a change in traffic with the hotels.
- Concerned with parking around the apartments and hotels.
- The area has changed with buildings being removed and the vacant Seneca Mall property.
- A portion of the back of the property slants causing water towards the entrance of the hotel and has concerns with drainage and water runoff.
- Concerns with lighting and security from the hotels as well as the proposed apartments.
- Believes the location chosen for the apartments is a mistake as it is adjacent to a major highway.
- Expressed concerns about the lack of greenspace and the limited parking for the apartments.
- Slade Avenue is a two lane, busy street.
- Hotels have storage bins for construction equipment.
- Will taxpayers be paying for out of state workers to stay in the apartments?
- Concerns about the water system
- Believes there is a better way to develop West Seneca.
- Has had water in the basement numerous times since the construction of the hotels; there is a ninety degree turn by the Staybridge that has baby wipes, grease, and a t-shirt in the sewer. The sewer system needs to be investigated to ensure it will hold the capacity of the apartments.
- Will a water retention pond be built – Mr. Fox stated the intention at this time is for there to be underground water retention through tank and storage.
- Will the parking lot area exit onto Slade Avenue – Mr. Fox stated there are three curb cuts on and off Slade Avenue.
- Will asylum seekers be housed in the apartments – Mr. Fox stated this is not the plan, they are market rate apartments.
- Has the Town Board given a reduction to Mr. Paladino for building the residences – Mr. Schieber stated he believes this type of project does not receive any sort of outside funding or any ECIDA tax breaks. Mr. Schieber stated he will confirm this for the resident. Mr. McCabe stated the Planning Board makes a recommendation to the Town Board who will give final approval. Generally residential buildings do not qualify. The process for reductions is beyond the town.
- How long does approval usually take and how long before the project is completed – Mr. Schieber stated this depends on how fast the developer wishes to secure approval. Generally, there are at least three months of meetings to secure variances and approvals. Detailed drawings must then be submitted back to the Planning Board, if those technical drawings are submitted in the beginning of the year this could allow the project to start in the spring or summer of next year.
- Is there any plan for current tenants as the resident received a letter to vacate the premises in 90 days – Mr. Fox stated a letter was sent but the area surrounding 76 Slade Avenue is being slated for possible

future development. The project has an anticipated start date of spring/summer of 2024 with 12 -18 months of construction time bringing completion to 2025.

- The proposed restaurant only shows 18 seats and expressed concerns about the traffic from the drive-through.

Mr. Schieber stated with all big projects in the town the applicant is required to pay for and perform a sanitary sewer study. There are devices placed into the manholes that register gallons per minute and they are required to be installed during rain events. The study shows how much sewage is flowing through the system. The results are given to the Town Engineer and the Town Engineer will decide if the sewer system can handle this.

Ms. Kubacki questioned if a trap or device can be put in place to alleviate items being stuck in the sewer system. Mr. Schieber stated the code requires traps specific for the laundry, and any operation with a commercial kitchen requires a grease/oil interceptor. A lot of the sewer issues come from other parts of town and flow towards the area.

Mr. Sherman questioned where the snow will be piled in the winter and how will snow removal happen. Mr. Fox stated there are 211 parking spaces and there will be a surplus of spaces to allow piling of snow in different areas. During a heavy snow fall, snow can be moved to other properties.

Mr. Sherman questioned where the dumpsters would be and would they be accessible to the servicer. Mr. Fox stated the engineered plans will identify this.

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

Ayes: All

Noes: None

Motion Carried

Motion by Frick, seconded by Hayes, to recommend approval to the Town Board for a rezone and special use permit for property located at 0, 104, 110, 116, 126, 140, 144, 154, 158, 160, and 162 Slade Avenue, being part of Lot No's 291 and 292, changing its classification from C-1 to C-2(S), for use as multi-family buildings and a restaurant.

Ayes: All

Noes: None

Motion Carried

### **ADJOURNMENT**

Motion by Bebak, seconded by Frick, to adjourn the meeting at 7:06 P.M.

Ayes: All

Noes: None

Motion Carried

---

**AMY M. KOBLER  
TOWN CLERK/PLANNING BOARD SECRETARY**