

The meeting was called to order at 6:01 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 Bebak, seconded by Frick, to receive and file the proofs of publication.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES #2024-04

Motion by Bebak, seconded by Sherman, to approve meeting minutes 2024-04 of April 11, 2024.

Ayes: All Noes: None Motion Carried

OLD BUSINESS:
SPR2019-03

A request of Frank Wailand, Agent for site plan approval for property located at 3155 Seneca Street for construction of two (2) multi-tenant commercial buildings.

Frank Wailand, representing Tom Worthington, as well as Chris Andrzejewski, Civil Engineer, were present.

A video monitor was used to present the area map with a closeup of the property.

Mr. Andrzejewski states this is a 7.26-acre site. A little over 5 acres are currently disturbed with a chimney business, parking and things of that nature. The client wishes to develop 2.05 acres of what is already developed, so this would be more of a redevelopment of the property. The owner wishes to put in 2 spec buildings - one building 50 x 150 feet and the other 50 x 170 feet, which will be facing Seneca Street. Both buildings will have landscaping around them as well as a new parking lot up to the back of the warehouse (pointing to areas on site plan).

A new storm water system will need to be incorporated into the site as the current system is too deep and does not allow the water to drain into the storm water retention basin to treat it for water quality. The storm water system will need to be raised up and a new storm water retention basin put in this section (pointing to area on the site plan). This will discharge through

an existing 15-inch pipe that goes to Cazenovia Creek. Using the existing pipe will allow them to eliminate the need for permits from the Army Corp of Engineers or the DEC for street bank disturbance.

A new sanitary and water connection will need to be made also. Right now, the water connection isn't fronting the property, it is in front of the NYSEG property. The existing water connection will be disconnected and tapped right across the street from their property.

A letter was received from CPL which stated there were a few issues including archeological issues. The client has spoken with UB to perform an archeological study on the property, which will commence in the next week or two. They have also engaged a wetland biologist to do a wetland walkover to confirm there are no wetlands in the area that need to be developed. Their property, which is along the extreme bank is out of the 100-year flood plain. The base flood plain of the elevation is 614 feet above sea level. Their finished floor elevation will be 625.5 feet shown on the elevation drawings.

It was questioned what spec buildings were referring to – Mr. Wailand advised that both buildings will be built, and they will then find tenants to fill them. Each space will be created for a smaller use tenant, using 2,000-3,000 square feet each. Mr. McCabe questioned if there will be separate utilities and restrooms for each unit. Confirmed by Mr. Wailand. Mr. McCabe further asked what the construction will look like. They will have a pre-engineered metal building with decorative steel panels on the exterior with glazing to make it a bit more appealing.

Mr. McCabe feels like this sounds more like a storage area, as opposed to a business area and questioned if the drawings on the site plan show garage bay type doors. Mr. Andrzejewski advised there are office entrances, fixed glazing, multi-colored engineered panels and the overhead doors which are on the back of the building. Mr. McCabe followed up with what are the plans for paving the site? The developed area will be paved back to the existing warehouse, as shown on the site plan. Landscaping will be added around the building in the areas pointed to on the plans.

Pointing to an area on the site plan, Mr. Andrzejewski showed the proposed location for the dumpster that will be located on heavy duty pavement adjacent to the National Grid property.

A second entrance will be added for vehicles to come in. According to Code Enforcement Officer Schieber a variance was already granted approximately 10 years ago by the Zoning Board of Appeals relative to the building setback. The applicant and Zoning Board worked directly with National Grid to secure their approvals for such things.

Mr. McCabe further inquired what the plan is for site cleanup and the trucks all over the property, particularly the area to the back of the property. Mr. Andrzejewski pointing at the site map, stated there is a lot of trucking in this area, which will all go away with the redevelopment. Mr. McCabe drove by the site and saw that the area along the sides and back where National Grid is located is a mess and needs to be cleaned up. That is not part of their project or development and Mr. Andrzejewski is unsure what the owner's intentions are or if there are any violations because of this. It looks like the trucks are along or on National Grid's property and yes, there is an agreement with National Grid as far as access to their property as

confirmed by Mr. Wailand this has been going on for years. National Grid has access to their property through this area and has been going on for 20 years or more. Can a written easement agreement be provided? Mr. Wailand stated they will provide whatever the owner has regarding the agreement between them and National Grid for this part of the property.

Mr. Frick wondered about the storm water retention pond as it appears much of the surface is a gravel parking lot, which is a relatively permeable surface. How deep is the retention facility, it does not appear to be very large for the amount of runoff this site could be generating. Mr. Andrzejewski said they went through all the HydroCAD calculations and included them with the engineer's report. Mr. Andrzejewski said at this point it is sized accordingly to hold the existing runoff from the site. Mr. Frick asked for clarification if the basis was not to exceed the existing runoff? Mr. Andrzejewski stated that is correct. They want to prove they can manage both water quality and quantity with the storm water retention pond. Mr. Schieber was asked if the Town Engineer had read and approved this. Mr. Schieber confirmed the documents were reviewed and a response was given with a lengthy letter of things that need to be addressed.

Mr. Sherman asked if these are to be spec buildings, will the buildouts be in accordance with the tenant, or will they just be shells to start? Mr. Wailand advised they will just be empty shells. Floors and final plumbing will not happen until they can identify a final tenant. There is a possibility of having only 1 tenant for the entire building.

Mr. Hayes expressed concerns that the original site plan approval application was filled out almost 5 years ago in June of 2019. It refers to 1 multi-tenant building of 13,400 square feet. Drawings from April 2024 show 2 buildings totaling 16,000 square feet. Is this the same plan of 1 multi-tenant use building and 1 building for storage? Mr. Wailand advised the intent is not to be used as storage buildings, they are both to be used for tenants. The original plan was submitted pre-Covid. It is Mr. Hayes' recommendation for a statute of limitations on paperwork such as this. According to what was submitted, it appears that the plan was to develop a mini storage unit which they are now not doing. Mr. Hayes suggests to the Board and the Town Attorney that they need to start over from scratch. He does not feel it is ok to go back this many years because the original plan was not developed and still use the same paperwork to develop something new. Mr. Wailand thought the submittal was reviewing the site again and going with the new plan. Mr. Hayes replied that is not what your request for the review says, you are using something that is 5 years old. Mr. Hayes questioned the Board do we only need to update the request as there are other things that need to be updated as well as the site plan.

There will be no approval to the applicants as there are still some outstanding items. Ms. Bebak made a few suggestions 1.) give a more detailed elevation plan for the building closest to the road; 2.) show a more detailed drawing of the elevation – right now showing 5 entrances, how many windows, more detail than just an iron clad building. They don't want a building that close to Seneca Street that is just black and gray and looks like a metal shed in someone's back yard. Mr. Frick inquired if there was any consideration of possibly bringing the first 7 feet up in a mace frame material and the remainder be the metal panel? Mr. Wailand replied absolutely, that could be decorative masonry.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Frick, to table the request of Frank Wailand, Agent for site plan approval for property located at 3155 Seneca Street for construction of two (2) multi-tenant commercial buildings pending the archeological study, the items delineated in the Engineer's letter and more concise plans as requested during this meeting.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS:

SPR2024-05

A request of Home Leasing – Adam Driscoll rezoning and special permit approval for property located at 2544 Clinton Street for construction of multiple family dwelling with all related site improvements and changing its classification from M1 to R 50(S).

A video monitor was used to present the area map with a closeup of the property.

Adam Driscoll, Melissa and Jennifer Higgins from Home Leasing, Chris and Shelby from LaBella, Joe from SWBR were present for the meeting.

Mr. Driscoll spoke about Home Leasing company structure. They have 3 internal teams at Home Leasing, a development firm, a general construction team and a property management team. They own approximately 30 communities with roughly 3,000 units throughout New York State, including Kibler Senior Apartments located in Tonawanda. They manage all their communities and strive to be great neighbors. They want to provide homes that residents would want to call their own while also providing a live, work, play community. Home leasing is a B Corp member and is very proud of this as it is very difficult to obtain in the United States. B Corp uses the power of business to solve social and environmental problems and impacts on its employees, communities and residents. Their main office is in Rochester, New York with a smaller office in Albany, New York.

Mr. Driscoll spoke about the reasons for the specific layout on this property which is due to some site constraints and other design elements. Mr. Driscoll pointed to areas on the site plan showing the area of flood plain.

Archeological investigations have been done over the past year and a half as it is an archeologically highly sensitive area, which is why it has taken so long to introduce their project. There is an archeological buffer – pointing to an area on the site plan. This will be an area where there will be no buildings, due to small artifacts being found there. An arrowhead was found in this area believed to be about 3,000 years old.

There is a sewer easement that comes up the back and then parallel with the site, which is why they are building more to one side of the property. There is also only a single entrance and an existing building that is toward the middle front of the site.

There are plans to reuse the existing building for their leasing office, a fitness room and a community room which the neighbors would be able to use as well. Their plan is to have 13 residential units in the wings of the main building.

They plan to expand the stone wall some to allow for proper egress for entrance and exits. Several months have been spent working on the design, which they believe to be a good starting point. With this design, they feel they are creating a nice neighborhood community feel. The plan is to renovate the existing building and preserve as many of the trees as possible. Many more trees will be planted as well. The entire community will be electric. A green space is planned for the residents including seating areas and a playground. The apartment finishes are similar to market rate apartments and have beautiful cabinets, central air, dishwasher, LVP flooring, and their own personal outdoor space. These buildings will also be pet friendly.

The renderings are open to the Board's thoughts and feedback. Their proposal is following the West Seneca Comprehensive Plan in the neighborhood section under objectives, which include preservation of housing quality and affordability and pursuing the sustainable residential development that provides a variety of living options to residents. Neighborhood outreach has been done down to Lakeside Court and Lakeside Drive.

Kris Winkler, (referenced the colored site plan provided), stated all the trees up near the roadway will remain in place and be used to screen the property. The entry will need to be widened and include the ability for a fire apparatus to drive around and turn around completely. There is a hammer head turn around at the end to meet the fire code. There are plans to be ADA compliant with concrete blocks as well as ADA compliant parking. The playground is designed to be in the center of the site so that people can see the children.

Of the property's 11.7 acres the project will exceed approximately 4.5 acres in disturbance. This project will qualify as a SWIP (Sustainable Water Infrastructure Project) filing with the NYSDEC. In order to comply they will need to make sure not to exceed any runoff rates from the site to comply with the storm water management DEC requirements. One of their goals is to utilize retention basins and other storm water management features around the site to show some reduction to the creek. There is an existing outfall in this low spot shown on the map that makes its way to the creek. There will be a more detailed design and storm water management plan and they will try to get a reduction of the offsite level. There was a SEQRA short form that was prepared and included in the application. The coordinator review has already started. The environmental easement is clearly shown on the plans and will need to remain in place during the construction. The 100-year flood plain is clearly shown on the site plan, so no work or disturbance is created in that area. There will be 75 total units which include the 13 apartments located in the repurposed mansion. The entire community will be rental units.

Ms. Bebak asked what they meant by "neighbors" in the previous conversation regarding the use of the community room. Will it be for the use of the residents? Mr. Driscoll said if those in the area of Lakeside Court and Lakeside Drive have a need, they can reserve the community room as well.

Mr. Hayes asked for more information and an explanation regarding the community being all electric. Mr. Driscoll advised as per their funding sources, it is required that everything be electric, there will be no gas. Mr. Hayes asked is this your first all-electric community or are any of them in Rochester? This is a new program within the past couple of years. All their communities from about 2 years ago going forward will be designed electric. There are 3 or 4 communities under construction right now that are designed all electric which will be completed in the next couple of months. Mr. Hayes referenced the area's winter weather and asked will there be some sort of back up or generators for all electric communities when the power goes out. Mr. Driscoll replied that is a good question, they have not put generators in for any of their other communities for this purpose but will check with their mechanical team.

Mr. Holmes referenced that has been brought up in other meetings for bicycle accommodations within a new development. The Town is looking to see more abilities for the parking and storage for bikes in new builds. Mr. Driscoll advised in the multi-family communities there is usually bike storage inside the buildings, but for this community where it is more spread out over several buildings, they will have bike racks throughout as well as EV stations. They have not completely dug into the floor plans, especially for the existing building, just yet. They may be able to have an indoor bike storage area when it is all figured out. Ms. Bebak stated the Board will be looking for that when they get to the final stages of the plans.

Mr. Hayes reiterated his concerns for an all-electric community and wondered if electricity is included in the rent, or will each resident be responsible for their own electrical bill? The residents will be paying for their own electricity. Mr. McCabe expanded and asked how many bedrooms will be in the individual units. There is a mix, and they will have 8 - 1 bedroom, 29 -2 bedroom, and 38 -3-bedroom units. The townhomes will have all of the 2- and 3-bedroom units. The existing building will have the 1 bedroom units, possibly a 2 bedroom unit.

Mr. Hayes asked what do you anticipate the length of the project to be once approved and the shovel is in the dirt? Mr. Driscoll did not want to commit, but usually 20-22 months of construction. These are the affordable workforce housing units. That can go from 80% AMI to 30% AMI, depending on the unit. A majority of the units will be in the 60% AMI range. Ms. Higgins explained what AMI (Area Median Income) in every community or county in the United States has an AMI that is updated yearly, which comes from HUD. All the units are regulated by income. This community is planned to be a mixed income community. A lot of affordable housing communities have units that are all below 60% of the AMI. After speaking to the Town, it was determined it would be helpful to have some above income units. Depending on family size, all the units get adjusted based on the number of people in the household. They are estimated to be up to \$80,000 per household. Will any of these be section 8 apartments – It is possible for a resident to bring a tenant-based voucher, but the residents need to meet certain income requirements to qualify to be able to live there, but they are not a section 8 project-based community. It is appreciated what is being done and something that is much needed, not only here in West Seneca, but also in Erie County, New York State and the Country.

However, it is concerning with the winter weather in Buffalo to have everything electric. Mr. Hayes does recommend speaking with the developer to have some type of back up for when

the power goes out. They do understand the Board's concern with the electricity and assured them they are not done designing. This is the first build of this type in the Buffalo area but understand the effects of a Buffalo winter. The State funding mandates the all-electric build project. Mr. Frick acknowledged that, but it seems as if there would be no wiggle room to deviate from going from electric to gas. Mr. Driscoll said correct, however they can dig into the type of Air Conditioning and Heating systems they plan to use, as some are better suited for different regions and temperatures. Mr. Frick confirmed that the question is whether most backup generators are gas operated, would this be something that could be looked at down the road. Absolutely, they can investigate natural gas or propane but will investigate having this spread throughout the site and have them connect.

From what is shown on the site plan Mr. Frick asked for confirmation that there is no room for any expansion – correct. Mr. McCabe wanted confirmation if there are any variances that are going to be required at this point. Mr. Scheiber stated based on the plan presented before the Board, the only required variance would be the number of parking units required, which would be done at a later process before the Zoning Board of Appeals. Ms. Bebak states when it comes to site plan approval she would like to see a diagram delineating pedestrian traffic, parking and where cars will be driving. Ms. Bebak suggests possibly widening the area where the kids are playing. It seems a bit congested in that area where there will be driving and walking as well. Mr. Schieber commented that people usually park parallel in these areas, and this often creates issues relative to fire department access, issues with residents navigating the site and people just parking everywhere. It was suggested to possibly find an area for overflow parking, as there is not much room for extra parking due to holidays or parties.

A letter was received from a Town resident stating the SEQRA is a Type 1 action since it involves rezoning and issuance of a special permit covering more than 10 acres. Mr. Frick advised the Board this is not actually correct. The SEQRA requires a disturbance of more than 10 acres. This disturbance is less than 10 acres, so it does not fall under a Type 1 action. Mr. Schieber stated this project on May 23, 2024, was distributed throughout the town as well as 13 different agencies, including the Town of Cheektowaga's Building Department and the Town of West Seneca's Historical Commission. They are continuing to receive correspondence back and they will be presented to the Town Board at a future meeting.

Questions from the public:

Anne Marie Sharkey, of Clinton Street, states she lives directly across from 2544 Clinton Street and when she looks out her window she appreciates the beautiful park like setting. With this build, all she would be seeing the town homes which she thought were going to be owner occupied and now learned they will not be. How are they going to keep these rented with the 30-80% AMI, which was \$80,000 – 80% AMI is \$80,000 and the 30% AMI is around \$25,000? Asked if they are doing anything different to the mansion as the inside has many different levels.

Mr. Driscoll replied there are plans to renovate so it is ADA friendly, they also plan on making some upgrades to the windows and the color of the building itself. Nothing drastic has been planned as the building itself is beautiful just as it is. These changes will be presented on the

site plan. The buildings in the front of the property look much closer to Clinton Street than the current mansion and they brought the first building up as close as they could without interfering with the retention pond. The area will have trees and landscaping that will shield her view. Even though it appears they have a lot to work with, there are constraints, such as the sewer easement.

Ms. Sharkey asked what will happen with all the deer now that the land is being developed? Mr. Driscoll hopes it would be nice for the community to still have the deer, as there are still open spots (pointing to areas on the site plan) that they can go. Mr. Hayes referenced that there was a motion by the Town Board last week regarding the deer and the DEC. Further that action is being taken that may create a resolution to the deer in West Seneca.

She further asked if the driveway will be widened to accommodate school buses and fire trucks – Correct. She is concerned with the traffic and increased accidents in that area of Clinton Street as that is where the lanes change from 2 lanes into 1 lane in each direction. Mr. Driscoll confirmed that a traffic assessment was done and adding their traffic into the mix and the result was nothing would change.

Mr. Trapp addressed the AMI data that was presented. The information presented was generated by the American Community Survey through the U.S. Census Bureau provided by Erie County, New York is data generated through 2021. AMI is generally 60%. In 2021 more than 40% of West Seneca’s renters were paying more than 30% of their income for rent and it has only gotten worse. Every community needs a project like this.

Mr. Hayes states that their communities before 2021 have wait lists and are seeing a demand even more now that people are being squeezed out of the market and not able to buy their first home. Mr. Driscoll feels very confident they will have the apartments fully rented with a wait list within 6-9 months.

Mr. Sherman wondered if there an HOA with this or does Home Leasing provide their own maintenance people that take care of things? There is no HOA and Home Leasing manages their own communities and will have an onsite community leader with an office in the main building. They will have a facility maintenance worker on site as well as a 24/7 emergency contact number for maintenance issues.

It was mentioned the retention pond lines go under Clinton, where exactly does it go - it appears that it does cross underneath the roadway and likely goes directly to the creek. They do need to expand the survey to identify that outlet. It was noted it does flow very well. Ms. Sharkey questioned where exactly the line is and shows where her property is – pointing to the map – Mr. Winkler advised there is an existing low point here and goes diagonally. He further stated one of their priorities is to reduce the runoff from the site into the creek.

Mr. Sherman recognized there would be a total of 75 units, so potentially 150 cars and wondered if a traffic assessment was done? Yes, but not a traffic study to accommodate the cars coming on and off the street. Their vehicle demand for residents isn’t as robust as other types of communities and have planned 100 parking spaces and they feel it is adequate for this community for the proposal.

Mr. McCabe said the current zoning is M-1, which is manufacturing, which means a commercial building could be put there or a plant such as Rosina's could be put there without a change in zoning, their request is a downgrade to residential. Ms. Bebak advised that part of their special request is that the Board make a recommendation for the change in zoning, but they will come back to us for a site plan review, so some of the concerns that were talked about will be brought up in future meetings. In the experience of this Board, there has been a positive acceptance of apartment buildings in town and once constructed a positive response from the neighborhoods.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Holmes, to recommend the change in zoning from M-1 to R-50 (S) and to recommend to this request to the Town Board having taken into consideration the questions on SEQRA, which the Town of West Seneca is the lead agent, and the comprehensive plan that does advance the Town of West Seneca's comprehensive plan with regard to affordability, sustainability and the need for more housing.

Ayes: All

Noes: None

Motion Carried

SPR2024-01

A request of GBSG Development LLC for site plan approval for property located at 2150-2180 Union Road for placement of custom-made sheds for sale.

A video monitor was used to present the area map with a closeup of the property.

Kristin Dotzler, from GBSG Development, a division of Galbo Group and Tony Galbo, Owner of Galbo Group were present. They own the tri-parcel where CentiMark, Dunn Tire, and the former M & T Bank are located which will now be housing Buffalo Rehab Group's administrative offices. They are proposing placement of custom-built sheds and gazebos.

GBSG was approached by Heritage Structures who would like to use the vacant area of the lot to place their sheds. They will be placed straight back on 1.2 acres and make it look aesthetically pleasing.

A site plan was presented. The frontage is 121 feet. Of the 4 sheds shown on the plan it was pointed out where the sales shed was to be placed. A representative will be on site during normal business hours and a few hours on Saturdays. Each row will be set neatly. Overflow and delivery orders will be kept in the back of the lot. There is still ample parking for all the existing businesses as stated by Ms. Dotzler.

Mr. McCabe asked if it would go the full depth of the lot or will there be room to drive around it. Ms. Dotzler confirmed there will be room to drive behind it. The setup in the front of the lot will be more structured. Mr. Sherman wondered where the construction of the sheds take place. All off site. Mr. McCabe referred back to how you will prevent vehicles from going into the back

area. Ms. Dotzler said they proposed to do some landscaping such as pots with flowers or trees with lights at Christmas time to keep up with the Union Corridor Initiative. She showed an example of what is done at other locations, but noted no barricades are at this current location. They have other sites but not local to our area, this would be their first location in this area. Per the proposal this would be seasonal and temporary – GBSG is looking to sign a 3-year lease with Heritage Structures. The front lot of displays would be temporary, but they have requested to keep the overflow in the back of the lot as it would not interfere with snow removal.

Mr. McCabe asked for clarification and precise dimensions Heritage Structures would stay within. Ms. Dotzler confirmed it is 1.52 acres, so they will be going back about 450 feet, but it will have a gap for traffic to go through. Dunn Tire uses their back entrance, and the easement will still be available for everyone to use. The rear area will be designated as permanent as opposed to the front area against the back fence approximately 150 feet. Ms. Bebak requests precise parameters so the Board can decide. As diagramed it is 121 feet in the front with the diagonal, 450 feet deep and 150 feet in the back which Ms. Dotzler confirmed the front area will not be packed with sheds

Ms. Bebak asked how many sheds are you looking to have permission for? Heritage Structures is currently proposing 60-80 sheds, which would come in gradually gaging the interest of sheds over gazebos and vice versa. The plan is to bring 40 sheds to start with a maximum number of 80, including the storage area in the back. During the winter months they will be removed. The ones in the back could potentially stay depending on how many are left but they do not plan to leave the section here (pointing to the site plan). These will be removed, and the section here (pointing on the site plan) are still up for discussion as they aren't sure how it will go with the permits. Heritage Structures would like to leave the front ones. The area in the middle will be needed for plowing and snow placement.

Mr. McCabe referenced the original request has a few red maples towards the road. Mr. Galbo stated there is not much foliage with the area being so commercial. The property is just a big lot. They do have one tree by M & T and would like to plant the trees to go along with the landscaping/pots that is planned.

Mr. Frick's opinion is that this is a strange request of the Board as it is not a permanent installation. They are operating in their Union Road Corridor, which does require a 2-story permanent building close to the road. This does not meet those requirements and the Board can't make them build that. Because of this, it is tough to decide. It is to her benefit that they are in a manufacturing district. Parameters are much appreciated as things are being sorted out.

Mr. Hayes stated this is confusing as to the number of sheds regarding the letter that was written which states 20-30 sheds and gazebos, the drawing says 60 sheds total and has now verbally been stated 80 sheds, this expands as it is talked about. Ms. Dotzler clarified the 20-30 sheds would be in the main display area, the max for what would be brought in initially would be the 40-60, 80 is the max that has ever been on the site.

