

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

WEST SENECA PLANNING BOARD
Minutes #2019-05
May 9, 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
Tina Hawthorne, 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 Mendola, seconded by Rathmann, to receive and file the proofs of publication and posting of legal notice.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Mendola, seconded by Rathmann, to approve Minutes #2019-03 of March 14, 2019.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

SPR2018-10

A request from Marrano/Marc Equity Corporation for site plan approval for property located north of 2730 Transit Road to construct 38 townhomes, associated parking, landscaping, storm sewer system and utilities.

Chairman Niederpruem advised the applicant is still awaiting approvals from public agencies and requested this item remain tabled until the next meeting.

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 McCabe, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Attorney Sean Hopkins of Hopkins, Sorgi, Romanowski represented David Burke of DATO Development and stated a neighborhood meeting was held to discuss the project that involves 74 upscale units (average 1250 sf per unit; \$1200 to \$1600 rent per month) with individual garages and 25 extra parking spaces for visitors. Six residents attended the meeting and were not in favor of the project, but there have been conversations with immediate nearby property owners about screening. The traffic impact study was received late today and he will email it to the board members and Code Enforcement Office and submit to Erie County Department of Public Works. The project site is an archaeologically sensitive area, the field work has been done and the report is nearly complete. Mr. Hopkins presented a revised site plan indicating the driveway was moved and is no longer in line with the house across the street. They are required to submit a downstream sanitary sewer capacity analysis and testing is underway. When that is done, they will have to provide offset mitigation at a ratio of 16:1 (i.e. If the project generates 1000 gallons of sewerage daily, they will have to provide necessary offset in that downstream sanitary sewer system for 16,000 gallons). This is reviewed by the Town Engineer and NYSDEC.

Code Enforcement Officer Jeffrey Schieber stated the project will be solely located in a West Seneca sewer district and the Town Engineer is awaiting the results of the testing to see if the sewer is large enough to hold what is being proposed.

Mr. Clifford questioned if the units are all rental units and if Mr. Burke will be applying for condo status. Mr. Hopkins responded they are all rental units and Mr. Burke is not applying for condo status. He guarantees this will be an upscale project, not low income or affordable housing. Mr. Hopkins referred to Mr. Burke's other project on Heatherwood Drive in Hamburg and offered the following profile of those tenants: 70% earn more than \$50,000 annually, 11% earn more than \$125,000 annually; job range is professional, legal, educational, finance, insurance, health care, military; 20% of the residents are retired; more than 40% are over 50 years old, a sizeable percentage are senior citizens, a small number are school age children. He further noted Mr. Burke bought the Leydecker Road property because the site is zoned properly for the proposed use and only a special permit is required.

Mr. Rathmann suggested redesigning the 50' wide roadway and noted they will require walkways to accommodate all buildings for safe pedestrian access to the main road.

2019-01 (continued)

A petition was submitted signed by 29 residents of the surrounding neighborhood opposing the proposed multi-family project as it will change the character and composition of their community and overload the infrastructure and traffic volume. Seven residents also spoke in opposition to the proposed project and offered the following comments and concerns:

- Area is single family homes except for first 200' off Southwestern Blvd; 33' tall buildings will not fit in a neighborhood of single family homes
- No sidewalks to access parks; no place for children to play
- Insufficient parking; no place to store snow
- Density of project - proposing 74 units on a single parcel when there are only 61 families for the entire length of Leydecker Road from Southwestern Blvd. to the turn
- Concerns about possible crime, property values declining, lighting, pollution from additional vehicles, mosquitoes from detention ponds
- A gentlemen's agreement was in place when the property was rezoned to R-60A for the VFW post and the zoning was supposed to go back to R-75A if it closed
- Traffic on Leydecker Road; traffic study was brief and done at a slow time; suggested doing the study in the summer when the ball park is in constant use
- Archaeological study was done in early March when the ground was still frozen
- Questioned if storm water lines will be upgraded
- Questioned need for project when other developments are advertising vacancies

A resident immediately abutting the proposed project requested the following conditions if the project is approved: 1) a 4' high berm with 5' high pine trees along the south property line, spaced so that within four years you can't walk between them, and extend the berm northerly on the east side behind the one-story buildings to a point 30' past the building in the northeast corner; 2) move large detention pond to north lot line to the rear of the single story building, pond can outfall either east or west, and if not feasible, inground detention; 3) replace 12" corrugated plastic pipe that was installed by the VFW Post along the property line as it may not be structurally sound enough to carry the load if a building is placed near or over it; 4) remove all trees on or near the south property line that are a hazard to the development along with the existing fence; 5) landscape along the bottom edge of the berm to the resident's driveway on the south lot line of the project up to the existing DI; 6) police enforcement of "No Trespassing" or posted signs for all adjacent properties.

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

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2019-04

A request from JSEK West Seneca LLC for a rezoning & special permit for property located at 1343, 1347 & 1353 Union Road, being part of Lot No. 194 & 195, changing its classification from R-65 & C-1 to C-2(S), for a car wash facility.

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

Ayes: All

Noes: None

Motion Carried

Attorney Sean Hopkins of Hopkins, Sorgi, Romanowski represented the applicant, Joseph Spino and JSEK West Seneca LLC, and stated the proposal for a stand alone car wash facility, noting there will be no sale of gas, no convenience store and no auto repair. The 6500 sf building will be two-story along Union Road and drop to one-story in the rear. They are aware of the design standards for the Union Road corridor and the project will be brought as close as possible to the Union Road frontage. All infrastructure on site will be privately owned and maintained. The only access to the site will be from Union Road; there will be no driveway connecting to the residential street at the rear of the property. There is sufficient off street parking and a stockade fence will be constructed to provide screening along with extensive landscaping. There will be no lighting spillover onto adjoining residential properties. Mr. Hopkins stated car washes are typically busiest on Saturdays and do not generate a lot of traffic during morning and afternoon rush hour.

Mr. Mendola commented on the present condition of the property and suggested cleaning it up first before addressing this project. Mr. Hopkins noted Mr. Spino recently purchased the property with the closing only 2½ months ago. He further stated it would be easier to do the clean up and redevelopment at the same time. Mr. Spino stated after the closing he immediately wrapped the facility with a fence due to liability concerns and boarded up the houses. He is working with demolition companies and has some prices, but it is more economical to do it all at once.

Mr. McCabe questioned the depth of the C-1 zoning and if any variances are required. Mr. Hopkins responded they do not anticipate any variances. The C-1 zoning is 150' and the remainder is residential zoning.

Chairman Niederpruem questioned Mr. Spino's experience with other businesses. Mr. Spino stated he has been in the fitness industry for 25 years, which has the same type of monthly billing, membership based clientele as the car wash industry. He has done consulting nationwide and has been very successful. He recently traveled the U.S. and Canada visiting car washes and attending conferences on this industry.

2019-04 (continued)

Mr. Mendola questioned why this area of Union Road was selected as a location for a car wash. Mr. Spino stated he was working with a number of communities for locations. He toured the area with the equipment manufacturer for car wash facilities and this site was chosen as the best area because of the traffic on Union Road.

Mr. Clifford commented the change of residential zoning to commercial zoning is a problem. He was concerned with noise and hours of operation of the facility.

Mr. Hopkins stated the project will be based on the design standards and they will keep the focus along Union Road. Adequate stacking is needed and it will be on the area that is currently zoned residential along with some parking spaces, green space and landscaping. Mr. Hopkins stated as part of an approval they would agree to a condition that restricts the commercial use on that portion of the site. The stacking area will also be screened so it does not infringe on surrounding residents.

Mr. Spino stated the hours of operation will be similar to other car washes – closing at 9 P.M. during the week and 6 or 7 P.M. on weekends.

Mr. Mendola questioned the decibel levels produced by the dryers. Mr. Spino responded the blow dryers will be located 75' to 80' inside the building at the exit of the car wash, so the decibels will be less. The compressors for the vacuums can also be wrapped with fencing and landscaping to reduce the decibel level or put inside the enclosed building. Mr. Spino acknowledged this is a legitimate concern and stated it will be addressed.

Chairman Niederpruem acknowledged receipt of a petition signed by 26 residents opposed to the rezoning and special permit for this project because: 1) it is not consistent with the Union Road Corridor Design Standards; and 2) if the business ceases operations, the zoning will remain and this will allow other businesses that are undesirable and incompatible with the adjacent residential neighborhood. Seven residents also spoke in opposition to the proposed project and offered the following comments and concerns:

- According to the Comprehensive Plan, the Union Road corridor standard lists the business district as Southgate Plaza to Route 400 and calls for a town center and walkable neighborhood with shops, restaurants and small businesses; a car wash or auto repair shop is not the right type of business for this site and will have detrimental effects on the surrounding residents' quality of life
- Traffic entering and exiting the premises will create congestion around the car wash
- Stagnant water in the detention pond will attract mosquitoes and affect the neighborhood, including the park across the street
- Concerned about noise levels, lighting, idling vehicles, negative effect on air quality and property values; access from Fremont Avenue, extended hours of operation

2019-04 (continued)

- Concerned about knowledge and experience of applicant running a car wash and if the business fails what could go in its place; change in zoning will allow other even less desirable businesses
- Concerned about asbestos removal; property is an eyesore, but don't approve the project just to clean it up; must be the right decision as it will have a lasting impact on the town
- Questioned location of garage doors – Mr. Hopkins responded they will be on the Union Road side
- Concerned about chemicals used and proper disposal
- Questioned if a traffic light will be installed – Chairman Niederpruem responded the car wash will not generate enough additional traffic to warrant a traffic signal

One resident spoke in favor of the project and stated it will not generate as much traffic as other businesses on Union Road. He commented that the previous owner used pesticides and there is asbestos on the site. The applicant is willing to invest in and clean up the property and he thought the project should be approved so the site gets cleaned up.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Rathmann, to table this item for further information and review.

Ayes: (6) Mr. Mendola, Mr. Rathmann, Mr. McCabe, Mrs. Bebak, Mr. Najm, Chairman Niederpruem

Noes: (1) Mr. Clifford

Motion Carried


ADJOURNMENT

Motion by Mendola, seconded by Rathmann, to adjourn the meeting at 8:35 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY