



**SPR2018-10** (continued)

Patricia Bittar of Wm Schutt & Associates represented Marrano/Marc Equity Corporation and stated approval was received from Erie County Water Authority, Erie County DEP and Erie County Health Department and these were forwarded to the town. Ms. Bittar referred to the site plan and stated the width of the access drive is 30' for the first 40' and then is reduced to 24' to provide a 4' wide concrete sidewalk. They will be removing 105 trees for the project and re-planting 105 trees on site along with shrubs and bio-retention plantings.

Chairman Niederpruem questioned if there will be perpetual maintenance of the sewer system. David DePaolo of Marrano/Marc Equity stated the NYSDEC thought the project was a subdivision with deeded out lots and a transportation corporation for owning the sewers. There are no lots and there will be a homeowners association, which takes the place of a transportation corporation.

Mr. Clifford questioned if they will be approaching NYS for acceptance of the homeowners association and Ms. Bittar stated that will come after site plan approval.

Mr. McCabe referred to the replacement of trees and questioned what types will be planted and where. Ms. Bittar referred to a formal landscape plan that was submitted indicating the types and location of the trees.

No comments were received from the public.

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

Ayes: All    Noes: None    Motion Carried

Motion by Mendola, seconded by Rathmann, to grant site plan approval for property located north of 2730 Transit Road to construct 38 townhomes, associated parking, landscaping, storm sewer system and utilities.

Ayes: All    Noes: None    Motion Carried

**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

**2019-04** (continued)

Attorney Sean Hopkins of Hopkins, Sorgi & Romanowski PLLC represented the applicant and submitted additional information on the proposed car wash facility, noting they met with surrounding residents last week to discuss the proposed project. He indicated the proposed screening for adjoining residential homes which includes a 6' high fence and various trees for landscaping that will buffer the building. Mr. Hopkins noted this will be a standalone car wash and there is sufficient stacking for vehicles. There will be no vehicle repairs, sale of vehicles, gas or parts and no convenience store. He referred to the numerous steps and requirements with environmental cleanup and asbestos abatement on the site and stated they will let the neighbors know when the process begins. They are also making an effort to minimize noise from the vacuums and blow dryers.

Joe Spino of JSEK West Seneca LLC stated he worked with the manufacturer to address the noise of the blow dryers and placing them 70' inside the building drops the decibels by 15 to 20 percent. The exit doors are also located on the Union Road side of the building. The vacuum compressors will be wrapped with a structure and sound proofed. Mr. Spino further noted there will be a coin operated pet wash section on the front of the building and 900 sf of potential rental office space next to that.

Mr. Hopkins referred to the R-65 zoning change to C-2 and proposed the attached four zoning conditions if approval is granted. Mrs. Bebak questioned if building and use restrictions can be filed on a zoning change. Mr. Hopkins responded the restrictions can be filed and referred to past projects in other towns where it was done. If the property is sold in the future, the new owner will be buying it subject to those restrictions.

Mr. Mendola commented on the information provided on decibels and stated there is no guarantee the levels will be lower. He further commented there could be issues with the fire department accessing the site with a ladder truck.

Two residents offered the following comments/concerns:

- ✓ Potential issue with idling vehicles in line for car wash; loud music from vehicles
- ✓ Change of zoning from residential to C-2 and what could locate there if the car wash closes
- ✓ No way to control noise when garage doors are open
- ✓ A fence is needed for the retention pond; potential mosquito problem
- ✓ Project is not consistent with the Comprehensive Plan; not compatible with residential neighborhood; potential to have negative effect on property values

**2019-04** (continued)

Mr. Hopkins stated they believe the project is consistent with the Comprehensive Plan and compatible with the nearby residential neighborhood. The site will be completely cleaned up and they are willing to attach conditions to the rezoning, special permit and site plan approval. He further referred to a project on Sheridan Drive where the restrictions were upheld when the property was sold.

One resident commented the project will have no impact on many houses in the neighborhood, but his house is in close proximity and he can see the site from his yard. He supported the project and looked forward to removal of the asbestos.

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

Ayes: All

Noes: None

Motion Carried

Motion by Niederpruem, seconded by Najm, to recommend denial of 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 based on the following: 1) use is inappropriate in and near a residential area, especially in the town center as labeled in the Comprehensive Plan; 2) air, smells, noise and lights from the project will not improve the environment or aesthetics; 3) increased curb cuts will not promote traffic calming, which is the town's intent.

On the question, Mr. Mendola commented on the potential for traffic problems and also did not want to encourage other comparable businesses to locate in the town center.

Mr. McCabe stated the change in zoning to C-2 does not fit with the town's Comprehensive Plan and without the rezoning to C-2 the special permit would not even be addressed.

Ayes: All

Noes: None

Motion Carried


**ADJOURNMENT**

Motion by Mendola, seconded by Rathmann, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried

  
**JACQUELINE A FELSER**  
**TOWN CLERK/PLANNING BOARD**  
**SECRETARY**

## Proposed Zoning Conditions

### **Car Wash Facility Redevelopment Project Town of West Seneca Planning Board Meeting June 13, 2019**

1. The only allowed principal use of the portion of the Project Site to be rezoned from R-65 to C-2 shall be a portion of the single-story portion of the car wash building. With the exception of the a portion of the single-story portion of the car wash building to be located on the portion of the Project Site to be rezoned from R-65 to C-2, only accessory uses of the proposed car wash facility such as stacking spaces, parking spaces, stormwater management improvements, landscaping and screening, lighting, etc. shall be permitted on the portion of the Project Site to be rezoned from R-65 to C-2.
2. With the exception of the proposed car wash facility, no other uses allowed in the C-2 zoning district as set forth in Section 120-20A (expressly permitted principal uses) and Section 120-20B (uses requiring a special use permit) of the Zoning Code shall be permitted on the portion of the Project Site to be rezoned from C-1 to C-2.
3. There shall not be any driveway or roadway connection from the Project Site to Freemont Avenue.
4. The Applicant shall be required to record a Declaration of Restrictions at the Erie County Clerk's Office restricting the use of the Project Site in accordance with Zoning Conditions No. 1, 2 and 3 upon receiving Site Plan Approval for the proposed car wash redevelopment project from the Planning Board. The Declaration of Restrictions shall state that the restrictions are being upon the successors and assigns of the Applicant shall run with the land and that the Declaration of Restrictions cannot be modified unless approved by a majority vote of the Town Board after holding a public hearing. A copy of the recorded Declaration of Restrictions and recording receipt shall be provided to the Town Clerk's Office, Town Attorney's Office and the Building Department.