

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

ROLL CALL:

Present - Chairman Rathmann
Margaret Bebak
James Frick
Dale J McCabe
Raymond Nalewajek
John Minear, Deputy Town Attorney
Jeffrey Baksa, Code Enforcement Officer

Absent - George Clifford
Eric Sailer

APPROVAL OF PROOFS OF PUBLICATION

Motion by Bebak, seconded 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 McCabe, to approve minutes 2021-03 of March 11, 2021.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

SPR2020-11

A request from The Broadway Group, LLC for a site plan approval for property located at 5203 Seneca Street for construction of a retail store with all related site improvements.

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

Ayes: All

Noes: None

Motion Carried

Tara Mathias, Development Manager with The Broadway Group, LLC stated the proposal is to redevelop the property located at 5203 Seneca Street. The site was formerly a garden center and has become a distressed property. The proposal is to demolish the existing structure and construct a 9,100-sf retail space, noting: 1) a variance was granted from the Zoning Board of Appeals allowing 30 parking stalls; 2) second entrance has been planned; 3) updated landscaping and building façade.

SPR2020-11 (continued)

After feedback from the previous Planning Board meeting, the following changes have been made:

- Landscaping – includes the requested species of plants and additional evergreens with softening around the perimeter
- The aesthetics of the building – additional articulations including columns, siding, bump out of the vestibule with a gabled roof line, and awnings/shutters
- Side of the building has updated to match the side closest to the intersection

Ms. Bebak referred to the landscaping in front of the building and questioned if it will be contained in planter boxes. Ms. Mathias replied there will be a planting strip inset into the soil by the sidewalk.

Mr. Nalewajek questioned the rainfall into the right of way in the back of the building. Ms. Mathias stated the Town Engineer has been satisfied with stormwater concerns. Roof drains are off the back of the building, water is collected underground and into the county right of way.

Chairman Rathmann stated the trees should be 2 ½" caliber. Ms. Mathias stated this is referenced on the grid and will make sure this is clarified to the landscaper.

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

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Bebak, to adopt the following resolution:

WHEREAS, the Planning Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant for property located at 5203 Seneca Street (SBL 135.20-1-3) ("Subject Property"), for construction of general variety retail store, associated parking, landscaping, storm sewer system and utilities (the "Project"), and reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; now, therefore, be it

RESOLVED that pursuant to 6 NYCRR 617.7(a) the Planning Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

SPR2020-11 (continued)

Motion by McCabe, seconded by Bebak, to grant site plan approval for property located at 5203 Seneca Street for construction of a retail store with all related site improvements.

Ayes: All

Noes: None

Motion Carried

NEW 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.

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

Ayes: All

Noes: None

Motion Carried

Chairman Rathmann stated a letter was received from the Town Engineer stating there were certain issues with the flood plain and detention basin preventing his approval.

Mr. Vaillancourt stated Canisius High School has an athletic field complex that was originally designed in 2007 for lacrosse and soccer with a track. The second phase of construction was for buildings with locker rooms and concession stands. The current request is the third phase of the project which includes construction of an all-synthetic varsity baseball field, and JV baseball field with the infield being synthetic turf. The fields would be fenced in with dugouts including a locker room/storage facility and an elevated press box. The existing parking on the site would remain.

Peter Gian, a Landscape Architecture, and site-consultant for the project stated this is a sensitive area for flooding and a portion of the JV outfield is pushed into the existing flood plain. To mitigate that, more area is being carved out for flood volume to expand into. The goal is to have more flood volume on the site than is currently there. Water will not be pushed downstream but absorbed to mitigate downstream. Some conversations were held with the Town Engineer; adjustments will be made to work through the issues contained in the letter from the Town Engineer. A concept that is acceptable to the Town Engineer is in the works, the logistics must still be worked out and scrutinized. The project would remove the storm volume from the flood plain and into in the basin that is being created. The 100-year storm will be contained in the basin and the flood volume will be contained outside of that.

Matthew Carver, Vice President and CFO of Canisius High School, thanked the Planning Board for their consideration of the project; small details are still being worked out with the Town Engineer. This project brings Canisius High School's vision full circle and creates a home for the students. This has been a great partnership in the past with the Town of West Seneca.

Mark Gaston, District Field Engineer with Erie County Soil and Water Conservation presented the Planning Board with documents pertaining to the flood issues in the adjacent Lexington Green neighborhood and the vicinity along Buffalo Creek. Mr. Gaston stated open space and recreational use within a flood plain is normally

SPR2021-05 (continued)

agreeable. This area has had activity over the years that raises concerns. In 2014 there was a large ice jam flooding event that occurred, as a result, ice damage has not been addressed; fences, turf grass and dugouts open the site up to potentially severe maintenance issues. Following the 2014 flood event, a temporary berm was placed and built to protect the Lexington Green area. The flood plain data shows a significant amount of 100-year flood plain that essentially goes into that area and was cut off. Without running an analysis to gage the 100-year storm event and the impacts of the berm, you can not say for certain this will not influence the 100-year flood plain elevation.

The Erie Wyoming Joint Watershed Board was formed to implement a number of stream works throughout the Buffalo Creek to reduce sedimentation along the Buffalo Harbor. The Erie Wyoming Joint Watershed Board has permanent easements along 57 linear miles of Buffalo waters. This site has the oxbow due to a stream realignment project; dams were constructed and have a permanent easement for maintenance and operation; none of the planning documents have this information included. A particular concern is the surging cell-structure; the town was involved in a wrongful death lawsuit that is still under litigation. Increasing access to children in that area is a grave safety concern and should be addressed/referenced.

This is a correct use for this area, but the area has many concerns. This area has been discussed by former Town Officials regarding the climate resiliency and ice jam issues/concerns. A report was generated and shared, and ways were sought to resolve ice jam flooding in the Lexington Green area. This project would potentially nix one of the design alternatives.

Mr. McCabe stated the reports submitted were US Army Corps of Engineers Buffalo District – Lexington Green P2443918 §205 of the 1948 Flood Control Act Flood Risk Management (dated 5/24/2016) and Resilient New York Flood Mitigation Initiative, Buffalo Creek New York prepared by OBG, Part of Ramboll, 101 First Street, 4th Floor, Utica, NY 13501. Copies of the reports were provided to the applicant.

Chairman Rathmann stated there are few areas on site with clumps of trees and requested a tree survey along with a plan showing the old and new flood plain.

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

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Bebak, to table 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

2021-01

A request from Daniele Family Companies for a rezoning and special permit for property located at 1465 Union Road, 1471 Union Road, and 789 Center Road, being part of Lot No. 192 changing its classification from C-1 and C-2(S) to C-2(S) for use as a car wash.

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

Ayes: All

Noes: None

Motion Carried

Ari Goldberg from the law firm of Barclay Damon, presented on behalf of the applicant. Mr. Goldberg stated Mr. Daniele is seeking a rezoning and special permit and would be the first step in construction of a Royal Car Wash Facility. All the properties are currently zoned commercial with Center Road being C-2 with another special use permit.

The site is along Union Road and part of the town's existing commercial corridor. The plan minimizes neighbor intrusion, consolidates curb cuts along Union Road, and allows for sufficient stacking for car wash use along with safe ingress and egress. The site plan works for car wash design and the properties are appropriate for rezoning.

Mr. McCabe referred to the authorization that was submitted and references 150 Fremont Avenue, yet the plans do not include 150 Fremont Avenue. Anthony Daniele, partial owner of Royal Car Wash, stated the residential lot on Fremont is part of the purchase, as development plans were worked out, the site plan no longer includes 150 Fremont Avenue. The intent is to rent the house and the house acts as a buffer between the commercial use and the Fremont neighbors. If a hardship is created for 150 Fremont, the developer is the owner and will work out any problems. Mr. Goldberg stated a revised survey and legal description will be submitted to the town.

Mr. Daniele stated approximately three years ago, Royal Car Wash was in front of the Planning Board for the Transit Road location, and this is almost an identical use and set up. There have been adjustments made but no real complaints. Mr. Daniele stated he has sent correspondence to the neighbors on Fremont Avenue to introduce the project and provide contact information. Royal Car Wash strives to be open, transparent, and good neighbors.

Royal Car Wash is an express tunnel facility. Approximately 70 percent of the customers are monthly pass holder's with an RFD tag, which activates a gate to pull in. The time frame to go through the car wash is approximately 2 ½ minutes from the time the car passes the gate. This is an express car wash, and the drying is completed in the tunnel. Free vacuums are on the site and are self-serve. The intent is to move cars quickly and not add traffic to the road. Most customers are already driving past the site, this typically does not increase traffic to the area.

Mr. Nalewajek questioned if traffic studies have been completed. Mr. Daniele stated a preliminary analysis has been done, a full traffic study will be completed for the Town Board. The cars have an option of entering from Union Road and Center Road. People tend to use the facility when it is convenient to be used. The queuing at Transit Road and Clinton Street has no issues.

2021-01 (continued)

Ms. Bebak noted that although tonight is just for rezoning, there some concerns with site plan. The Union Road corridor has design standards. There has been another approval of a car wash that was very specific to the Planning Boards recommendations. Mr. Daniele stated this is just the beginning and understands the site plan is subject to change and is willing to work with the Planning Board and community.

Mr. Frick stated the Union Road corridor requires many standards including architectural standards, minimum and maximum setbacks that need to be accommodated.

Chairman Rathmann questioned where the vacuums would be located. Mr. Daniele stated the vacuums would be along Center Road and intentionally not placed by residential homes and along Union Road. Vacuum placement could be adjusted during site plan review.

Chairman Rathmann referred to the stacking on Union Road from Tim Horton's. Under a special use permit, there should be no use of the lot except for landscaping and screening within 20' of any residential district. The back side and south side do not comply. Mr. Daniele stated this can be worked with and screening provided.

Chairman Rathmann stated although he approves of the Transit Road facility and the Amherst location, there are concerns regarding the appropriateness at the Union Road location. The Union Road location does not fit into the character of the neighborhood with a car wash facility being approved down the street.

Mr. Frick stated the building setback should be no more than 20' from Union Road and questioned if the driveway will allow this to work. Mr. Daniele replied he believed the building was 15' from the lot line and could be pulled closer.

A resident from 153 Freemont Avenue stated she is directly across from the proposed rental property and expressed concerns regarding the noise from the car wash equipment and traffic along Union Road.

A resident from 154 Freemont Avenue stated he is directly behind the proposed location and does not want a car wash backing up to his backyard and would like an office building. Many cars come down the street from Tim Horton's making backing out very difficult. The noise and lighting are also a concern along with privacy issues.

A resident from Freemont Avenue stated he lives very close to the speaker at Tim Horton's and has been dealing with cars, radios and smoking and is against the project. Tim Horton's makes it very difficult to use the backyard. Cars exiting Tim Horton's use Summit Avenue to Fremont Avenue as a cut through to Center Road.

A business owner stated the correct address of the property on Center Road is 798 Center Road. Mr. Goldberg stated this was an attorney error on the application and any motions should include the corrected address.

A resident from 109 Fremont Avenue stated the traffic is a concern and the snow removal that is a problem on the corner.

Chairman Rathmann stated the Planning Board only recommends to the Town Board and another meeting will be held for residents to attend.

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

WEST SENECA PLANNING BOARD
Minutes #2021-04
April 8, 2021

2021-01 (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Frick, to recommend denial for property located at 1465 Union Road, 1471 Union Road, and 798 Center Road, being part of Lot No. 192 changing its classification from C-1 and C-2(S) to C-2(S) for use as a car wash.

On the question, Chairman Rathmann stated the residents will be notified of the date of the Town Board meeting that the applicant will be attending.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Bebak, seconded by McCabe, to adjourn the meeting at 8:16 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER
TOWN CLERK/PLANNING BOARD SECRETARY