

SPR2020-10 (continued)

Motion by McCabe, seconded by Clifford, to grant a one-year extension of site plan approval for property located at 799 Indian Church Road, for construction of a battery storage energy complex.

Ayes: All

Noes: None

Motion Carried

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 Clifford, seconded by Frick, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Code Enforcement Officer Jeffrey Schieber stated this item should be tabled. There are many things happening on site pursuant to the requirements set forth by SHPO.

Mr. McCabe noted for the record, a petition was received requesting the applicants request be denied along with a letter submitted by Mr. Warren. Mr. McCabe requested Mr. Warrens letter be forwarded to the Town Engineer for review and reply. Mr. Warren is raising drainage questions that will be better addressed by the Town Engineer.

Mr. Clifford stated for clarification, the residents are not asking to deny the application; they are asking to: or issue a positive declaration. The request is to ensure the environmental impact statement is correctly done.

Chairman Rathmann stated the Planning Board is also waiting for the DEC and Army Corp of Engineers to respond to questions.

Motion by Clifford, seconded by Sailer, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Clifford, to table the item.

Ayes: All

Noes: None

Motion Carried

SPR2021-011

A request from Joseph and Nadine Biasillo for site plan approval for property located at 1929 Ridge Road for conversion of a residential property into a doctor's office, with all related site improvements.

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

Ayes: All

Noes: None

Motion Carried

2021-05 (continued)

Code Enforcement Officer Jeffrey Schieber stated the zoning classification of C-1 permits the former office building. C-2 zoning is used for businesses that spill outside of their four walls; the special use permit allows the vehicles stored outside to be encompassed in the approval.

Mr. Frick questioned what is anticipated tonight. Mr. Schnitzer stated they are hoping for a positive recommendation on rezoning, to move forward with the Town Board.

Chairman Rathmann questioned if changes will be made to the front of the building. Mr. Schnitzer stated the front of the building now is for access, the plan shows how the building will look in the future.

Chairman Rathmann questioned the reason for a 3-story building so close to the road. Mr. Schnitzer stated that portion is up front and is separate from where customers will be entering/exiting the building to control congestion and visibility.

Chairman Rathmann inquired if the long storage building could be rotated perpendicular to Transit Road; one of the samples shows the building rotated and places the narrow side to the main roadway and is eye appealing. Mr. Schnitzer stated he will investigate this and see if this may be done at this location.

Chairman Rathmann noted the parking lot is large and more than sufficient. Mr. Nalewajek questioned the parking requirements. Mr. Schieber stated the former use required a substantial amount of parking; the new use only deals with the parking for the showroom area as a customer comes in. There will be vehicles unloading/loading for a small amount of time and be gone. The conceptual plan has more than enough parking to satisfy the town requirement.

Mr. Nalewajek stated he is looking at rather than keeping that extensive amount of parking in front we could start moving things closer and away from Transit Road in terms of the building massing studies, to facilitate a more pleasing presentation to Transit Road.

Chairman Rathmann referred to a possible variance for the 3-story building. Mr. Schieber stated after tonight's meeting, the applicant will go before the Town Board for approval, and return to the Planning Board to sort out issues such as building location, parking, etc. The height is over 40' which would require a variance.

Mr. McCabe stated it is his understanding that the Planning Board recommendation would go to the Town Board for approval. Upon approval the project would return to the Planning Board for site plan approval; at that time restrictions may be placed on the special use permit. This project would require minimal variances and would just need to comply with the Town Code for setbacks. Mr. Schieber concurred; the current plan does not require any variances other than the height. This board at this time should make recommendations pursuant to the special use permit on vehicles parked along Transit Road.

Mr. Nalewajek questioned how many faces are accessible to the general public in terms to the layout. Mr. Schnitzer stated the new building has one access side.

Mr. Clifford stated the Planning Board has been asking developers to follow the Town Comprehensive Plan which brings all the building up closer to the road, noting this applicant has proposed this, to ask him to place it back is not realistic in expectations.

2021-05 (continued)

Mr. Frick questioned how many vehicles the applicant anticipates on site. Mr. Schnitzer stated being a new facility, he is not sure of the number of vehicles; the amount will fluctuate.

Chairman Rathmann questioned if the property will be fenced. Mr. Schnitzer stated the area currently has some fencing and there will be alarms and surveillance. Swipe card access is required for the building.

Residents expressed the following comments and questions:

- ✓ Currently there is no fencing, just guard rails with a drainage easement
- ✓ Expressed concerns about the U-Haul operations with disrepair trucks, equipment etc.
- ✓ Concerns regarding hazardous materials and animals being stored
- ✓ Increase in garbage and debris
- ✓ Majority of neighbors are against the project and does not fit in with the character of the neighborhood
- ✓ Self-storage facility is down the street
- ✓ Concerns regarding the lighting on a 3-story building – Chairman Rathmann stated only the front is 3-story; a cube is added on
- ✓ Concerns about 24-hour access
- ✓ Suggested moving the project to the Seneca Mall area
- ✓ Concerns with the traffic sounds
- ✓ Questioned if anything will be built or parked behind the building – Mr. Schnitzer replied construction is in the front.
- ✓ Questioned the access hours of the building – Mr. Schnitzer stated the access hours are 7:00 AM -7:00 PM, Monday – Saturday; 9:00 AM – 5:00 PM, Sunday (inaudible) 24-hour access is allowed after someone has been approved and an additional charge is added.
- ✓ Requested a condition be imposed to not allow 24-hour access
- ✓ Requested the back of the property be secured – Mr. Schnitzer stated he also sees people in the back, the project will have a constant presence and is not opposed to placing fencing along the back.
- ✓ Where will vehicles be stored – Mr. Schnitzer illustrated that the trucks will be stored in the lower section.
- ✓ Amount of traffic on the premises – Mr. Schnitzer stated there may be days with no truck traffic.

Mr. McCabe questioned the adjoining zoning. Mr. Schieber stated to the south is commercial, the rear is residential, and to the north the zoning has changed, commercial that transitions into residential. Mr. McCabe questioned if a fence is required. Mr. Schieber stated this is a unique situation that must be sorted out.

Chairman Rathmann stated his zoning map shows a sliver of R-90 between the property and the neighboring property to the south; everything else is zoned C-1.

Mr. Clifford referred to a recent approval of a storage facility on Orchard Park Road noting, this property is gated in and asked if this was a requirement. Mr. Schieber believed this was not a requirement and further explained the fire departments take an issue with gating in a business. This is an operational issue with the storage unit. Mr. Schieber stated there may be areas with fencing and questioned if it was a good idea to place a fence along the neighbor's fence.

2021-05 (continued)

Mr. Sailer stated when site plan approval is granted, the Planning Board can dictate issues such as fencing. Mr. Schnitzer stated he does not object to a privacy fence and is willing to work with the neighbors. This is a vacant building, and he is looking to redevelop it and work with the neighboring residents. Other projects have had quality fences placed for privacy. A similar facility is being constructed off the 1-90.

Mr. Clifford requested clarification on after hours access. Mr. Schnitzer explained after someone has been a customer for some time, they could have extended access; this is set up ahead of time.

Mr. Clifford stated something should be done regarding the back of the building, but this will be discussed at site plan approval.

Mr. Sailer stated the drainage easement is very beneficial to the residents in the neighborhood and questioned if cameras and motion sensors will be outside the building. Mr. Schnitzer stated there will be outside cameras monitored remotely and will benefit the current vacant area.

Motion by Clifford, seconded by Sailer, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Clifford, seconded by Sailer, to recommend approval for a rezoning and special use permit for property located at 2970 Transit Road, being part of Lot No. 350, changing its classification from C-1 to C-2(S), for construction of a self-storage, U-Haul truck and trailer store, and all related retail sales and site improvements.

Ayes: All

Noes: None

Motion Carried

2021-06

A request from Julius Aebly c/o Sean Hopkins, Esq for a rezoning and special use permit for property located at 1465 & 1471 Union Road, 798 Center Road, and 150 Freemont Avenue, being part of Lot No. 192, changing its classification from C-1 & C-2(S) to C-2(S), for construction of a 2-story office building, restaurant with drive-through facility, and all related site improvements.

Motion by Clifford, seconded by Sailer, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Mr. Aebly gave a brief history of Aebly & Associates and their history in West Seneca. Approximately two years ago, Mr. Aebly bought the Sunoco on Center and Union Roads and is looking to expand and construct a final home for the business.

2021-06 (continued)

Sean Hopkins of Hopkins Sorgi and McCarthy, LLC presented the following:

- ✓ Color renderings were presented along with the concept plan
- ✓ The site is approximately 1.2 acres in size
- ✓ Of the four parcels, one is properly zoned at C-2(S), 1471 Union Road and is the site of the future 2-story office building. The remainder of the parcels, approximately .99 acres, are zoned C-1 with the request to change to C-2(S)
- ✓ The office building will have a footprint of 3,080-sf; 2-story in size and a consolidation of the two locations in West Seneca, noting there are 14 employees
- ✓ The plan calls for a perspective future restaurant along the front of Union Road; conceptually the size is 3,057-sf, with a drive-through and 13-stacking spaces.
- ✓ To date, there is no restaurant, as the property is not properly zoned. If a restaurant is not interested, Mr. Aebly would be back with other concepts.
- ✓ Tonight's request is for a land use recommendation to the Town Board, not site plan. If approved by the Town Board the applicant would return to the Planning Board for the first phase of site plan approval of the 2-story office building.
- ✓ The applicant recognizes the Union Road corridor and has tried to design the site in accordance with those standards and contain the following: 1) a decorative wall is along the frontage; 2) encourages redevelopment of parcels on a prominent corner to be done in such a way that are viable for commercial purposes and are pedestrian friendly; 3) designed so the buildings are along the Union Road frontage and parking is along the rear; 4) along Freemont Avenue a stormwater management area will be installed; 5) a fence is provided.
- ✓ 47 parking spaces are currently shown, noting the zoning code calls for 74 spaces. West Seneca has the most intensive code for parking. If there was a demand for additional parking, it could be provided along the back. A variance will be required for the parking.
- ✓ A special use permit is required for the restaurant and governed by specific criteria
- ✓ Screening is proposed along the residential area and feedback is welcomed from the neighbors

Mr. Nalewajek stated if 14 parking spaces are needed for the insurance company, based on the footprint of the restaurant, is there enough parking to handle the two occupancies. Anthony Pandolfi, with Carmina Wood Morris stated the overall requirement is 74 parking spaces, 62 of the spaces come from the office building. The extra 12 spaces by code come from the restaurant. The 12 spaces plus 14 spaces are 26 spaces and the plan is well above the amount. Mr. Hopkins stated they could propose additional spaces but why pave additional green space. This is dependent on the specific needs of the restaurant.

Chairman Rathmann questioned if the gas station will be demolished during the first phase of work. Mr. Hopkins stated this would be a complete redevelopment at phase 1 including a drainage system, new lighting, new landscaping, and decorative wall. The restaurant would come back for site plan approval. Mr. Aebly stated all buildings will initially be demolished and the area cleaned up. Phase 2 would be the construction of the restaurant.

Chairman Rathmann questioned the ingress and egress. Mr. Pandolfi stated phase 1 would include both curb cuts, drainage, and parking. Mr. Hopkins stated once the property is cleaned up, it will be more attractive to a restaurant.

2021-06 (continued)

Mr. Sailer expressed concerns about placing parking over the drainage. This is a great use of the space, and the renderings are appealing. Would the restaurant be held to match the design of the insurance building? Mr. Hopkins stated the restaurant would not have to match but would be held to the architectural standards of the Union Road corridor.

Mr. Sailer stated his opinion would be to extend the wall up and around Freemont Avenue, then begin the fence and place an island with additional parking. Mr. Sailer further stated he looks forward to seeing the project on this corner.

Mr. McCabe stated the plan does not show access onto Freemont Avenue and would like the restriction of no access onto Freemont Avenue. Mr. Hopkins stated this would be fine.

Chairman Rathmann expressed concerns with a drive-through exiting onto Union Road along with stacking onto Union Road. Mr. Hopkins stated this is just a concept plan, with 13 stacking spaces and the amount should be adequate. A sit-down restaurant requires a bigger footprint. Once a restaurant is on board all the specifics will be worked out with site plan approval.

Mr. Clifford questioned if tanks were underground. Mr. Aebly stated the tanks have been remediated.

Mr. McCabe questioned if a special use permit not used within a year would expire. Code Enforcement Officer Jeffrey Schieber stated this would be the case and projects have not moved forward and the town has allowed an extension.

Residents expressed the following comments and questions:

- ✓ Concerns regarding the decorative wall and accidents
- ✓ Noise from the drive-through speaker
- ✓ Concerns about dumpsters
- ✓ Would like a gable style building
- ✓ Does not want a restaurant with a drive-through in a residential area
- ✓ Concerns regarding the sewers
- ✓ Too much traffic on the corner along with backups; should conduct a traffic study
- ✓ Would prefer greenspace
- ✓ Believes the project is too close to residential houses
- ✓ The fence would impede the neighbor's driveway
- ✓ Not enough parking
- ✓ Affects the quality of life of the neighbors
- ✓ Concerns regarding the lighting

Mr. Schieber stated the applicants' documents receive review and feedback from other agencies such as the Erie County Department of Planning, NYSDOT, fire departments and ECDOT.

Chairman Rathmann stated the Planning Board has at their discretion the ability to approve the building style and the shape is not set in stone.

