

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

**WEST SENECA PLANNING BOARD**  
**Minutes #2019-11**  
**November 14, 2019**

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

**ROLL CALL:** Present - Donald Mendola  
James Rathmann  
George Clifford  
Margaret Bebak  
Dale J McCabe  
Brendon Najm  
Jeffrey Schieber, Code Enforcement Officer  
Tina Hawthorne, Town Attorney

Absent - Robert Niederpruem Jr., Chairman

Mr. Mendola read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

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**APPROVAL OF PROOFS OF PUBLICATION**

Motion by Rathmann, seconded by Najm, to receive and file the proofs of publication and posting of legal notice.

Ayes: All Noes: None Motion Carried

**APPROVAL OF MINUTES**

Motion by Najm, seconded by Rathmann, to approve Minutes #2019-10 of October 10, 2019.

Ayes: All Noes: None Motion Carried

**OLD BUSINESS**

**SPR2019-06**

A request from JSEK West Seneca LLC for site plan approval for property located at 1343, 1347 & 1353 Union Road for a car wash facility.

Motion by Bebak, seconded by Rathmann, to table the item at the request of the petitioner.

Ayes: All Noes: None Motion Carried

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**2019-07**

A request from Young Development Inc. for a rezoning & special permit for property located at 945 Center Road, being part of Lot No. 204, changing its classification from R-65A & R-75 to R-60A(S), for construction of 32 attached residential units for lease with attached garages.

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

Ayes: All    Noes: None    Motion Carried

Town Attorney Tina Hawthorne stated a stump survey was completed at the expense of Young Development and forwarded to the Environmental Commission along with the Town Prosecutor for recommendations on the clear cutting situation. Additionally, the developer and landowner have been issued a summons to appear in West Seneca Town Court for violating the Town Code.

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

Ayes: All    Noes: None    Motion Carried

Motion by Bebak, seconded by Najm, to table this item pending a resolution on the clear cutting.

Ayes: All    Noes: None    Motion Carried

**NEW BUSINESS**

**SPR2019-08**

A request from Life Church for site plan approval for property located at 4928 Seneca Street, to construct a 13,422 sf single-story building addition and parking lot expansion for 266 spaces.

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

Ayes: All    Noes: None    Motion Carried

**SPR2019-08** (continued)

Jason Utzig, P.E. of C & S Engineers, Inc. represented Life Church and stated the existing conditions consist of a church and a parking lot that will accommodate 150 parking spaces. The petitioner is proposing to build a 13,422 sf single-story building addition located on the west side of the existing church as well as new parking lots on site. A larger parking lot will be along the rear of the new building and two new parking lot additions along the front of the church for a total of 345 parking spaces noting 277 are required by code. The proposal includes the following in regards to new site landscaping, utilities and parking lot lighting:

- ✓ 6 inch sanitary sewer lateral to service the new addition that will tie into the current 6 inch lateral servicing the church; a 2 inch domestic service tapped off the existing 2 inch line
- ✓ 6 inch private fire protection line to provide a sprinkler system and private hydrant
- ✓ Storm water detention will be collected on site, treated and detained with the proposal of 4 retention areas with 2 located along each side of the new addition and 2 along the front of the property, discharging into an underground retention system
- ✓ Installation of an underground storm water filter unit to treat the parking lot along the rear, discharging into the underground detention system
- ✓ Underground detention will consist of a chamber system with piping that will collect, detain and discharge at a rate that is equal to or less than the existing discharge rate
- ✓ Landscaping will be placed around the retention areas, parking lot islands and perimeter of the new addition.
- ✓ Parking lot lighting will be 0 ft candles at the property lines with no spillage.

Mr. Mendola questioned where the water will go after collection. Mr. Utzig responded the retention areas will collect storm water run offs for collection into the underground detention systems and to a 12 inch pipe to the neighboring property. Mr. Mendola stated the water needs to be addressed; water cannot be discharged to the neighboring property. Mr. Mendola noted the grade of the west property line is raised 4 ft and pitched towards the neighboring property; the protocol to follow is not to discharge your water onto someone else's property. Mr. Utziig stated the site is very flat and raising the site was essential to collect the runoff; currently the back of the property drains to the neighbor. All pavement areas will drain into the underground detention system.

Mr. McCabe asked the petitioner to clarify if the 20 ft strip of grass will drain onto the neighboring property. Mr. Utzig responded that is correct with portions of the property currently draining to the neighboring property uncontained and stated the amount of land draining to the neighboring property is decreasing.

**SPR2019-08** (continued)

Mr. Clifford expressed his concerns with the addition of a building, removal of grasslands and additional pavement adding more water which will impact the neighbors and would like the Town Engineer to hear the boards concern.

Mr. McCabe stated he would like something on the record from the Town Engineer stating the current amount of drainage will be diminished. Mr. Utzig responded he is willing to work with the Town Engineer.

Mr. Rathmann questioned if the bio retention area is along the front of the property and does the catch basin rim have 6 inches of water standing. Mr. Utzig replied the standard practice is to hold 6 inches of water.

A Seneca Street resident presented pictures of the property; stating her property is next door to Life Church and expressed concern of the healthy, mature maple trees in the churches front yard and urged that the trees be included in the design of the parking lot. Another concern is the extra water runoff caused by more pavement. Currently snow melt and rain storms result in ponding and water retention throughout the neighborhood. The resident requested the board require the most responsible and modern forms of storm management and respect the rural character of the community.

Mr. Utzig stated he is willing to work with the Town Engineer to reduce water impacts on the neighbors.

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

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Clifford, to table this item to allow further discussions with the Town Engineer regarding the drainage.

On the question Mr. McCabe requested the petitioner to incorporate the trees into the parking plan. The petitioner questioned if incorporating the trees was a requirement, the church is hidden on the back of the property and they would like it to be seen from the road, the trees present a problem with the traffic flow of the parking lot. Mrs. Bebak stated it is not a requirement but asked the petitioner to just take a look and see if there is a solution to make everyone happy.

Ayes: All

Noes: None

Motion Carried

**2019-08**

A request from WNY Potter Inc. for a rezoning & special permit for property located at 537 Potters Road, being part of Lot No. 276, changing its classification from C-1 to C-2(S), to upgrade facility with a new island, canopy and installation of underground storage tanks.

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

Ayes: All

Noes: None

Motion Carried

A representative from WNY Potters, Inc. along with Mr. Chuck Norris from the contracting firm of CA Norris, LLC presented the proposal for a 15,000 gallon double wall fiberglass tank with a 36 x20 canopy with two fuel dispensers underneath. The tank would be installed alongside the property with the canopy at the front of the property; the property would be landscaped to help control and restrict the traffic flow.

Eight residents from the surrounding neighborhood made the following comments:

- ✓ Traffic concerns especially at rush hour and with Covington being a cut through street
- ✓ Smell of the gasoline fumes
- ✓ Excess lighting to the neighbors
- ✓ Gasoline spills on the ground
- ✓ Expressed opposition to the change in zoning due to the matter being a self created hardship and creates a negative impact on neighbors
- ✓ There is not a need for another gas station as others are in the surrounding area
- ✓ Enjoy the convenience of the store but oppose the need for a gas station at the location
- ✓ Concerns that there will be a financial impact on residents homeowners insurance

A representative from WNY Potters, Inc. stated the hours of the establishment will not be changing and the lighting will only be on during hours of operation, noting the canopy lights shine down. Traffic is already there for the store and adding fuel is an extra amenity to existing customers. This was not a self created hardship; the owners are trying their best to maintain the property; the gas pumps would help the establishment stay in business.

**2019-08** (continued)

Mr. Norris explained the tanks are up to EPA standards with a vapor recovery system; when a tanker truck comes to fill the tanks the vapors are pulled back out of the tank as they're putting vapors in; a vent pipe will be on the canopy with a vapor cap.

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

Ayes: All

Noes: None

Motion Carried

Motion by Clifford, seconded by Najm, to deny the rezoning & special permit for property located at 537 Potters Road, being part of Lot No. 276, changing its classification from C-1 to C-2(S), to upgrade facility with a new island, canopy and installation of underground storage tanks, based on the following: 1) close proximity of other gas stations; 2) traffic concerns; 3) quality of life concerns as the project could be detrimental to the life and safety of the area; 4) previous Planning Board denial.

On the question, Mr. McCabe stated this is a request for a change in zoning and not a variance request which would be handled by the Zoning Board of Appeals, the comments related to the variance probably would have been brought up at the Zoning Board of Appeals meeting; the property as it stands would require certain variances as well as site plan approval and a special permit. There are a number of issues to be addressed before this could move forward.

Ayes: All

Noes: None

Motion Denied

**ADJOURNMENT**

Motion by Bebak, seconded by Clifford, to adjourn the meeting at 7:50 P.M.

Ayes: All

Noes: None

Motion Carried

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**AMY M KOBLER  
DEPUTY TOWN CLERK/PLANNING  
BOARD SECRETARY**