

PLANNING BOARD JULY MEETING MINUTES

- MEMBERS:** Harold Fabinsky, Chairman
Nicholas Baich
David Kaczor
Julia Mombrea,
Philip Murray
Karen Byrne, Alternate
- EXCUSED:** Henry Heppner
Joseph Liberti, is on a leave of absence.
- OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator
Steven Bremer, Supervising Code Enforcement Officer
Thomas Ostrander, Assistant Town Municipal Engineer
John Bailey, Deputy Town Attorney
Rose Messina Secretary

The Chairman announced exit procedures in the event of a fire alarm and called the Planning Board meeting to order at 7:00 P.M. in the Orchard Park Community Activity Center. He stated that if anyone appearing before the Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State law and the Town Code of Ethics.

The Chairman noted that this evening we do not have a full Board. Therefore, our Alternate, Ms. Byrne will be a voting member.

The March, April and May Planning Board Meeting minutes are not available this evening for the Board to vote on.

1. P.B. File #15-2021, 3161 Abbott Road, Race Storage Sheds, Vacant Land, corner of Abbott Road and Vistula Avenue, Zoned B-2. (SBL#151.16-2-2) Applicant is requesting Outdoor Display for one (1) shed to be granted a year-round display, with review and renewal every two-years.

APPEARANCE: Mr. Ben Race, Petitioner/Owner

Mr. Race explained that he would like a permit authorizing a year-round display of a single-storage shed on vacant land, adjacent to his residence. If potential customers are interested in purchasing a shed they will meet him here. He also stated that he is looking to have the approval granted for a two-year period. He told the Board that he maintains the upkeep of the property.

The Building Inspector stated that he has no issues with this request.

Ms. Mombrea verified that only one shed will be on display, year-round, at this property.

Mr. Race explained that he meets customers by appointment only.

Mr. Baich confirmed with the Petitioner that he has displayed his sheds at this location for six-years.

Mr. Kaczor established that the Petitioner builds the sheds locally, installs them at his customers' residence, and employees a total of (8) eight workers.

Ms. Mombrea made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** year-round Outside Display for (1) one 12 x 16-ft. shed, with review and renewal every two-years, based on the location plan received 6/16/21, and the following conditions and stipulations are to apply:

1. This is a Type II SEQR action and therefore no SEQR determination is required.
2. There will be no additional outside lighting for the display or temporary structure.
3. Signage for the Outside Display will be limited to one sign.
4. The Outside Display for the year 2022 will be upon the approval of the Building Inspector.
5. All public notices have been filed.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE **VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.**

2. P.B. File #16-21, 4109 North Buffalo, located on the east side of N. Buffalo Road, south of Sunset Lane, Zoned B3. Dennis Salemi is requesting approval for an Outside Display. (SBL#161.14-2-10)

APPEARANCE: Mr. Dennis Salemi, Petitioner/Owner

Mr. Salemi presented and explained his proposed Outside Sales Display schedule for the remaining portion of 2021. He stated that sale events take place with the hope that weather conditions are agreeable. Therefore, he would like permission granted with some flexibility with their sale dates. He, also, spoke of plans for 2022, and noted that no more than two-tents are used for their Outdoor Display.

Mr. Baich established that Mr. Salemi has been in business at this location for nine-years.

Ms. Mombrea inquired if there have been any issues with the past outdoor events held here. It was established that there were no issues with the prior events. However, Building Inspector Bremer stated that there is an issue involved with the neighbors' fence along the adjacent back property. Mr. Bremer will follow-up regarding the fence with Mr. Salemi.

Mr. Kaczor noted that he has frequented this business and is very impressed with the Outdoor Tent Sale events that are held here. He also finds that the parking and organization are professionally run at this site.

Chairman Fabinsky discussed allowing five-events per year, each no longer than two-weeks, with notification made to the Building Inspectors' Office two-weeks prior to the event. Mr. Salemi feels this is doable.

The Chairman stated that he will make an "open motion", and he invited the members to add on to it.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Kaczor, to **GRANT** an Outside Display Permit, for "Research & Design", with review and renewal every two-years based on the following:

1. All public notices have been filed.
2. This is a Type II SEQR action and therefore no SEQR determination is required.

3. The submitted letter of intent and location plan indicate that there will be a need for a; 20-ft. x 30-ft., 20-ft. x 40-ft. tent, or a 20-ft. x 60-ft. tent for the busier scheduled sale times during the year. (The 20-ft. x 60-ft. tent is located at the rear of the building.)
4. All signage must be approved by the Building Inspector.
5. Any issues or complaints that may arise, the Planning Board will expect the Building Inspector to report those to the Board detailing the complaint(s).
6. This approval is contingent upon the Petitioner resolving the issue with the Verizon fence that was apparently damaged, to the satisfaction of the Building Inspector.
7. A schedule of sale dates, for up-to-five events per year, each for no longer than two-weeks, is to be provided to the Building Inspector at least two-weeks prior to each sale event.
8. The Outside Display for the year 2022 will be upon the approval of the Building Inspector.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.

3. P.B. File #16-2020, Speedway, Vacant Land, Corner of Southwestern Boulevard & Angle Road, (adjacent to the Dollar General Store), located on the south west corner, Zoned B-2. (SBL#153.07-1-8.3) "Speedway" is requesting to develop a Convenience Store and Fuel Sales Facility with access driveways. The Planning Board declared themselves "Lead Agency" on 12/12/20 for this Type 1 SEQR Action. Conservation Board approved Landscaping Plan 2/2/21. Petitioner requesting Planning Board recommendation to Town Board for Site Plan Approval and issuance of a Building Permit.

APPEARANCE: Mr. Rob Sweet, McBride
Mr. Tim Frietag, Engineer

Mr. Sweet presented plans for the proposed project and explained details that included the parking, and access plan at the site. The property is approximately 2.41-acres, and Speedway would like to construct a 4,600-sq.ft. Convenience Store with fueling pumps. He noted that the Town of West Seneca signed an agreement to allow a sewer tie-in to their Towns' Sewer District. It was also learned that all necessary County approvals have been received. Additional landscaping was added to the site, based on previous comments made by the Board. He feels they have addressed all comments the Board made regarding this project.

Chairman Fabinsky stated that he feels the additional landscaping will help the project fit in with the character of the neighborhood. He also feels the access driveway on Angle Road will assist with traffic issues.

Ms. Mombrea established that the delivery trucks are not allowed to use Angle Road. It is not a truck route.

Mr. Sweet stated that the driveway easements at the site allow Dollar General and Speedway customers

access to each other's site. This is a good solution to the traffic issues raised.

Mr. Kaczor stated that he has no problem with this project.

Mr. Murray discussed his concerns for the surrounding residential area. One concern he voiced is the delivery trucks and the times they would arrive.

Thomas Ostrander, Assistant Town Municipal Engineer, comment on Mr. Murray's concerns noting that the NYS DOT had taken into consideration that Dollar General and an additional business would be constructed here with joint shared access.

Mr. Freitag stated that trucks will use Southwestern Boulevard for deliveries, and arrive during non-rush hours during day time, such as mid-morning, or mid-afternoon. There will be two, or four deliveries per week. They do not feel this is a large amount of delivery trucks. Their TIS indicates that there will be a very minimal traffic impact here.

Chairman Fabinsky commented on the commercial businesses that face Southwestern Boulevard and the traffic here. He reaffirmed that the current zoning is B-2. He also emphasized the need for delivery trucks to arrive only at the proposed times and minimize impact on nearby residential areas.

Mr. Kaczor made a **MOTION**, seconded by Mr. Baich, to recommend that the Town Board **APPROVE** the presented **SITE PLAN** and **AUTHORIZE** a **BUILDING PERMIT**, to construct a 4,600+/- sq. ft. Convenience Store, and a 5,400+/- sq. ft. Fuel Canopy over (8) eight double sided dispensers, per the plan received on 6/10/21, based on the following conditions and stipulations:

1. All public notices have been filed.
2. The Planning Board declared itself Lead Agent on 12/10/20, with no objections made by involved agencies.
3. This is a Type 1 SEQR Action, based on the Long EAF submitted on 8/19/2020, and a Negative Declaration is made.
4. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
5. No outside storage or display is permitted.
6. An updated Landscape Plan, received 6/7/21, meets all Green Space regulations with 20% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$45,442 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$22,721) Conservation Board approval was granted on 2/2/21.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
8. Town Engineering Approval was granted on 7/08/21.
9. The Town of West Seneca granted an out-of-district sewer connection on 6/3/21.
10. No fuel deliveries will be made during evening hours.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	NAY
BYRNE	AYE

THE VOTE ON THE MOTION BEING (5) FIVE IN FAVOR, AND (1) ONE AGAINST, THE MOTION IS PASSED.

4. P.B. File#08-21, 5732 Big Tree Road, located on the north side of Big Tree Road (20A), west of 219 Expressway, Zoned I-1, Polymer Conversions is requesting to construct expansions on the North and West sides of their existing building. (SBL#161.18-2-15) Town Board referred to Planning Board on 3/17/21. Requesting Planning Board recommendation to Town Board for Phase I, Site Plan Approval and issuance of a Building Permit. The Conservation Board approved their Landscape Plan on 4/6/21.

APPEARANCE: Mr. Greg Schneider, Aurora Architectural
 Ms. Patricia Bittar, Wm. Schutt & Associates
 Mr. Ben Harp, President, Petitioner/Owner

Mr. Schneider presented and explained the proposed plans to construct expansions on the north and west sides of the existing Polymer Conversions building. "Phase 1" also includes the construction of 37-parking spaces. There are two-additional areas on the site where they can add additional parking areas. He further explained that they did a calculation to see what parking spaces will be needed. The current zoning code requires one space for every 500 sq. ft. of building area, which would require 51 additional parking spaces. However, the petitioner feels this is unnecessary given that this is an automated business. Therefore they have prepared the site for the possibility of adding those parking spots in the future if it proves necessary.

Chairman Fabinsky stated his support for the concept of planning for the parking sites but holding off on developing them stating that is was mutually beneficial for the Town and the Petitioner as it preserves green space and also saves money.

Mr. Kaczor inquired as to the current number of employees as well as how many employees this expansion would add. Mr. Kaczor inquired if this expansion would make the petitioner more competitive, and if Mr. Harp owned the land outright or if any covenants were involved. Mr. Harp clarified they have 125 current employees and 45 to be added. He stated this project would make them more competitive and no covenants were involved.

Ms. Bittar inquired if all phases had been approved by engineering, and it was established they were.

Mr. Baich made a **MOTION**, seconded by Mr. Kaczor, Regarding Planning Board File #08-21, I move to recommend that the Town Board **GRANT SITE PLAN APPROVAL** and **ISSUE a BUILDING PERMIT** to construct **PHASE 1**, consisting of a building expansion and 37 additional parking spaces, per the plans received on 3/12/21, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF Parts 1 and 2, and a Negative Declaration is recommended.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.

3. No outside storage or display is permitted.
4. A Landscape Plan, received 3/12/21, meets all Green Space regulations with 20% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$11,500 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$5,750) Conservation Board approval was granted on 4/6/21.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Town Engineering Approval was granted on 7/8/21.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
KACZOR	AYE
MOMBREA	AYE
MURRAY	AYE
BYRNE	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.

CONCEPT REVIEW:

1. P.B. File #18-21, Quaker Crossing LLC, located on the north side of Milestrip Road, Zoned B-1. (SBL#152.17-1-13.14) Gerald Buchheit is proposing the construction of a 31,000-sq. ft. out lot building at the outer edge of the Regal Cinemas parking area.

APPEARANCE: Mr. Gerald Buchheit, Petitioner/Developer

Mr. Buchheit explained the proposed project. He stated the building would be offset to the far west, explaining that the number of seats in Regal Cinemas had been reduced by 60% following the installation of "lounging seats", reducing the need for parking spaces. The Petitioner is seeking to develop a 30,000-sq. ft. building. Mr. Buchheit feels that Quaker Crossing has great tenants. He also feels that the tenants interested in this proposed expansion are good tenants for the Plaza. He needs assurance that this building will be built in order for them to commit to leasing the space.

Chairman Fabinsky reviewed the submission and verified the location of the building. He inquired as to the net difference in spaces that Regal Cinemas would be relinquishing versus the number of parking spaces this new building would need. Previously, there were 45,082 seats at Regal Cinemas with 547 parking spaces. This was reduced to 18,032 seats and 218-parking spaces. This leaves an excess of 329-unused parking spaces. The proposed building will require 156-parking spaces, per the Town Code, leaving a balance of 60-parking spaces.

Mr. Ostrander stated Engineering had no concerns.

Ms. Byrne inquired as to the identities of the tenants. Mr. Buchheit stated they were high end tenants, but they would not commit until further into the development process.

Mr. Kaczor commented that Quaker Crossing is a well-maintained plaza.

Mr. Baich agreed with Mr. Kaczor.

Chairman Fabinsky asked the Board if there were any concerns moving forward and none were voiced.

There being no further business, the Chairman adjourned the meeting at 7:58 P.M.

DATED: 11/17/21

REVIEWED: 11/18/21

Harold Fabinsky
Planning Board Chairman

Respectfully submitted,
Rosemary M. Messina
Planning Board Secretary