

ROLL CALL: Present: Chairperson Margaret Bebak
Planning Board Member Eric Sailer
Planning Board Member Jim Frick
Planning Board Member Joseph Sherman
Planning Board Member Tim Hayes
Town Attorney Chris Trapp
Code Enforcement Officer Jeffrey Schieber
Planning Board Member Mark Beehler
Planning Board Member William Wise

Absent:

CALL TO ORDER

APPROVAL OF PROOFS OF PUBLICATION

APPROVAL OF MINUTES

1. Minutes of Meeting #2025-12

OLD BUSINESS

2024-005

A request from LaBella Associates for property located at 2544 Clinton St to amend the granted special use permit and permit a multi-unit residential development.

Angela Eicholz the project manager, and Shelby Vakner with LaBella, the Civil Engineer for the project, stated they have done new studies and made some changes to their layout since the last meeting. The changes consist of

- switching to one building instead of two
- the mansion staying intact
- increasing the number of units from 67 to 75
- making the entire site ADA accessible
- more green space
- new parking lot layout to 150 spaces based on the number of units, along with 20 spaces for visitors which meets the town code
- moving the playground plan from the middle of the parking lot to the adjacent building and having it fenced in.
- the electrical demand
- the sewer demands
- lowered the total number of bedrooms with the breakdown of the units
- reached out to Dr. Krueger from West Seneca schools to see if there would be an impact on the number of additional students.

-Mr. Sherman asked what the average rental cost of these apartments would be and if they would be considered low-income rentals.

Angela Eicholz answered stating no household will pay more than 30% of their annual income.

-Mr. Sherman questioned if the building would consist of a sprinkler system?

Angela Eichol stated yes, that is our intent.

-Mr. Sherman asked what style of apartments they would they be?

Angela Eichol stated they would be single-level flats with two and three bedroom units.

-Mr. Sherman asked if the upper floors did not have a balcony on them, Then what are the provisions for a secondary emergency exit?

Angela Eichol stated they'll have emergency exits through the windows which meet state code.

-Mr. Sherman asked if the buildings were going to have some sort of accommodation in the event of an electricity outage.

Angela Eichol stated there will be a generator for a backup system.

-Mr. Sherman asked if school buses would be able to drive through the complex?

Shelby Vakner stated the intention is for the buses to be able to loop through there.

-Mr. Sherman questioned if there would be a retention pond in the back of this? If so, what's the proximity of a retention pond to the playground?

Shelby Vakner replied they haven't gone through the stormwater design yet. We don't have any intent of putting a pond on this site. It will likely be handled in a combination of underground and bioretention.

-Mr. Hayes questioned if both buildings are going to have backup power with generators.

Shelby Vakner stated just the larger main building, residents of the mansion, in the event of that, would have their shelter-in-place located in the standalone building.

-Mr. Hayes asked if the dumpster pad was intended for both buildings.

Shelby stated they haven't worked through that piece of it yet.

-Mr. Sherman stated on your website, it does seem that you do have capabilities of doing the electrical studies and feasibilities, but in the information that you did submit, the word opinion was used a lot there. And I was wondering if you have or anybody has contacted NYSEG specifically to ask them their opinion as to what the draw would be and how it would impact the grid in that area.

Angela stated they are working with a pre-construction team and can't actually get anything definitive out of NYSEG, but our team has been in contact with them. They are aware of the project, and they've had some unofficial conversations about the site.

-Tim Hayes questioned the verbiage of financiers who wanted the electricity paid for.

Angela stated it would be the Low-income housing tax credits.

Public comments

-Ann Marie Sharkey asked if the water pressure would change and would there be agriculture on your site?

Jeffrey Schieber stated this is something that would have to come directly from Erie County Water Authority through their analysis and the interpretation of the town's zoning map and there is no definitive agricultural district.

Motion by Chairperson Bebak, seconded by Planning Board Member Sherman, to recommend approval to amend the previously granted Special Use Permit.

Ayes: 7

Noes: 0

Abstain: 0

Motion Carried

2025-006

A request from Carmina Wood Design for for property located at 1475 Orchard Park Rd to permit a

29 unit townhouse development.

Bebak introduced Carmina Wood Design Submission for property located at 1475 Orchard Park to permit a 29-unit townhouse development. Today we're going to talk briefly about the project. It's only a recommendation on the zoning today, so we're not going to get into the exact specifics of the plan.

Anthony Pandolfi with Carmina Wood Design project engineer, is looking to rezone the rear portion of 1475 Orchard Park Road, which is currently the site of St Peter's Church into 12 more townhome units, adding onto the 1425 Orchard Park Rd complex consisting of 29 units. He commented that the town is having capacity issues with the sewers. One recommendation was that we divert a part of our sewer to the Erie County system, which is located west of our project.

The town engineer did a study showing the reduced sewer demand with the amended project.

-Mr. Frick questioned if the cemetery is being taken over with the parcel to the north or staying as its own entity?

Anthony Pandolfi stated it is already combined, and they will be the owners of the cemetery.

-Mr. Hayes referenced if a new capacity from 30 units to 29 was compared to the capacity of the existing sewers.

Anthony stated no new measurements were done. Jeffrey Scheiber stated the town gets engineering reports to verify the capacities.

Public

-William O'Rourke had concerns about water drainage to the lower end of the development in Heritage Farm. Since the firehouse was built, the drainage problem has considerably increased.

- Kelly Barlow questioned if the tree line will be disturbed?

- Andrew Barth stated the drainage was a big concern also on his property. Considering this is adjoining a school will there be background checks for residents that have pedophilia records?

- Susan Smith questioned if the church would get taken down, if the units will be rentals or bought, subsidized or unsubsidized, are these town roads and if school buses will be going down those roads?

Anthony stated the church will be subdivided off and will remain onsite. The units will be rentals.

Jeffrey Scheiber stated that it appears as though the buses will not be going down these roads, they are privately owned and maintained.

Mrs. Bebak repeated they will not be subsidized.

-Marianna Rourke is concerned about the integrity of Heritage Farm and if work was getting done on the sewer lines because of the large vehicles working on Smokes Creek all summer.

Jeffrey Scheiber stated the work was done by Erie County Sewer District.

-Maureen McCarthy wanted to get a copy of that map for surrounding neighbors and to know the estimate of the distance between the fire hall and where the construction would be.

Jeffrey Scheiber stated the map can be viewed on the Town of West Seneca website and will be probably 200 feet away.

-Louie Kreag has a concern about traffic at Reserve and Orchard Park Road.

Jeffrey Scheiber stated work has already been done with adding the circle on Orchard Park Road and the street getting widened.

Motion by Chairperson Bebak, seconded by Planning Board Member Hayes, to close the public hearing and then recommend approval of the rezone and special permit with the condition that the

parcels be merged into one singular parcel and limited to 29 units.

Ayes: 7

Noes: 0

Abstain: 0

Motion Carried

NEW BUSINESS

SPR2025-006

A request of Green Philosophy 716 for property located at 101 Slade Ave. to permit a second sign.

SPR 2025-006 a request from Green Philosophy 716, for property located at 101 Slade Avenue to permit a second sign.

Ralph Lorigo, owner of the property, and Jacqueline Snyder, owner of Green Philosophy 716 stated that the zoning regulations only allow 1 sign per site. The proposed sign was displayed by the applicant. The request was approved for a second sign for Green Philosophy 716. The sign meets all the town requirements and is not offensive in nature.

-Mr. Sherrman questioned if signs are prohibited from advertising marijuana sales.

Ms. Snyder stated the signs are allowed but need approval and permission from the Office of Cannabis Management on the marketing and labeling requirements.

No public comments were received.

Motion by Chairperson Bebak, seconded by Planning Board Member Sherman, to approve the 2nd sign as presented.

Ayes: 6

Noes: 1

Abstain: 0

Motion Carried

SPR2025-007

A request of Fund Raising Barn LLC for property located at 1325 Orchard Park Rd. to allow the construction of a 1,200 SF addition to the existing business.

A request from Fundraising Barn LLC for property located at 1325 Orchard Park Road, to allow the construction of a 1200 square foot addition to the existing business.

James Bussart, owner of Bud's Bottle Barn, 1325 Orchard Park Road, is looking to put an unheated 1200 square foot addition on the south side of the building.

- Mrs. Bebak questioned if there's residential to the rear and needs some sort of shielding.

Mr. Scheiber stated there is shielding there already.

Mr. Scheiber stated some adjustments will need to be worked on if this project is approved, ensuring that the water is contained in this gentleman's property and doesn't spill over to anybody else.

-Mr. Sherman questioned if a berm would be needed to contain the water issue.

Mr. Frick verified a basin is between the 2 commercial properties, allowing the overflow to run through.

No public comments were received.

Motion by Chairperson Bebak, seconded by Planning Board Member Hayes, to close the public hearing and grant approval of the expansion as presented with minor modifications requested by Code Enforcement.

Ayes: 7

Noes: 0

Abstain: 0

Motion Carried

ADJOURN

Motion by Chairperson Bebak, seconded by Planning Board Member Frick, to . adjourn meeting

Ayes: 7

Noes: 0

Abstain: 0

Motion Carried