

West Seneca Community Center
1300 Union Road
West Seneca, NY 14224

Planning Board Proceedings
Minutes#2026-09
Date: September 10, 2026

Call To order

- Motion to call the meeting to order at 6:00 PM was made by Margaret Bebak and seconded by Joseph Sherman, Noes: 0; Abstain: 0; Motion carried.
- The Pledge of Allegiance was recited.

Role Call

Present:

- Mark Beeler, Board Member
- Joe Sherman, Board Member
- Margaret Bebak, Chairperson
- James Frick, Board Member
- Tim Hayes, Board Member
- William Wise, Board Member

Absent:

- Eric Sailer, Board Member (Excused)

Approval of Proofs of Publication

- Motion by Chairperson Margaret Bebak; seconded by James Frick Noes: 0; Abstain: 0; Motion carried.

Approval of minutes

- Motion to approve minutes from meeting #2026-08 by Chairperson Margaret Bebak; seconded by Timothy Hayes, Noes: 0; Abstain: 0; Motion carried.

Old Businesses

- None were discussed.

New Businesses

SPR 2026-008: Rusty Nickel, 4350 Seneca Street, West Seneca — Site Plan Review for expansion on the right side of the building.

Who spoke from the business:

- Jason Havens, Civil Design Director, Waves Architecture & Engineering (Waves AE) and owner of Rusty Nickel Brewing Company.
- Christopher Panaro, Lead Architectural Designer, Waves AE.

Project Summary (Applicant statements):

- Sustained growth and partnership with Lily Bell Meats have outgrown current production space.
- Supported by a New York State expansion grant awarded 50 facilities for production area expansion.
- Proposed two-story addition:
 - First Floor: Production-focused; streamline canning line (currently moved daily), add a small lab for quality control, install a walk-in cooler on slab-on-grade; improve safety by separating production from other operations; enable increased distribution and larger accounts.
 - Second Floor: Open-office and storage for management (GM, events coordinator, brewer); printers, desks, fireproof storage for records; replaces outdoor shed and former Conex box; supports bulk purchasing (glassware, toiletries).
- Occupancy & Use: No increase in public occupancy; second floor strictly office, not an event space; lacks public-facing amenities like bathrooms.
- Architectural Details: Glass bay doors to showcase brewing operations from street; east wall gabled roofline to match existing building; retain “log cabin vibe” with wood beam components; front elevation largely unchanged; exposed beams are wood; matching existing board-and-batten; intentional aged “old barn” look; regular washdown/pressure wash (typically every two years), with cleaning/replacement to match new installation.
- Site Plan & Variances: Requires side yard setback variance (from 25 ft required to 5 ft at closest point); closest corner 5 ft from property line, extending to ~22 ft at other corner; building cuts into hill; structure acts as retaining wall, with small vegetated knee walls; additional retaining walls tentatively concrete, not full height—approx. 6 ft above grade with ~4 ft footing (total ~10 ft section); rear wall of building ~12.5 ft above grade; retention ~5 ft off building for egress/maintenance; 5.14 ft side yard provides access for condensers/compressors and vegetation maintenance; operational layout drove footprint (brew house longer than wide).
- Adjacent Parcels: Rusty Nickel acquired adjacent residential parcel to the west; intent for beautification and gardens, not commercial expansion; maintain as regional asset. House parcel to the west already zoned commercial; town coordinating path forward for vacant parcel behind it; may come before board in future.
- Parking: No increase in occupancy or seating; operational expansion only. Peak parking ~40 cars on weekends; daily occupancy cycles quick; ~140 people/day total; within

hourly occupancy thresholds; 46 spaces noted but shared lot causes confusion. Applicant purchased back half of property ~18 months ago to isolate operations; applicant's half of lot replaced and restriped; exploring coordination with Ebenezer Ale House and nearby landowners for additional/adjacent parking; landlocked constraints noted.

- Lighting: Night sky compliant; no light trespass; spot lighting around doors and signage only; no up/out spill; addition helps shield neighboring properties from noise/light; extensive landscaping plan likely to expand for beautification/mitigation.
- Alternating Proprietorship: Meadery to use applicant's equipment; distribution primarily via applicant's own vehicles (pickup/van); no large trucking given low volumes and bottled/four-pack product; some product may be carried in tap room; majority wholesale offsite.
- Wastewater: Effluent limited and near neutral after dilution during cleaning cycles; minimal volumes; not expected to pose downstream EOD concerns.
- Fire Protection: Likely no sprinkler requirement due to small size, non-hazardous use, and not a place of assembly (per Staff/Engineer).
- Water Service: Recorded pressure ~67 psi; upsizing inlet to 2 inches increases volume, not pressure; benefits include faster vessel fills and concurrent washdown without pressure drop; cost estimate ~\$16–20k total (directional drill \$8–10k plus backflow); upsizing preferred but considered value-engineering item; applicant spoke with ECWA (Adam Massaro); will submit when ready; ECWA addresses new tap/backflow directly.
- Dumpster: Shared use near Ale House with deeded access "into perpetuity" per purchase agreement.

Board Questions & Answers:

- Chairperson Bebak:
 - Q: Regarding the view from the back garden, what will be visible?
 - A (Jason Haven): West side elevation of the new building, flanked by the existing pergola.
 - Q: What variances are you seeking?
 - A (Jeff Schieber): Only variance requested is for side yard building setback, reducing from 25 ft to 5 ft at closest point.
- James Frick:
 - Q: Will adjacent parcels acquired by the applicant be rezoned commercial?
 - A: (Jeffrey Schieber): House parcel to the west already zoned commercial; town working with applicant on path forward for vacant parcel behind it; may return to board.
 - A: (Havens): Acquired parcel intended as green space for gardens and beautification, not for building.
- James Frick:
 - Q: Material and design of additional retaining walls for building set into hillside?
 - A (Jason Haven): Working with structural engineer for least expensive approach; tentatively concrete; walls approx. 6 ft above grade with ~4 ft footing; ~5 ft off building for egress/maintenance; operational layout influenced footprint.
- Tim Hayes:

- Q: Parking concerns and shared lot with Ebenezer Ale House; suggestion for coordination; clarification on 46 spaces and shared lot confusion.
- A: (Jason Haven): Back half of property purchased and restriped; anticipating favorable changes at Ale House; exploring opportunities with Ale House/nearby landowners; acknowledges landlocked constraints.
- Joseph Sherman:
 - Q: Manufacturing for another company (mead) and distribution logistics.
 - A: (Jason Haven): Alternating proprietorship; distribution via own vehicles; minimal trucking; majority wholesale offsite; some product in tap room.
 - Q: Wastewater handling.
 - A: (Jason Haven): Limited, near neutral after dilution; minimal volumes; no expected downstream concerns.
 - Q: Sprinkler requirement.
 - A: (Jeffrey Schieber): Likely not required due to size and use.
- Margaret Bebak:
 - Q: Facade materials, condition, and maintenance schedule.
 - A: (Jason Haven): Match existing board-and-batten; periodic washdown/pressure wash; replace boards as needed; aged look intentional; front elevation largely unchanged; exposed beams wood.
- Tim Hayes:
 - Q: Water pressure implications of upsizing to 2-inch inlet and ECWA submission.
 - A: (Jason Haven): Volume increases, pressure remains ~67 psi; faster fills and better concurrent use; cost-driven decision; seeks approval flexibility if funding allows.
 - A: (Jeffrey Schieber): ECWA must review new tap/backflow; applicant to submit.
 - A: (Jason Haven): Spoke with ECWA (Adam Massaro); no issues anticipated; will proceed when ready.
- Tim Hayes:
 - Q: Dumpster location near Ale House.
 - A: (Jason Haven): Shared dumpster uses and access deeded into perpetuity per purchase agreement for both businesses to have usage.

Public comments:

- Chair called for residents' questions—none.

Motions and Recommendations:

- Motion: Close public hearing.
 - Motion by: Chairperson Margaret Bebak
 - Seconded by: James Frick
 - Noes: None
 - Abstain: None
 - Motion carried
- Motion: Table SPR 2026-008 pending results of variances and final submittal.
 - Motion by: Chairperson Margaret Bebak

- Seconded by: Timothy Hayes
- Recommendation: Table the item pending ZBA variance outcome and final site plan submittal.
- Noes: None
- Abstain: None
- Motion carried

Adjourn

- Motion to close the meeting at 6:47pm
 - Motion by: Chairperson Margaret Bebak
 - Seconded by: Timothy Hayes