

**WEST SENECA PLANNING BOARD**  
**Minutes #2022-08**  
**August 11, 2022**

<b>ROLL CALL:</b>	Present	-	Margaret Bebak, Chairperson James Frick Timothy Hayes Dale J McCabe Raymond Nalewajek Eric Sailer Joseph Sherman Jeff Baksa, Code Enforcement Officer Chris Trapp, Town Attorney
	Absent	-	None

Motion by Sherman, second by McCabe, to receive and file the proofs of publication and posting of legal notice.

Ayes: All                      Noes: None                      Motion Carried

Motion by Sherman, seconded by McCabe, to approve minutes 2022-07 of July 14, 2022.

Ayes: All                      Noes: None                      Motion Carried

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

Ayes: All                      Noes: None                      Motion Carried

A request of DiDonato Engineering and Architectural Professionals for site plan approval for property located at 2970 Transit Road for the construction of multiple single-story storage units, a 124' x 106' 3-story building for storage units, and all associated site work.

Mr. Frick stated he was recusing himself from this request due to a conflict and left the presentation table.

Chris Gardner was present to represent DiDonato Engineering and Architectural Professionals and stated they are seeking site plan approval for U-Haul. The project was in front of the Planning Board in July and the following changes have been made to the landscaping plan:

- pg. 1

**SPR2020-010** (continued)

- Trees and grass areas are along the sides and intermixed into the parking lot
- Just under one acre of impervious asphalt has been converted into green space
- The required tree schedule and planting details have been submitted
- The wooden fence has been moved to the property line and surrounds the entire site

Chairperson Bebak questioned if the fence is beyond the culvert. Mr. Gardener stated the fence is beyond the culvert.

Mr. Sherman questioned the material being used for the fence. Mr. Gardner stated this will be a wooden fence. Mr. Sherman questioned if this will be pressure treated wood. Mr. Gardner stated he assumed it would be pressure treated. Mr. Sherman suggested using pressure treated wood for the longevity.

Mr. Sherman questioned if the lighting will be set on a timer to dim in the evening. Todd Schnitzer, President of U-Haul WNY stated all the lights are set on a timer and go off at 11:00 P.M. for the entire site.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Sailer, to grant site plan approval as amended with the landscaping plan for property located at 2970 Transit Road for the construction of multiple single-story storage units, a 124' x 106' 3-story building for storage units, and all associated site work.

Ayes: (6) Bebak

Noes: None

Abstentions: (1) Frick

Motion Carried

Sherman  
Sailer  
Nalewajek  
McCabe  
Hayes

**NEW BUSINESS**  
**2022-005**

A request of Daryl Martin Architect, PC for a special permit for property located at 711 Harlem Road, being part of Lot No. 125, changing its classification from C-1 to C-1(S), for construction of a multi-unit residential development.

Mr. Martin stated this project was presented many years ago to the Planning Board. The owner attempted to place a 4-unit apartment complex on the parcel. The property has been placed for sale and the potential owner, based on the current economic situation, would like to construct a 6-unit apartment. This would consist of 2-bedroom apartments. The bedrooms being on the upper level and the main living area underneath. A similar unit has been built on Crystal Creek on Leydecker Road and has been successful. The previous 4-unit proposal would have been over \$150,000 per unit to build; a 6-unit will be approximately \$125,000 per unit. The

**2022-005** (continued)

developer felt a retirement style would not work in this area. This would be a more metro feel for a younger demographic.

Mr. Nalewajek questioned the amount of sf the building would use on the site. Mr. Martin stated approximately 5,200-sf. Mr. Nalewajek questioned the percentage. Mr. Martin stated the percentage is 28.46%.

Mr. Nalewajek questioned if this was a schematic presentation for the site development in terms of location, landscaping, etc. Mr. Martin stated this is not a schematic presentation. At this point the ask is to be referred to the Town Board for a special use permit.

Mr. Frick referred to the EAF form and noted the applicant stated the definition of the project is urban and residential, yet the EAF form does not have residential/suburban checked off and it is Mr. Frick's understanding it should be. As for pedestrian accommodations in the area, yes was checked and Mr. Frick believes this is not accurate. Line 17 should have the type of stormwater discharge filled in.

Mr. Frick expressed concerns with site plan restriction issues. Per town code, the unit density is almost double what the town code allows; only about half of the area shown on the drawing would be allowed. The side yard setbacks do not meet town code and the width of the driveway will not work for fire access or fire turn around.

Mr. Martin stated if there will only be 3-units he will not do the project. There is no sense in 3-units, it is not affordable.

Mr. McCabe explained the Planning Board has the responsibility to understand the applicants' intentions.

Mr. Martin stated he knows he needs variances. The Planning Board members know the site; there are 4-unit apartment buildings on each side, 2-stories tall. Mr. Martin is trying to put something there that will someday pay back.

Mr. Frick explained there are still certain life safety issues that need to be addressed for the residents of the complex. Mr. Martin stated this is a 1½ story building, if you can not get a fire truck to shoot over the top of it there is nothing more to do; the same issues are next door.

Mr. Nalewajek questioned what specific exceptions the project is looking for. Mr. Martin stated he is looking for a special exception to be multi-family.

Mr. Sherman stated if the special permit was granted and there are certain variances the applicant is aware of that need to be overcome, he would like to see the applicant come back with information to help the Planning Board overcome some of the issues addressed this evening. Code Enforcement Officer Jeff Baksa stated the south side of the property is required to have 25' and the plan shows 9'; there needs to be a variance for the setback. The biggest obstacle is the variance needed for the bulk area. These items can be granted by the

Zoning Board of Appeals however, some of the fire safety items may need variances from the state. Just as a reminder, the Planning Board is here to make a recommendation to the Town Board. If granted by the Town Board the project would return to the Planning Board for site plan approval, then to the Zoning Board for variance approval, and back to the Planning Board for site plan approval.

**2022-005** (continued)

Mr. Martin questioned what the Planning Board would like done to the site. Mr. Sherman stated he would like to see a 4-unit; this would be appropriate to fit on the site. Mr. Sherman stated although he understands the economic challenges, a 4-unit would fit into the character of the neighborhood. Mr. Sherman is unsure of how a 6-unit would fit in with all the problems being faced. If this can be designed to address some of the issues addressed tonight, it would be more appealing.

Mr. Martin stated a 4-unit does not fit in the plan; the rent would be almost \$2,000 a month. The rent on the proposal would be approximately \$1,400 - \$1,500 a month. Mr. Sherman questioned if that neighborhood would be able to afford the rent. Mr. Martin stated Mr. Sherman should make the call; it is his neighborhood. There are buildings next door with a certain economic base that rent out for about \$800 - \$900 per month. This will be nicer with a garage and the rent cannot go much higher.

Chairperson Bebak stated the look is very nice, but the project does not fit the town's density standards.

Mr. Nalewajek stated this looks like the previous project. The economics have changed, the percentage of the occupancy of the site has not been looked at.

Helen Mercado, 270 Dwyer Street stated she is against an apartment building on the parcel and would like a single family or a duplex on the site.

Mr. Martin stated the neighborhood is already apartment buildings.

Chairperson Bebak stated the aesthetics are nice, but the project has issues. There are zoning rules and variances that are required and requested something be done to accommodate the density requirements. Mr. Martin stated he could possibly remove a unit. Mr. Martin stated he did not create the lot and would like to see a payback. Possibly a couple units could go up with no garages; he is trying to enhance the area.

Mr. Hayes questioned if a setback variance is required to the north. Mr. Baksa stated the zoning to the north is a C zoning and requires 5'; the south side is residential zoning and requires the setback variance.

Chairperson Bebak questioned if increasing the setback on the north side would leave room for fire truck access. Mr. Baksa stated it would require a change in design, but the shift would allow 25' to the south side and allow fire lane access. The fire department requires access to three sides of the building.

Mr. Sherman recommended contacting the Chief of Winchester Fire Company for assistance with the fire codes.

Motion by Bebak, seconded by Frick, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by McCabe, seconded by Sailer, to table the item until the September meeting.

Mr. McCabe withdrew his motion.

**2022-005** (continued)

Motion by Bebak, seconded by Frick, to recommend approval for a special permit for property located at 711 Harlem Road, being part of Lot No. 125, changing its classification from C-1 to C-1(S), for construction of a multi-unit residential development with the following conditions: 1) the site plan be amended to be less dense at 5-units or less; 2) a fire lane incorporated into the south side to allow the proper setback and proper fire lane access to the rear.

On the question, Mr. Sherman stated if this was to go to the Town Board for approval and the applicant is not able to conform to what is needed and the change is made to a C-2(S) then there are other opportunities to have other business in that area. This is concerning on what could go on the parcel.

Mr. McCabe explained this is C-1; the zoning stays the same, and the applicant is asking for the special permit to allow multiple units.

Mr. Nalewajek stated although 5-units may be incorporated he believed the units should be redesigned to fit the site. Mr. Frick stated this would not have a bearing on the motion, the motion is to allow the special use permit to allow multi-family use. Mr. Frick further stated the motion states the applicant can do this but only if he can meet the setback requirements and fire access requirements.

Mr. McCabe stated it is his understanding the motion is for multi-family, 5-units or less, with the fire lane. There are conditions to the special permit. If the Town Board were to grant the special use permit, the applicant would still have to go to the Zoning Board of Appeals for any additional required variances and the state for any state fire code variances. The applicant would then return to the Planning Board for site plan approval.

Ayes: (6) Bebak

Frick

Sherman

Nalewajek

Sailer

Hayes

Noes: (1) Sherman

Motion Carried

**ADJOURNMENT**

Motion by Bebak, seconded by Frick, to adjourn the meeting at 7:37 P.M.

Ayes: All

Noes: None

Motion Carried

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