

**WEST SENECA TOWN OFFICES**  
**1250 Union Road**  
**West Seneca, NY 14224**

**WEST SENECA PLANNING BOARD**  
**Minutes #2014-09**  
**September 11, 2014**

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Sergeant-at-Arms Joseph Sherman.

**ROLL CALL:** Present - Robert Niederpruem Jr., Chairman  
Donald Mendola  
Joseph Ciancio  
Gerald Greenan  
Anthony Nigro  
James Rathmann  
Joseph Sherman  
Jeffrey Schieber, Code Enforcement Officer

Absent - Attorney for the Town

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

---

### **APPROVAL OF PROOFS OF PUBLICATION**

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

Ayes: All

Noes: None

Motion Carried

### **APPROVAL OF MINUTES**

Motion by Ciancio, seconded by Nigro, to approve Minutes #2014-08 of August 14, 2014.

Ayes: All

Noes: None

Motion Carried

### **OLD BUSINESS COMMUNICATIONS**

#### **SPR2014-08**

A request for site plan approval for property located at 4592 Seneca Street for a 26-unit townhouse development.

Andrew Terragnoli of Optima Design stated there were three main changes to the site plan as follows: 1) Addition of a culvert under the driveway in response to the Erie County Department of Public Works Highway Department; a letter of approval has been issued; 2) Redesign of the stormwater drainage system with addition of underground stormwater detention and a series of rain gardens; positive feedback

**SPR2014-08** (continued)

has been received from the Town Engineer; 3) In response to the neighbor's concerns, rear setbacks were changed and 10' to 20' of buffer was added to be screened with evergreen trees. Mr. Terragnoli commented that he appreciated the feedback from the residents and they helped to create a very neighbor friendly design. Only 41 percent of the site is impervious and 59 percent will be landscaped/green space.

Chairman Niederpruem referred to the position of the two homes on the cul-de-sac.

Mr. Terragnoli responded the two homes on the cul-de-sac were angled and moved as much as possible away from the adjacent property line. The rain garden in the cul-de-sac was maintained along with the landscaped buffer of spruce and evergreen trees.

Mr. Greenan questioned the size of the buffer zone in feet.

Mr. Terragnoli responded the minimum setback is 30' and maximum setback is 50'. All the buildings will be no closer than 30' from the rear property line.

Mr. Mendola questioned how deep the swale will be.

Mr. Terragnoli responded the swale is 24" deep at its shallowest and because the site topography increases farther from the north, some of the swales are a bit deeper at 36" or 40".

Mr. Greenan questioned if the buffer zone on the east side is also 30'.

Mr. Terragnoli responded it is 30' which is the maximum allowable building setback.

Mr. Rathmann commented that the first building as you enter the development is in an awkward location and suggested relocating it to the east side toward the end of the development.

Mr. Terragnoli stated they wanted a show home to be close to Seneca Street for visibility. Also, the location proposed by Mr. Rathmann is not a good place due to the grade.

Mr. Rathmann further commented that the sidewalk was removed from the plan and he thought people that will live there will probably have children and would like a sidewalk so they don't have to walk in the street.

Mr. Terragnoli responded that moving the homes away from the rear property line reduced the front yards and eliminated the sidewalk. It eliminated an impervious area along with any liability issues that could come about due to lack of maintenance.

**SPR2014-08** (continued)

Mr. Rathmann suggested a sidewalk adjacent to the gutter which would allow for ease of maintenance. He further commented on the driveways that are 18' in length and suggested moving the homes back 2' to allow for a longer driveway.

Mr. Terragnoli thought 18' was sufficient but agreed to move the homes back 2' if required.

Mr. Mendola thought elimination of the sidewalk was a big issue and if cars are parked on both sides of the street it creates a dangerous situation for children and emergency vehicles.

Doug McCormick, owner/developer of the site, stated this is a dead end street with a cul-de-sac; it is not a thoroughfare. He did not see a need for sidewalks.

Mr. Terragnoli noted the Erie County Highway Department had commented on the sidewalk on the previous plan and took exception to it connecting to nothing. This also influenced their decision to remove the sidewalk.

Chairman Niederpruem stated he understood the concern over sidewalks, but the residents of Sky Hi Drive have legitimate concerns and Mr. Terragnoli worked with the neighbors and resolved their issues by moving the houses forward.

Mr. Rathmann suggested a sidewalk from driveway to driveway which would not impact the setback.

Mr. Sherman responded there would be an increase of hazard with children walking on driveways and that could result in an insurance issue.

Mr. Greenan further commented it would be more dangerous because kids will have to walk around cars in driveways so they will constantly be stepping out into the street.

Mr. Sherman suggested a striped bike path.

Chairman Niederpruem did not believe there was room for a bike path with only 20' of pavement with 2' of gutter on both sides.

Motion by Greenan, seconded by Mendola, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

**SPR2014-08** (continued)

Motion by Greenan, seconded by Sherman, to grant site plan approval for property located at 4592 Seneca Street for a 26-unit townhouse development.

On the question, Chairman Niederpruem questioned if a SEQR determination is required.

Mr. Schieber responded that SEQR was addressed at the Town Board at the time of the rezoning.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS COMMUNICATIONS**

**2014-11**

A request from Abdulhafed Khulaqi for a special permit for property located at 2600 Seneca Street, being part of Lot No. 33, changing its classification from C-2(S) to C-2(S), for automotive sales.

Chairman Niederpruem stated along with the application the Planning Board had received a legal description, a survey, and a short environmental assessment form.

Motion by Mendola, seconded by Sherman, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Abdulhafed Khulaqi stated he has been in business as an automotive repair shop at 2600 Seneca Street since March 2014. He and another employee work at this location and there are two bays for repairs. Mr. Khulaqi would like to expand his business and is looking to obtain a dealer license to sell vehicles. He planned to have 13 parking spaces for vehicles for sale.

Chairman Niederpruem stated he visited the property today and commented on the poor appearance of the site including the six unlicensed vehicles on the east side of the property.

Mr. Khulaqi responded he was allowing another dealer to store vehicles on his property, but they can be removed.

Mr. Mendola also commented on the appearance of the site, noting there is a lot of junk being stored that needs to be cleaned up.

**2014-11** (continued)

Mr. Khulaqi stated he had cleaned up the outside and invested a lot of money in repairs to the building and pavement. Only the cars are a problem and they can be removed.

Chairman Niederpruem stated there has to be some sort of buffer between automotive use and the Kirkwood Drive resident next door. Also, there must be six spaces available for a two bay repair operation and he thought the site was too small to have 13 vehicles for sale.

Mr. Rathmann stated one space is also needed for each of two employees along with one space for every 700 sf of sales area within a building.

Shawn Martin stated he lives across the street from this property and the building looks much nicer, but the cars are a concern. He spoke to Code Enforcement Officer John Gullo regarding the cars being placed on the grass area on the east. They were then pushed up to the building and now there are nine to eleven unregistered cars that makes the property look like a junk yard.

Mr. Greenan suggested limiting the site to seven unlicensed vehicles for sale.

Mr. Martin stated that other businesses in that area have a limit on the number of vehicles for sale and this should be proportionate to the size of the lot.

Motion by Greenan, seconded by Ciancio, to table this item until the applicant presents a plan that eliminates storage of other people's vehicles and shows parking spaces for stacking vehicles for repair, employee parking and vehicles for sale.

On the question, Mr. Mendola stated the property should be cleaned up and the vehicles that are being stored there should be removed prior to returning to the Planning Board.

Chairman Niederpruem stated the buffer between the business and residential area should be addressed. He suggested seven as a maximum number of spaces for sale of vehicles.

Mr. Schieber stated he will provide information on what was allowed at other businesses in that area of Seneca Street.

Ayes: All

Noes: None

Motion Carried

**WEST SENECA TOWN OFFICES**  
**1250 Union Road**  
**West Seneca, NY 14224**

**WEST SENECA PLANNING BOARD**  
**Minutes #2014-09**  
**September 11, 2014**  
**Page six . . .**

**ADJOURNMENT**

Motion by Greenan, seconded by Ciancio, to adjourn the meeting at 7:40 P.M.

Ayes: All

Noes: None

Motion Carried

  
**JACQUELINE A FELSER**  
**TOWN CLERK/PLANNING BOARD**  
**SECRETARY**