

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

**WEST SENECA PLANNING BOARD**  
**Minutes #2014-10**  
**October 9, 2014**

Chairman 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  
Gerald Greenan  
Anthony Nigro  
James Rathmann  
Joseph Sherman  
Jeffrey Schieber, Code Enforcement Officer  
Charles Grieco, Attorney for the Town

Absent - Joseph Ciancio

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

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### **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 Rathmann, seconded by Mendola, to approve Minutes #2014-09 of September 11, 2014.

Ayes: All

Noes: None

Motion Carried

### **OLD 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, for automotive sales.

Chairman Niederpruem stated the concerns brought up at the previous meeting which included parking spaces, green space and buffers.

Mr. Khulaqi presented a revised site plan indicating removal of the island and reduction of the parking spaces for vehicles for sale to seven. There will be three spaces for each service bay – three that border Kirkwood Drive and three that are parallel behind the building. A fence was constructed east of the building and vehicles were removed.

**2014-11** (continued)

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Mendola, to recommend approval of the request for a special permit for property located at 2600 Seneca Street, being part of Lot No. 33, for automotive sales, conditioned upon parking as shown on the site plan dated August 15, 2014 prepared by Millard, Mackey and Dulles indicating seven parking spaces fronting on Seneca Street, three parking spaces on Kirkwood Drive near the corner of Seneca Street and an additional three parking spaces at the rear of the property to the northwest of the building.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS COMMUNICATIONS**

**2014-12**

A request from John Fisher for a special permit for property located at 3470 Transit Road, being part of Lot No. 343, changing its classification from C-2 to C-2(S), for automotive collision repair/vehicle disassembly.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated that along with the application the Planning Board received a legal description of the property, a survey, a site plan, engineering drawings and a plot layout of the building.

Ken Zollitsch of Greenman Pedersen Engineers represented the owners of Northeast Collision who own property immediately north of 3470 Transit Road. An opportunity was recently presented to them to purchase the property contingent upon approval of the special permit. Their intent is to move some of the initial stages of vehicle work to this site. There are no plans to change anything other than addition of a garage door on the north side to allow vehicle access into the building. When a vehicle is brought to the shop, it will be taken into the building to identify what work needs to be done. Parts will then be ordered and when they come in the vehicle will be moved to their existing shop where the repair work will be done. No work will be done outside the building and there will be no dismantled vehicles stored outside.

**2014-12** (continued)

Chairman Niederpruem questioned if there will be any changes to the building.

Mr. Zollitsch did not believe the front of the building would be altered at this point, but it may be a consideration in the future.

Mr. Mendola questioned if the building has a sprinkler system, which he thought was important considering the work will probably involve the use of torches.

Mr. Zollitsch was not aware of the utility layout inside the building, but noted it was built about 15 years ago so there is a chance that a sprinkler system was installed. He further stated no torches will be used on the premises.

Code Enforcement Officer Jeffrey Schieber stated that installation of a sprinkler system will be addressed through the building permit process.

Mr. Nigro questioned if oil or any other flammable materials will be stored in the building.

Mr. Zollitsch stated the only oil stored will be what is inside the vehicles.

Mr. Sherman questioned how fluids spilling on the floor will be handled.

Mr. Zollitsch responded there will be no drains installed and a speedy dry substance will be used for cleanup of any spills. Excess fluids will be stored in their existing facility.

Mr. Sherman questioned if any painting will take place inside the building and if any hoists will be installed.

Mr. Zollitsch responded there will be no painting, just vehicle disassembly and evaluation. Airbags lifts will be used instead of hoists.

Mr. Sherman questioned if vehicles will be stored inside after an evaluation is done and prior to being moved to the existing building for repair.

Mr. Zollitsch responded they will be stored inside if there is room or outside in the fenced parking area.

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

Ayes: All

Noes: None

Motion Carried

**2014-12** (continued)

Motion by Greenan, seconded by Mendola, to recommend approval of the request for a special permit for property located at 3470 Transit Road, being part of Lot No. 343, changing its classification from C-2 to C-2(S), for automotive collision repair/vehicle disassembly, conditioned upon no exterior storage of dismantled or unlicensed vehicles.

Ayes: All

Noes: None

Motion Carried

**SPR2014-09**

A request from Tommaso Briatico Architects for site plan approval for property located at 2566 Seneca Street for a 400 sf addition.

Chairman Niederpruem stated along with the application the Planning Board received a property survey, a short environmental assessment form, an existing plan and a proposed site plan and elevations.

Architect Tommaso Briatico represented the property owner of 2566 Seneca Street and indicated on the site plan the existing 1100 sf block building, parking area, green space, fuel dispensing pumps and canopy. They would like to add a 51' x 8' addition (400 sf) to the west side of the building. The same material will be used along with the existing window and door assembly, so the outside appearance of the building will not be drastically changed.

Chairman Niederpruem commented on the enclosure of the canopy and was concerned about a drive-thru situation similar to the problems at Tim Hortons.

Mr. Briatico commented on the cost of a Tim Horton's coffee shop and did not believe that was possible.

Mr. Mendola referred to the northeast corner and stated the garage next door is very close to the property line. The diagonal parking might also be a bit inconvenient if there is a series of cars in line for a drive-thru.

Mr. Briatico responded there are nine parking spaces available on site. It is difficult to tell where the property line is when there is paving on both properties and they will add a stripe to identify their property. Mr. Briatico further noted the machine to dispense air is owned by the neighboring property.

Mr. Sherman questioned if the existing tanks have been identified as to how old they are and if there are any leakage alarms.

**SPR2014-09** (continued)

Mr. Briatico responded the tanks were being used prior to his client purchasing the property and there is no indication they are in danger of leaking. The concrete pad is relatively new. Mr. Briatico was not aware of any alarms on the tanks.

Chairman Niederpruem referred to the north side of the property where the dumpster is located and also questioned what type of protection could be used to prevent headlights from shining in the neighbor's yard.

Mr. Briaticco responded there are some existing trees on site that will remain.

Chairman Niederpruem questioned the hours of operation and if there will be any changes to existing lighting and signage.

Mr. Briaticco stated the existing sign will be used and they will not be changing the lighting other than to make them more energy efficient.

Mr. Sherman questioned if there will be an order station with the use of microphones.

Mr. Briaticco responded this will be a convenience store and he did not see where the drive-thru will be a problem.

Mr. Mendola thought that headlights on vehicles will be a problem for the neighbor to the north.

Mr. Briaticco did not see this as a problem but stated they could make improvements to the fence or plant additional arborvitae if necessary.

Mr. Mendola questioned if the Code Enforcement Office would have the ability to enforce a resolution if the headlights become a problem.

Code Enforcement Officer Jeffrey Schieber stated the existing fence is 6' high which should diffuse most of the light. However, if the fence is in disrepair they will notify the property owner that it is a problem.

Mr. Rathmann questioned the hours of operation and number of employees.

Mr. Briaticco responded the hours of operation are 6 am to 12 am and there will be two or three employees working at a time.

**SPR2014-09** (continued)

Mr. Rathmann questioned how they will prevent traffic from adjoining properties from driving through and causing problems for the parked vehicles.

Mr. Briaticco responded that vehicles have been driving through the properties for many years, but they can communicate with the adjoining property owner and place markings on the pavement to stop the traffic and indicate proper parking. If it becomes a problem, they can also put up a fence.

Mr. Rathmann suggested the use of rubber curbs at each parking space. He further questioned how vehicles can back out of the parking spaces if there are vehicles stacked.

Mr. Briaticco did not believe there will be cars stacking on site.

Mr. Rathmann stated the zoning ordinance requires five stacking spaces for a window and only three are provided, so a variance may be required. Also, there is an entrance door on that side of the building so people will be walking across the traffic to enter the building. He suggested installation of a bollard near the door for safety.

Pamela Wren stated the fence is in need of repair and trees help block the light but more are needed. Noise from gas covers is also a problem and needs to be fixed. Ms. Wren asked that the dumpster be moved to a different location due to odors and a rat issue. Also, there is no restroom for the public so people use the back of the dumpster. Ms. Wren further stated the refrigeration unit is loud and needs to be fixed.

Chairman Niederpruem commented that the vent pipes rattle and the fence needs to be repaired. A dumpster is needed, but he questioned where it should be located.

Mr. Briaticco responded there are not a lot of options for placement of the dumpster or that would improve the location of it, and they will agree to move it if necessary.

Ms. Wren questioned if they could use the same type of fence as the adjacent business. She further commented the previous owner did not plow the driveway or sidewalks and asked that these areas be kept clear for safety reasons.

Attorney for the Town Charles Grieco stated there are three tanks on the property – two for gasoline and one for kerosene. They were all installed in 1985 with permits expiring in 2017.

Mr. Rathmann noted there is no handicapped parking space indicated and Mr. Briaticco agreed to add this to the plan.

**SPR2014-09** (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Mendola, to grant site plan approval for property located at 2566 Seneca Street for a 400 sf addition, conditioned upon there being an impermeable six foot fence along the north property line; relocation of the dumpster to the northeast corner of the property; bollards installed near the east entrance to the building with blocks placed along the east to define the property line and regulate traffic; and the drive-thru shall not be used until the Code Enforcement Officer determines that stacking conforms to the ordinance or a variance is granted by the Zoning Board of Appeals.

On the question, Chairman Niederpruem suggested the fence be similar to the fence at the adjoining business.

Mr. Rathmann further noted that a handicapped parking space should be provided with an appropriate access aisle.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Greenan, seconded by Rathmann, to adjourn the meeting at 8:00 P.M.

Ayes: All

Noes: None

Motion Carried

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