

SPR2016-09

A request from Michael A Pasquale Sr. for site plan approval for property located at 422 Indian Church Road for construction of a 32' x 68' pole barn.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated the Planning Board had questioned the storm drainage and swale and its effect on adjacent residential property. A drainage plan was submitted and has been approved by the Town Engineer.

Mr. Rathmann commented this is a difficult drainage situation and questioned if the front downspouts will drain to the street pavement. He further commented on the slight slope of the swale and the possibility of it backing up and flooding the neighbor's yard.

Michael Pasquale responded there are no downspouts on the front and the two downspouts on the back of the building will drain to the rear property. The Town Engineer approved the drainage plan as submitted.

Mr. Rathmann referred to the high pressure gas line at the rear of the property which became an issue for another nearby business, Great Lakes Pizza, and the building had to be moved. He suggested getting written approval that the detention basin for this project will not present a problem.

Mr. Pasquale stated the proposed building will be 22' from the gas line that is owned by Kiantone Pipeline. He spoke with one of the employees who stated they have no problem with the project but want to be present when digging begins.

Chairman Niederpruem asked that Mr. Pasquale obtain a letter from Kiantone Pipeline with a current date that states they are aware of the drainage plan for this project.

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

Ayes: All

Noes: None

Motion Carried

Motion by Mendola, seconded by Rathmann, to table this item pending receipt of a letter of approval from Kiantone Pipeline.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS COMMUNICATIONS

2016-09

A request from Dr. Mazin Dhafir for a rezoning for property located at 4378 Seneca Street, being part of Lot Nos. 58 & 59, changing its classification from R-65 to C-1, for a medical office building.

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

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received a survey, site plan and rendering.

Michael Vaughn of Architectural Resources represented Dr. Mazin Dhafir and stated he recently purchased the property at 4378 Seneca Street and would like to construct a 4120 sf, 1.5 story medical office for his dermatology practice with the second floor used for records storage. There is a steep climb at the rear of the property, 27' up to Main Street, and they have decided to move the building closer to Seneca Street to stay away from the hillside and preserve the trees. Mr. Vaughn noted there is commercial property to the west and residential to the east and north (Main Street).

Mr. Mendola noted the plan submitted indicates the building will be 79' off the right-of-way line.

Mr. Vaughn responded they had placed the building at 79' setback to allow for double parking in the front, but the required setback is 50'.

Chairman Niederpruem noted the plan indicated 35 parking spaces and questioned if that was the required number.

Code Enforcement Officer Jeffrey Schieber responded 35 is a close number, but he would need to see the interior space to determine the exact number required.

Jeff Rolowski opposed the rezoning and expressed concern that any construction will cause erosion of the hill and create structural problems for the foundation of his house and inground pool. He was also concerned with increased traffic in an already busy area and stated there is enough commercial space in town to locate a medical complex without rezoning residential property.

2016-09 (continued)

Mark Malloy was concerned with the effect construction will have on the structural integrity of the houses on Main Street along the top of the hill, noting there are two homes with inground pools within steps of the hill. Mr. Malloy stated he consulted an architect about this property and the architect pointed out three things – 1) the retaining wall on the north end of the existing home has failed; 2) the wall on the hill side of the garage is caving in due to erosion of the hill; 3) the stone fireplace listed on the survey is now a pile of bricks due to the erosion problem. Mr. Malloy stated he placed an asking price bid to purchase the property because of his concerns with disruption and movement of land during construction. He noted the drawing submitted shows parking spaces that will cut into the downward slope of the hill. This will require removal of 100 year old trees with root systems that are keeping things in place. Mr. Malloy further commented on the intersection of Main Street and Seneca Street that was reconfigured a few years ago to alleviate traffic problems and stated addition of a business in this area will create additional traffic problems. He asked that the residential zoning remain and the property be maintained as it is.

Mary England stated the property should remain residential and commented on what could locate there if it is changed to commercial and Dr. Dhafir leaves his practice.

Karl Spencer commented on the potential problems to the stability of the houses on Main Street if the parking lot is cut into the side of the hill. He further commented on drainage concerns and understood there was a creek that was buried in this area which may be a potential problem.

Mr. Vaughn stated they recognize the need to stay away from the hill and will monitor if there is any movement during construction. He further noted a variance will be needed to move the building closer to Seneca Street. The number of parking spaces is also more than necessary, so they could reduce the number and stay entirely away from the slope.

Mr. Mendola thought that any disturbance to the slope will cause a problem.

Dr. Dhafir stated not doing anything is a problem and they need to do something and do it right to solve the problem. They want to move the building away from the slope and will not touch any of the trees. He further stated he only has business hours Monday – Thursday, so he did not see any concerns with traffic. Dr. Dhafir commented that business should be encouraged to locate in West Seneca and Seneca Street is a commercial street.

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

Ayes: All

Noes: None

Motion Carried

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

WEST SENECA PLANNING BOARD
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2016-09 (continued)

Motion by Mendola, seconded by Clifford, to recommend denial of the request for a rezoning for property located at 4378 Seneca Street, being part of Lot Nos. 58 & 59, changing its classification from R-65 to C-1, for a medical office building, due to the encroachment on the hill and anticipated problems for surrounding properties.

Ayes: (5) Mr. Mendola, Mr. Clifford, Mr. Ciancio, Mr. Rathmann, Mrs. Bebak

Noes: None

Abstentions: (1) Chairman Niederpruem

Motion Carried

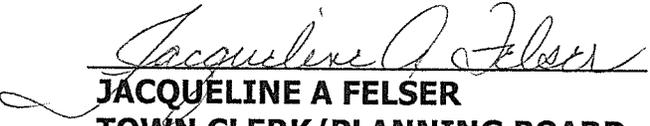
ADJOURNMENT

Motion by Rathmann, seconded by Mendola, to adjourn the meeting at 7:50 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY