

TOWN of ELMA PLANNING BOARD
1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING, NOVEMBER 20, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held Tuesday, November 20, 2007 at 8:00 p.m. in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
James Millard
Member David Baker
Member Michael Cirocco
Member Anne Fanelli
Member Gregory Merkle
Member Robert Waver

ABSENT:

Alternate Gregory Kalinowski
James Wzykiewicz, Town Engineer

OTHERS PRESENT:

Thomas Stynes, Asst. Building Inspector
Eugene Stevenson, Superintendent Water Department
Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of October 16, 2007 as amended Made by Anne Fanelli and Second by Gregory Merkle.
Ayes: 7. Nays: 0. Motion Carried.

II VELOCITEL/AT&T – Jamison Road, Elma (Town Water Tank Site)

Prior to the meeting, the EPB received specs from VelociTel for the co-location of antennas to be placed on the existing Elma Water Tank. Nobody appeared at the meeting to represent VelociTel so the item was tabled until further notice.

III GORMAN ENTERPRISES- NEW OFFICE ADDN– 691 Bullis Road

William Gorman, Owner of Gorman Enterprises and Architect James Bammel of Fontanese, Folts, Aubrecht, Ernst and Bammel, appeared before the EPB with an emergency request for Preliminary and Final Site Plan Approval.

Mr. Bammel explained: "The existing metal building is deteriorating from the inside. It was never aired and drained. It was bound to fail. They used inferior concrete. The company who did the work is no longer in business. This is a less expensive solution. Otherwise we would have to underpin the entire building. This plan will be to improve the structural integrity of the existing building. We will just have to support two columns."

The proposed addition will be 12 x 40 feet. There will be no bathroom and no new employees are being added. It will require the omission of two parking spaces but will not be jutting into the driving aisle. There will be ample room so that exiting from the door into the driveway will not be a problem. The building will be single story with a shed roof and an awning entrance. Lighting will be wall packs directed downward. The exterior will match the finish of the attached building.

Attorney Phyllis Todoro stated that Mr. Gorman has complied with all of the local laws and all variances that were required have been approved. Mr. Bammel stated that he is working with the Building Department to expedite the process.

Motion to grant Final Site Plan Approval was made by Michael Cirocco and second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

IV K&R DAY TRUCKING INC- DIESEL FUEL TANK – 840 Bullis Road

Owner Russell Day of 3246 Transit Rd, Orchard Park appeared before the EPB with a site plan indicating the proposed placement of a new underground 8,000 gallon diesel fuel storage tank. (The capacity of the old tank was 10,000 gallons.) The Town of Elma required the removal of the old tank because it was on the property line behind the building. The current regulations state a 50' setback. Mr. Day stated that he has a 75' setback on the east and 60' from the closest building.

"Although the old tank was in good condition, was still intact and never leaked," according to Mr. Day, the EPA declared that the single wall tank did not meet current regulations. The replacement tank is double walled, used and has been certified by the DEC.

Motion to recommend to the Town Board that a Special Use Permit be granted to K&R Day Trucking for the installation of an 8,000 gallon diesel fuel storage tank made by James Millard and second by David Baker.

Ayes: 7. Nays: 0. Motion Carried.

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V DOG DAY CARE – 3211 Transit Road (former Wonder Bread)

Owners Neal and Susan Gallivan presented a site plan to the EPB, requesting that it be allowed to occupy approximately 3200 square feet of vacant space in the existing building of 24,000 total square feet, to operate a business consisting of dog grooming, daytime dog sitting and retail sales of dog supplies. The name of the business would be "Puppy Loves TLC". The owners are scheduled to appear before the Town Board on November 21st to request a Business Use Permit.

To accommodate installing a small fenced-in area on the side of the building, it would be necessary to install another exterior door. Due to the fact that 7-8 parking spaces would be lost, it was suggested by Mr. Adams, owner of the building, that he would like striping to be angled instead of straight because this would give him more parking spots. Mr. Stynes said the current Building Code stipulates a parking space has to be 20' long and 9' wide. Questions were then raised regarding whether there would be ample room for two-way traffic in the driving lanes of the parking lot; or whether they would have to be one-way. Since there are already two other businesses occupying the building, there were questions as to how many parking spaces were normally used; what the hours of the operations were; whether there was a place for over-flow parking. Mr. Adams stated that the church allows them to use their lot if need be and that there is presently a berm at the back of his building which he could remove if necessary to create more parking. Currently there are 96 parking spaces.

Asked how many dogs they would have at one time, Mr. Gallivan said that it was difficult to determine but that no dogs would be kept overnight. Chairman Reid asked of Tom Stynes, Assistant Building Inspector, what the definition was for a kennel. He stated that current zoning allows for the "keeping of three dogs" before it is considered a kennel and must have a variance from the Zoning Board to operate. Attorney Todorro could not give a further interpretation of the meaning of "keeping" at this time; whether it meant on site during the day or just overnight.

Since there was no drawing to scale, it was impossible to determine exact area and specifications. Therefore the EPB determined that before any decisions could be made, the applicants would have to return and provide a site plan to scale indicating the following:

1. The number of parking spaces.
2. Driving lane between the parking spaces.
3. Markings on the pavement.

4. Contingency parking area if no new spaces are to be added now.
5. Fenced-in area indicating new exterior door.
6. Placement of any additional lighting – building or parking areas.
7. Placement and size of any new signs.

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VI FOR REVIEW & DISCUSSION – Request of David Baker

This item was tabled from last month. The EPB Members were given copies of the Elma RCP Section 5.0 – Findings & Recommendations and the Grand Island – Design & Performance Standards as distributed to the Code Review Committee (CRC). Mr. Baker stated that he felt there were areas in these design standards that could be applied to Elma. Chairman Reid explained some of the work being done by the CRC which includes design standards, and that presently while there are differences of opinion, no final decisions have been made.

VII CORRESPONDENCE

Diane Rohl included in the Agenda materials, a survey from TVGA of Elma requesting that the EPB indicate preferences in topics to be offered for the Planning and Zoning Board Training Sessions in 2008. The Members decided to turn them in at the December meeting.

VIII FYI

- EPB Meeting Schedule - 2008
- Building Inspector's Report – October 2007 (not available)
- Code Review Committee Minutes & Agenda 10/25/07
- Code Review Committee Agenda 11/14/07
- Conservation Board Minutes 10/23/07
- Town Board Minutes 10/17/07, 11/7/07

IX ADJOURN

Motion to adjourn the meeting at 10:05 PM was made by Gregory Merkle and second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried

Respectfully submitted,

Diane Rohl,
Recording Secretary