

TOWN OF ELMA PLANNING BOARD
1600 Bowen Road, Elma, New York 14059
Phone: 716-652-3260

MINUTES OF REGULAR MEETING ~ FEBRUARY 27, 2018

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, February 27, 2018 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

*Chairman Michael Cirocco
Member James Millard
Member Michael Cleary
Member Gregory Merkle
Member Charles Putzbach
Alternate Thomas Reid*

TOWN REPRESENTATIVES:

*Raymond Balcerzak, Asst. Building Inspector
Phyllis Todoro, Town Attorney
James Wzykiewicz, Town Engineer*

ABSENT:

*Member David Baker
Member Robert Waver*

I. APPROVAL OF REGULAR MEETING MINUTES ~ DECEMBER 19, 2017

Motion made by James Millard and second by Michael Cleary to approve the Minutes of the EPB Regular Meeting held on December 19, 2017. Chairman Michael Cirocco – Abstained. Motion Carried.

II. Final Site Plan Approval for Annunciation Roman Catholic Parish Campus Master Plan – Enlarged Cemetery – New Storage/Pavilion Structure located at 7580 Clinton Street

Thomas Kujawa, RA, AIA of K-Arc Design Architects and Father Gene Ulrich from Annunciation Parish introduced themselves. Mr. Kujawa provided a quick overview of the project which includes the demolition of a storage/garage building, a beer shelter building, and an open pavilion structure and the construction of a new 2415 square feet storage building and 3588 square feet open pavilion and building overhangs structure on the campus owned parcel at the South-West corner of Clinton Street and Girdle Road.

Mr. Kujawa provided updated information on the project

II. Final Site Plan Approval for Annunciation Roman Catholic Parish Campus Master Plan – Enlarged Cemetery – New Storage/Pavilion Structure located at 7580 Clinton Street (Cont.)

1. Lighting: Provided copies of the lighting study. Lighting maps now show photometrics. Lighting will be low level and will be turned off about 11pm. No lighting will be facing out or shining in neighbor's yards.
2. Septic System will be located in the SW corner helping provide a buffer between pavilion and the neighbors. They received approval from the Erie County Health Department. The size of the tank was changed from 1500-2000 gal.
3. The Deacon met with the fire Department and provided a letter from them stating they have no concerns with the project.
4. The latest plan includes details on the drainage plan and they have a letter of approval from Erie County Highway Department approving the drainage plan.
5. Final change in the location of the building show it was moved 12ft E and 6ft S. The landscaping was updated and now includes flowering fruit trees.
6. The church met with the neighbors. The neighbor to the west requested there not be a fence and that she maintained access to her property. The church agreed. They also added access between Amigone Funeral Home and the property.
7. Mr. Kujawa went over the number of parking spots on the property. There are 154 by the church, 58 by the school, 133 in the combined church and Amigone Funeral Home lot and additional 180 spots in the grass lot at the corner of Clinton and Schwartz, for a total of 525 spots.

Chairman Cirocco reviewed the items that were requested to be addressed

1. *Lighting meets requirements*
2. *Parking: estimate provided*
3. *Drainage: Drainage plans provided.*
4. *Signage: There are no plans for any signage at this time*
5. *Landscaping/Screening: Meet requirements. A letter from Elma Fire Department stating they have no concerns with the project was submitted*
6. *Concerns about access from the neighbors and request to not have a fence were met*
7. *Water Service & Septic/Sanitation: Locations of fire hydrants shown on final site plans. Letters provided from Elma Water Department, and EC Department of Health. Location of septic/sanitation on the final site plans.*

Mr. Merkle asked when the field parking would be utilized. This parking will only be used during special events and there is no requirement that all other parking be full before this parking can be used during these events.

II. Final Site Plan Approval for Annunciation Roman Catholic Parish Campus Master Plan – Enlarged Cemetery – New Storage/Pavilion Structure located at 7580 Clinton Street (Cont.)

Mr. Reid asked if there was any loss of parking spaces. Mr. Kujawa said no.

No public comments

The EPB reviewed the SEQOR. The EPB checked box #2 on the SEQOR. Tom Reid made a motion to approve the SEQOR and seconded by Michael Cleary. Yes- 6 No- 0. Motion Carried.

Chairman Mike Cirocco entertained a motion to give Final Site Plan approval. Motion made by Charles Putzbach and seconded by James Millard. Yes – 6 No – 0. Motion Carried.

III. Site Plan Review for New Build Pre-Engineered Building for Moog located at 5990 Seneca Street

Bo Tucker introduced himself. He described his proposed plan to build a 60' x 174' pre-engineered building to be located at 5990 Seneca St. the building will have 1440 sq. feet of office space and 7560 sq. feet of workshop space. (9,000 total sq. feet). It will be used by MOOG for office and computer design. The front office will be a special terra cotta material and the rest will be split face block.

This building will be located at 5990 Seneca St, on a separate 114x333 plot that was split from property that was 17.4 acres and had been previously split to plots for 5970 and 5980.

Chairman Cirocco asked that a floor plan and more details for the office. He also asked Phyllis Todoro, Town Attorney if splitting property to separate buildable lots is allowed. She said there is nothing that says it can't be done. He also asked for more plans on drainage and lighting as well as plans for future phases of planning for the entire property.

The EPB will now review the checklist for Site Plan Review.

Approval for Preliminary Business Use Permit

Submit Application for Use Permit-Special Use permit 144.85(B)

Copy of SEQOR

Zoning is C-2

Stamped Survey has been provided

Property details provided

Engineered blueprints provided

Intended Use for new building

Lighting: Details for building exterior and parking lot provided

Parking lot: Location sidewalks, approval letter for curb cuts, need to show plans for parking on plans, need a total of 15

III. Site Plan Review for New Build Pre-Engineered Building for Moog located at 5990 Seneca Street (Cont.)

Drainage: Need plans, must include plans for entire property and be reviewed by town engineer

Water Department: hydrants shown on the plans

Signage: No signage planned

Landscaping: Need a guarantee on the landscaping

Charles Putzbach asked about bathrooms in the building. There will be 2 unisex bathrooms. This needs to be put on plans.

Charles Putzbach asked what the plans are for the property behind this lot. There are no plans for this property at this time.

Jim Millard asked about the size of the lots. This and future lots will be 114' each.

There was discussion about where the driveway will be and if it will be shared with a future lot. Each 2 lots will have the driveways next to each other forming a common shared drive way.

Tom Reid asked about what material the driveway will be. It will be paved.

Michael Cleary asked about the outside building material and the color of the roof. It will have charcoal gray siding, with an ash gray steel roof. The front office will be terra cotta color with decorative block.

Michael Cleary asked about the design and plans for future buildings. There is no plan to have future building look the same.

Discussion about the windows. There are 5 windows. Windows are slightly less the code which is 25%. They are at 21%.

There will be 1 large garage door on back

Need to Provide:

1. *Parking: need to show on plans and need a total of at least 15 spots,*
2. *Need a guarantee on landscaping*
3. *Need drainage plan for both this lot and entire property*
4. *Need special use permit 144.85(b)*

IV. Site Plan Review for New Building (60' x 114') located at 6091 Seneca Street

Todd Huber introduced himself and described his plan to build a 60' x 114' conventional building. It will be located 1600 ft. from Seneca St and will share a driveway with 3 other buildings on the property. The building will be used for his business, Building Solutions. It will have a 1200 square foot office in the middle and will be used to store trucks and equipment.

It will be built on a dirt area where equipment is currently parked. Employee parking will be by the front entrance. Outside equipment will be parked on the west side away from neighboring residential area.

IV. Site Plan Review for New Building (60' x 114') located at 6091 Seneca Street (Cont.)

Chairman Cirocco asked about a town variance to store heavy equipment. The property currently has a special use permit for this.

Charles Putzbach asked about the number of vehicles that will be parked in side. There will be more indoor parking than in the present building.

The EPB reviewed the checklist for Site Plan Review.

Stamped Survey provided

Property details with layout provided

Engineered blueprints provided, exterior finish and colors are on the plan, and materials identified

Intended Use for new building provided

Lighting: Details for building exterior provided

Parking lot: a total of 22 spots, meet code requirements, there are no curb cuts or change to traffic pattern

Drainage plan provided, no problems

Water Department: location of fire hydrants and letter from Elma Water Department provided

Tying into existing septic system. Have applied to the Eris County Health Department

Signage: will be a lite sign on the building but will not be seen from the road

Landscaping: not required

SEQR provided

The EPB reviewed the SEQR. The EPB checked box #2 on the SEQR. Jim Millard made a motion to approve the SEQR and seconded by Greg Merkle. Yes- 6 No- 0. Motion Carried.

Chairman Mike Cirocco entertained a motion to give Final Site Plan approval contingent on receiving the letter from Erie County Health department. Motion made by Jim Millard and seconded by Greg Merkle. Yes – 6 No – 0. Motion Carried.

V. Site Plan Review for Finnegan Drive 5+ Acre Parcels (Open Space Development ~ Elma Town Code §100-2)

William Tuyn, from Forbes Capretto Homes introduced himself. He gave the backstory to the currant proposed project.

Forbes Capretto Homes had originally had a contact with Nick Capozzi to build a sub division on property on Bullis Rd that was previously the location of Camp Centerland. They received deposits from potential customers to build new homes on this land. The land however was sold to another buyer so they had to look for new land to build these homes. They purchased 20.1 acres from George Grasser on Finnegan Dr.

V. Site Plan Review for Finnegan Drive 5+ Acre Parcels (Open Space Development ~ Elma Town Code §100-2) (Cont.)

Mr. Tuyn described the new project on Finnegan Dr which is to split the 20+ acres into 4 buildable lots, each lot having 198 ft. of frontage and each lot being 5 acres. He described the state code requirements for splitting property as well as the requirements in the Town of Elma. The Town of Elma requires approval from the Elma Planning Board before it can be brought to the Elma Town Board because the lots are 5 acres.

The current plan is to build a single-family home on each of the first 3 lots and wait on building on the 4th lot.

Chairman Cirocco asked about the drainage and wetlands on the property. James Wyzykiewicz, Town Engineer spoke about the wetlands and the Wetland Litigation Map that was done in 2015. He spoke that the wetlands on the property on lot 4 are State Wetlands and Federal Jurisdictional Areas (Wetlands).

He discussed what this means and how it limits what can be done on and to this land. There is a fine to make any disturbance of these areas. He also spoke of the current drainage problems in that area of the town including flooding problems on Hessland Court and Bridle Ln. He recommended that a drainage district be formed before any new construction took place in the area.

Mr. Tuyn that he knew some decisions would have to be made regarding lot 4 before they could build on it. There are no plans to build on this lot at this time. He mentioned that there would be less than 1 acre of disturbance on each of the 3 lots on a total of 20 acres of property. He provided a drainage plan for the area and spoke of his observation of the drainage currently. The drainage plan stated that the increase in run off would be minimal in the area.

Tom Reid asked the town engineer what a drainage district would do and what protection a drainage district provide. Mr. Wyzykiewicz explained that this is the only section of Elma that has bad flooding problems. The drainage plan provided does show that the disturbance from building 3 homes on the property would be minimal. However, if the owners decided to build more in the future that the impact could change and impact flooding of neighboring properties. The drainage district would give the town the ability to prevent future construction. He also described the current drainage problems in the area.

James Millard asked Mr. Tuyn if his company had given any consideration to just making 3 lots instead of 4. He replied that thought that make give a little more frontage that it would be hard to give the 198 ft. to each and that they were willing to just hold onto the 4th lot until the road was improved.

James Millard questioned what the code minimum for road frontage is. The zoning code is 100 feet.

V. Site Plan Review for Finnegan Drive 5+ Acre Parcels (Open Space Development ~ Elma Town Code §100-2) (Cont.)

James Millard asked Phyllis Todoro, Town Attorney, about what was needed to be considered road frontage. There was discussion about whether or not an unimproved road counted as frontage. Looked at code 100-1 and 100-3.

Tom Reid asked Phyllis Todoro, Town Attorney, who owns the property if the road were to be extended. The property is owned by the Town of Elma. It is an unimproved roadway that is known as a “paper street” and is a public right away.

There was discussion about what the road frontage is for other properties on Finnegan Dr

James Millard read Code 144.129 which states that no building permit on a lot that does not have the required amount of frontage be accepted by the town.

Public Comments:

Mary Beth spoke that she and her husband are looking to build their first home on lot 3

Sue Fencer spoke that she and her daughter are looking to build on lot 1

Cynthia Raden of 105 Hessland Ct spoke about the drainage problems and flooding in her back yard

Michael Osinski of 167 Hessland Ct spoke about his concern that the project would result in more water in his backyard. Also had concerns that building a retaining pond would increase mosquito breeding.

Robert Tharnish of 2120 Finnegan Dr spoke about the drainage problems in the area and concerns about the land being clay. He also was concerned about increased traffic in the area if Finnegan Dr were to be extended to Hessland Ct. He also had concerns about there being more than 3 single family homes build on the property.

Laura Pyszczyk of 55 Hessland Ct had concerns that the project would cause an increase in flooding of her yard which already has erosion problems due to running water

Board member Tom Reid asked James Wzykiewicz, Town Engineer what the net effect on flooding would be from water leaving the property that the 3 homes would be built on. He stated there would be an insignificant increase in the amount of water.

Board member Tom Reid asked James Wzykiewicz, Town Engineer if something can be done on lot 4 to help retain the water. He replied no because the wetlands cannot be disturbed.

V. Site Plan Review for Finnegan Drive 5+ Acre Parcels (Open Space Development ~ Elma Town Code §100-2) (Cont.)

Marlene Baumgartner of Hessland Ct had concerns about there being an increase of water in her back yard. She also had concerns about an increase in traffic if Finnegan Dr was to be extended. She also mentioned concerns about the effect the project would have on the wildlife in the area.

Jim spoke and asked that archeological considerations be given to any development as this was once Seneca Nation Land.

Chairman Cirocco spoke about the obligations of the Elma planning board. They do not diminish the fact that those who live in the area have drainage problems. They have to consider if building these new homes would impact that. They should also consider that the land is privately owned and the owner has the right to build on it if they meet the requirements of the town. They must consider the opportunity of the land owner to develop the land and take every action and step to ensure that this development does not impact the neighboring area. It sounds like it will not, but there is no guarantee. The steps taken may or may not prevent an impact. The town can't take future action to prevent flooding because of the wetland.

Board member Tom Reid asked James Wyzykiewicz, Town Engineer if he would deem the impact on land downstream as inconsequential or significant. Mr. Wyzykiewicz said it would be insignificant because there is already a lot of water going through the area. But that additional development beyond the 3 houses could change that. A drainage district is needed to protect against any such further development. The impact of just the 3 houses would be small.

Board member Tom Reid asked James Wyzykiewicz, Town Engineer what would happen to the existing neighbors if something does happen (that increases flooding problems). He stated that they have no recourse right now but if a drainage district was formed they would have to consult that drainage district. This drainage district would also have to be consulted before the property owners would be allowed to further develop the land in the future. The town currently cannot make improvements to mitigate the flooding because of the existing wetlands.

Mr. Tuyn reiterated that they are not looking to build a subdivision on the property, only to create 4 buildable lots, with single family homes on the first 3 lots, leaving the 4th lot vacant at this time.

James Millard asked for clarification in the interpretation of the code regarding road frontage. Chairman Cirocco stated his interpretation is that the road would need to be extended in order for all 4 lots to have the required 100 feet of road frontage.

V. Site Plan Review for Finnegan Drive 5+ Acre Parcels (Open Space Development ~ Elma Town Code §100-2) (Cont.)

The Elma Planning board is not the lead agency for this project. They are only making a recommendation to the Town Board.

A motion was made by Jim Millard to recommend that the board not approve the site plan proposal due to lack of frontage for 2 of the 4 proposed lots. The motion was seconded by Thomas Reid. Yes – 6 No – 0. Motion Carried.

VI. Final Site Plan Approval for New Restaurant (RT 16 Chicken Shack & Brew Yard) and Custom Apparel (East Coast Customs) located at 6272 Seneca Street

Todd Huber presented some changes to the site plan that was previously approved for property at 6272 Seneca St. That site plan included the building to be used for 1 business and 4 apartments. The new plan has 2 businesses and 3 apartments. The number of seats for the restaurant was increased to seat 90 people. Changes include plans to increase the parking area by 38 parking spaces.

James Millard asked about the location of the entrances. There have been no changes in the entrance from the original plan. The 2nd story apartment will enter through the front facing Seneca St. There is also an emergency exit for the 2nd floor for the restaurant through an upper deck and stairs.

The square footage for the business are 24x50 for the Chicken Shack Restaurant covering 2 stories and 950 sq. ft. for the apparel business.

Thomas Reid asked about the number of seats in the restaurant. There will be seating for 90 people.

The EPB reviewed the number of required parking for the businesses and apartments and determined that the 49 spaces meet the requirements.

Chairman Cirocco asked about the location of any dumpsters. There are no plans for a dumpster on the property at this time.

Chairman Cirocco asked if there are any plans for the restaurant to host any outdoor events. Mr. Huber said there are not.

Chairman Cirocco asked about plans to put any curbs in the parking lot by the upper deck. Mr. Huber is working on exact plans for these.