

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

MINUTES OF REGULAR MEETING ~ November 20, 2018

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, November 20, 2018 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

*Chairman Michael Cirocco
Member Michael Cleary
Member David Baker
Member James Millard
Member Robert Waver*

TOWN REPRESENTATIVES:

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

ABSENT:

*Member Gregory Merkle
Member Charles Putzbach
Alternate Thomas Reid*

I. Approval of Regular Meeting Minutes ~ October 16, 2018

Motion made by James Millard and second by Robert Waver to approve the Minutes of the EPB Regular Meeting held on October 16, 2018. Motion Carried.

II. Correspondence/Follow up - New Commercial Building @ 5990 Seneca St

Contact: Bo Tucker

Mr. Tucker provided the EPB with pictures of the planting that was done at Buildings "A" & "B" as requested at the October 16 meeting. He also provided a copy of a guarantee for the plantings at 5990 Seneca St

III. Site Plan Review for 3500 Sq. Ft. Commercial Building @ 5880 Seneca St.

Contact: Bo Tucker

Mr. Tucker presented his plan to build a 50' x 70' pole barn.

Chairman Cirocco and Mr. Baker asked about existing buildings on the lots adjacent to 5880 Seneca St. There is a barbershop to the west side and the property to the east is a private residence.

Mr. Millard asked if the residence was the one with the "chalet building". Mr. Tucker said yes, there was a small chalet building on the property at 5900 Seneca St. This empty building was built in the 1970's but never

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(Cont.) Contact: Bo Tucker

received occupancy and has remained vacant. Chairman Cirocco asked Mr. Tucker if he had already cleared some of the trees. Mr. Tucker said yes, he had removed some brush and shrubs. The board discussed providing as much screening as possible to screen the residence from the proposed parking lot. They would like to see this done with any existing trees and additional pine trees. Chairman Cirocco suggested moving the trees on the plan closer to the front of the property and adding more. Mr. Tucker agreed to add more pine trees to the East lot line to increase the screening.

Mr. Millard stated the parking appears to be right near the chalet building on the adjacent property. The EPB expressed concerns about car lights shining in the residence. It was discussed to move the parking away from the lot line and providing more screening as discussed above. Mr. Tucker agreed to move the parking at least 10 feet from the property line.

EPB reviewed the checklist:

Documentation- no use permit filed at this time, building will be rented out.

Zoning – Commercial c-2

Site & Building Details -Plans provided

Lighting –Mr. Waver asked what lighting there will be. There will be wall packs on the building. Chairman Cirocco stated they need to have shields and be down lite and minimum wattage. Mr. Millard asked what “Dark Sky Compliant” means as per on the plans.

Parking – the EPB determined there would need to be 12 parking spaces based on 1 space per 300 sq. ft. The EPB would prefer not to have all the parking along the east lot line. Chairman Cirocco made changes to the plan as directed by the board. A letter form Erie County Highway Department was provided

Drainage – Town Engineer, James Wzykiewicz reviewed and had no issues

Signage – No signage

Landscaping - Needs screening on the side with the residence. Changes were made to the plans to show 2 staggered rows of pine trees, a warranty on the landscaping was provided

Water Service & Septic – a letter of approval from the Elma Water Department was provided, a letter from Erie County Health Department was provided

Fire Department – A new letter from the fire department was provided

The EPB reviewed the SEQR. A motion was made to approve the SEQR by Robert Waver and second by Michael Cleary. Motion Carried.

A motion was made by Michael Cleary to give final site plan approval for the proposed commercial building at 5880 Seneca St. based on the changes made to the plan by the chairman at the direction of the board. The plan was altered to show a change in the screening on the east side of the property to be approximately 10, 10-12-foot pine trees, staggered to increase the density of the screening from the adjacent property. The plan was also changed to show moving the parking area at least 10 feet from the property line and adding an additional 4 parking spaces to create a total of 12 spots. Motion was seconded by Robert Waver. Yes-4 No-1 (David Baker). Motion Carried.

IV. Preliminary Site Plan Review for Construction Company Offices and New Pole Barn at 6771 Seneca St

Contact- Derek Acker, Straight Line General Contractor, Inc.

Mr. Derek Acker presented his plan to turn the current house at 6771 Seneca St in to offices for Straight Line General Contractors and to add a pole barn behind the house for cold storage.

Chairman Cirocco asked what the purpose of the pole barn was. Mr. Acker stated it was to store equipment such as scaffoldings, ladders and vehicles.

Mr. Waver asked if the house was abandon. Mr. Acker said it was sold in foreclosure and he purchased it form the new owner.

Chairman Cirocco asked what the property was zoned. Mr. Acker said it was C-2

Mr. Baker asked what the significance of 300 ft was. Mr. Acker explained that due to the zoning of the property the pole barn cannot be more than 300 feet back.

Chairman Cirocco asked what materials and colors he planned to use for the pole barn. Mr. Acker said he had not picked anything yet as he was open to any suggestion or direction from the board.

Mr. Millard asked about the location of the driveway on the plan. Mr. Acker showed they are moving the driveway over to accommodate parking and adding an additional driveway with a horseshoe around the current trees. This would create 2 ways to ingress and egress. He was asked to show these changes on the plan.

Mr. Baker asked if there would be any changes made to the house. Mr. Acker said yes, they are adding a ramp on the front to make it compliant and adding 14 feet to the north side of the building.

EPB reviewed the checklist:

Documentation- attending Town Board meeting on 11-21-18 for business use permit

Zoning – C-2

Site & Building Details – asked to provide an aerial view showing property and adjacent properties

Lighting – need to show lighting details on the plan, including type of lighting and wattage. Asked to keep lighting down lite and to a minimum.

Parking – Chairman Cirocco asked if the parking will be paved. Mr. Acker said no it will be stoned. Asked to define the ingress & egress on the plans. Need to contact highway to get curb cuts. Mr. Acker said there is no curb to cut but he will define the driveways.

Drainage – Town Engineer, James Wyzykiewicz stated this was the first time he was seeing the plans but that the disturbance was less than an acre so there should not be any issues. Mr. Acker stated that he had spoken to the neighbor about drainage issues and that they will be using the topsoil they move to create a berm to deflect water to the culvert and away from the neighbor's property. They will also be adding a line of trees to create some fencing for screening along the property line. Needs engineered drawings for drainage and elevations.

Signage – No signage on the building, only at the road. Advised applicate to check with the building department about codes on size and lighting. Need to show on the plans.

Landscaping - Mr. Millard asked if there will be a dumpster. Mr. Acker said they may add one on the east side of the pole barn. He was advised that it will need to be put on the plans and have a fence around it. Also need to show plans for any landscaping.

V. **Preliminary Site Plan Review for Construction Company Offices and New Pole Barn at 6771 Seneca St**

Contact- Derek Acker, Straight Line General Contractor, Inc.

Water Service & Septic -Chairman Cirocco asked if they would be using the existing septic. Mr. Acker explained they are working on getting the water turned on and getting the boiler tested. Repairs are being made to the building, so they can complete this. Needs letters from the Elma Water Department and Erie County Department of health.

Fire Department- Needs letter from the fire department!

Mr. Baker suggested the applicant get a copy of Design and Performance Guidelines from the building department. He showed a picture of what the EPB does not want as far as the pole barn. The side that faces the street needs to be "dressed up". Applicant also needs to check the code for window requirements for steel buildings

A motion was made by Chairman Cirocco to give preliminary site plan approval. Motion was seconded by James Millard. Yes-5 No-0. Motion Carried.

VI. **Revised Site Plan Review for New Restaurant (RT 16 Chicken Shack & Brew Yard) at 6272 Seneca Street for new parking plan**

Contact- Todd Huber

Mr. Todd Huber presented a revised plan for the parking configuration for 6272 Seneca St which will house a new restaurant, an apartment and an additional business. He mentioned that changes were made to the size and location of the septic system, in order to receive approval from Erie County Department of Health. These changes then required changes to be made to the parking configuration. The new parking plan has 7 less spots than the original plan. He described the parking as follows- spots for the 2 apartments in the "white building", 1 spot for the 2nd floor apartment, 29 spots for the restaurant (based on 72 seats) 5 spaces for the 2nd business in the building and 1 spot for the resident of 6260 Seneca St.- total of 38 required. The plan has 41 spaces.

Chairman Cirocco questioned the number of seats, stating the original plan had 92 seats. Mr. Huber stated they had changed to only have 72. Mr. Cleary asked the reason for the change from 92-72 seats. Mr. Huber stated there was a change to the design of the interior of the building in keeping with the integrity and authenticity of the building.

Chairman Cirocco stated he had 2 concerns. His first concern was there needed to be an amendment to the business use plan reflexing the change in the number of seats from 92-72. He would like to recommend that the Elma Town Board amend the business use plan to state there will not be more than 72 seats in the restaurant. Mr. Millard asked if there was an outside patio. Mr. Huber said there was. Phyllis Todoro asked if the 72 seats include that outside seating. It was stated that there are 14 seats on the patio and 58 inside for the total of 72. Mr. Millard asked how many employees there would be. Mr. Huber stated there would be about 4-5 employees and that

VII. Revised Site Plan Review for New Restaurant (RT 16 Chicken Shack & Brew Yard) at 6272 Seneca Street for new parking plan

Contact- Todd Huber

most of the food would be prepped down the street and brought to this location. Mr. Millard asked about employee parking. Mr. Huber mentioned they would be encouraging employees to park behind the business at 6300 Seneca St and not parking on the street.

Chairman Cirocco stated his second concern was a letter received from the law office of Bennett, Difilippo & Kurtzhaltz, LLP regarding parking on property at 6260 Seneca St. Mr. Huber presented a letter from his attorney about this matter. He stated there was no validity to the claim from the neighbor, and that he had title insurance. There was much discussion about the legality to Mr. Huber's right to have parking on property at 6260 Seneca St. and what would happen if he lost access to those parking spots that the site plan is based on. Town attorney, Phyllis Todoro stated he would have to come back before the EPB.

Chairman Cirocco brought up another concern, which is how to discourage parking on Seneca St. Mr. Huber described having a gate in the front of the building that limited the space out front in an attempt to hinder parking in the front.

Chairman Cirocco asked about the steel bollards on the plan by the back parking. Mr. Huber explained the steel was in the ground to hold up the bank and there are boulders along the back area. Chairman Cirocco asked if, other than the boulders, there was anything else preventing someone from walking off the edge of the bank. Mr. Huber said no. Mr. Baker asked about there being boulders in the front of the building. Mr. Huber said there were boulders in the front.

There was some discussion about the safety issue with the bank behind the parking area. It was stated that the liability if someone were to get hurt would be on the property owner. Mr. Huber did mention possibly putting something up in the spring along that bank.

Chairman Cirocco asked assistant building inspector, Raymond Balcerzak, about parking on the septic tanks. Mr. Balcerzak said the tanks were designed to go under parking.

Mr. Millard asked Mr. Huber if the spaces behind 6300 Seneca St had more room between the spaces and the bank. Mr. Huber stated yes, they were different than the spaces behind 6272. Mr. Millard also asked if there are extra parking spaces at 6300 Seneca. Mr. Huber said there was plenty of unused spaces in that lot.

Chairman Cirocco referenced code 144-44c about parking in a neighboring lot. The code allows for a property owner to lease adjacent land for additional parking. Since Mr. Huber owns the property at 6300 Seneca St. it should not be a problem to use the parking here if needed. There is a driveway connecting the 2 parking areas. Mr. Huber said there is also a walkway in the front to provide pedestrian access to 6272.

A motion was made by James Millard to give final site plan approval for the revised plan presented based on the 41 parking spaces provided, with 38 being required, based on 72 seats in the restaurant. Motion was seconded by Michael Cleary. Yes-5 No-0. Motion Carried.

VI. Other Business

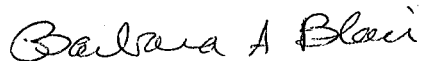
Chairman Cirocco motioned to send a letter to the Elma Town Board recommending that they amend the business use permit for 6272 Seneca St. to limit the seating of the restaurant to 72 seats including both indoor and outdoor seating. Motion seconded by Mr. Cleary. Yes-5 No-0. Motion Carried.

Chairman Cirocco mentioned that he had received an informational packet about a new powerline project with a station on Stolle Rd. He will reach out and get a copy for the rest of the board.

VII. Adjourn

Motion to adjourn at 9:10pm by unanimous consent.

Respectfully submitted,



Barbara Blair

Elma Planning Board Secretary