

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

**MINUTES OF REGULAR MEETING ~ October 19, 2021**

*The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, October 19, 2021, at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.*

**PRESENT:**

*Chairman Michael Cirocco  
Member David Baker  
Member Michael Cleary  
Member Gregory Merkle  
Member James Millard  
Member Robert Waver  
Member Charles Putzbach  
Alternate Thomas Reid*

**TOWN REPRESENTATIVES:**

*Rosemary Bapst, Asst. Town Attorney  
James Wzykiewicz, Town Engineer  
Raymond Balcerzak, Asst Building Inspector*

**ABSENT:**

**I. Approval of Regular Meeting Minutes from September 21, 2021**

*Mr. Putzbach motioned to approve the Minutes of the EPB Regular Meeting held on September 21, 2021. Mr. Millard 2<sup>nd</sup> the motion. Motion approved.*

**II. Planning Board Review for co-location of new antennas @ 6629 Clinton St Applicant- Dish Wireless**

Brett Morgan was there representing Dish Wireless to present a plan to co-locate 3 antennas a 150' tower located at 6629 Clinton St. 3 new antennas will be installed at 135'. Verizon has antennas located at the top of the tower. Mr. Morgan handed the EPB updated plans to correct an error on the original plans submitted. There are 3 wireless antennas, 6 remote radio heads (RRH) and an OBP box. There will be a 5' x 7' equipment platform at the base of the tower with 1 radio cabinet, 1 power cabinet and 1 fiber optic cabinet. There is not a generator on the plan. A mobile generator will be brought in if one is ever needed. The tower was built to accommodate co-location. Mr. Morgan discussed how the tower is designed with a fall zone of 75 feet. The only lighting is motion activated lights at the base for the technicians to see in case of emergency. Mr. Putzbach asked who owns the tower. Mr. Morgan stated it was owned by SBA which is a national tower company. Mr. Putzbach asked what the coverage area is. Mr. Morgan explained that it depends on the installation. Mr. Morgan talked about Dish Wireless being the 4<sup>th</sup> national wireless carrier. Mr. Baker asked what the difference was between the 2 reports provided. One is a structural analyze and the other is the mount analyze. Chairman Cirocco summarized, stating the tower was built for co-location, the studies show that it meets the engineering specs and there are no changes to the site plan.

**II. Planning Board Review for co-location of new antennas @ 6629 Clinton St Applicant- Dish Wireless (Continued)**

*Chairman Cirocco motioned to identify that the Elma Planning Board does not have any concerns regarding this project and the short form SEQR. Mr. Millard seconded. Yes-7 No-0. Motion Carried.*

*Mr. Millard motioned to give site plan approval for the proposed changes with additional equipment added as per the plan presented. Mr. Waver seconded. Yes-7 No-0. Motion Carried.*

*Mr. Cirocco motioned that the Elma Planning Board recommend that the Elma Town Board grant co-location on the tower at 6629 Clinton St. Mr. Cleary seconded. Yes-7 No-0. Motion Carried.*

**III. Site Plan Review for a 24' x 40' dry storage building for Building Solutions @ 6091 Seneca St Applicant: Todd Huber**

Applicant asked if they could skip this agenda item and move to the next one. The EPB agreed.

**IV. Site Plan Review for renovating the building @ 6150 Seneca St. Applicant: Todd Huber**

Mr. Todd Huber presented his plans to renovate a building located at 6150 Seneca St in Elma. This building is known as and referred to as "The Merri-Mart". Renderings of the proposed changes to the building were shown to the EPB. Plans with some changes from the previous proposal were submitted. Mr. Huber spoke that he acquired the Merri Mart property to give a face lift to a pivotal landmark in Spring brook. His plan is to emulate the architecture and keep the look and feel of the area. A lighting plan was provided and shown to the EPB. Mr. Huber spoke of the parking and driveway plans. He would like to make the driveway conducive for the businesses in the building. The planned parking in the rear of the building will be for the post office and upstairs tenants. The entrance for the 2 upstairs apartments will be moved to the rear of the building. The rest of the parking is part of the long-term design for the this and the neighboring property. The small garage on the property will be moved onto the adjoining parcel to help open space for more parking. The septic system that in on the property was updated a few years ago and will stay intact. A new driveway will be put in that will go along the backside of the building and discharge into the parking lot.

Mr. Millard asked about the "proposed septic system" that is shown on the plans. Mr. Huber explained that was part of a previous plan for the adjoining parcel and that is not located on this property. Mr. Huber clarified for the board the lot lines of this parcel and the location of the current septic. There is no new septic system proposed on this property. The proposed septic system shown on the plans was crossed off and initialed by Mr. Huber.

**IV. Site Plan Review for renovating the building @ 6150 Seneca St. (Continued)**

***Applicant: Todd Huber***

Chairman Cirocco mentioned that they had been given a copy of an email the building department received from the Erie County Health Department expressing concerns about the current septic system being paved over. This email included a copy of the septic system plan that the Erie County Health Department has on file from 2017 for this property. Mr. Huber commented that there are “traffic tanks” that can be paved over. He stated that they are not proposing the drive over the septic tanks. Mr. Cirocco stated that it would be helpful to see where the actual sand filter is on the plans, as it only shows “septic Lids” and a “septic system area”. Mr. Huber commented that more detail would have to be derived from “as built” plans which he does not have. Mr. Huber stated that this is a remodel, there is no new buildings or structures or a new business plan. He is keeping everything exactly in the way it was designed. He is not expanding anything or changing the business plan. He is keeping it the way it is.

Chairman Cirocco stated that the main impact and change to the site is the parking. Mr. Huber agreed and stated that the changes to the parking and elevation are a betterment.

Chairman Cirocco’s next question was about the plan to bring in fill, referencing code section 77-1 B(1). Mr. Huber stated that he was planning to bring in fill but did not need a fill permit. He stated “ I have delineated the topography on these prints and the planning board has the approval. If the planning board decides to approve what is submitted, then I am bond to what is submitted to be done”. Ray Balcerzak read the code the chairman referenced. It says if an applicant is seeking final site plan approval the Elma Planning Board must have a stamped drainage plan with site plan approval. The exemptions for a fill permit are when the applicant provides a stamped drainage plan. Town engineer Jim Wyzykiewicz did speak that he had seen the plans with the additional parking and elevation change.

Chairman Cirocco stated that the main change to the plan from last month to this plan was the parking that now goes across the lot line. Chairman Cirocco asked Mr. Huber why the additional 12 spaces that cross the lot lines are needed if there are spots in front, along the side and in the rear of the building and the use is remaining the same. Mr. Huber stated they were trying to address the parking issues created by the mail truck and create a safer environment by bringing people off Seneca Street. The spots in the back will be for employees. There are only about 4 spots on what is not currently paved. Mr. Millard asked if there will be striping. Chairman Cirocco addressed the town code requiring setbacks for parking. There are 43 spaces on the parcel. Mr. Huber agreed to have the 5 spaces which are on the adjacent property crossed off on the plan.

The next question addressed by the board was about having a dumpster on the property. Chairman Cirocco stated that a dumpster and grease trap will need to be shown on the plans since the use includes a restaurant. Ray Balcerzak recommended a dumpster be on the property since it is zoned commercial, and they are not able to take the trash to the transfer station. Mr. Huber showed the plans to include a grease trap to be on the property already and will remain in the same place. He does not want to have the dumpster where it currently is on the property, so it is shown on the plans on the adjacent parcel.

**IV. Site Plan Review for renovating the building @ 6150 Seneca St. (Continued)**

***Applicant: Todd Huber***

Chairman Cirocco referenced code section 144-79 D(3) concerning landscaping. It states that a minimum of 10% of an area devoted to parking of 10 or more vehicles shall consist of landscaping. Mr. Huber expressed that there is not currently any landscaping there and that he is not going to add any more landscaping.

Mr. Baker asked if there will still be parking in the front of the building or just the mail trucks. Mr. Huber explained that he is still working that out with the post office who still need to sign their lease with him.

The EPB discussed the parking requirements for the apartments in the building. The plans presented meets the requirements for the planned apartments.

An audience member asked if he would be allowed to say anything. Chairman Cirocco told him they are not taking any comments tonight as they would not be taking any action or voting tonight.

*EPB reviewed the checklist:*

*Zoning:* Commercial Zoning, Multi-Family Dwelling

*Documentation:*

*Site & Building Details:* all items checked.

*Lighting:* They will be no additional lighting in the parking lot

*Parking:* Parking design revised on current plan. Spaces crossed off on the plan.

*Drainage:* Need approval from town engineer

*Signage:* no new signage on the plans. Any new signage would need to go through the building department. Mr. Huber said they are keeping the existing sign.

*Landscaping:* See below for comments about landscaping. Discussed dumpster location- needs a legal agreement from the adjacent property owner giving permission to have it located there.

*Water Service & Septic System:* Need approval letter from the Erie County Health Department.

*Fire Department:* No fire hydrants on plan. Need letter from fire company.

Chairman Cirocco commented that landscaping is a concern for him based on the code previously mentioned. He recommended showing some landscaping on the plan. He explained his reason is that with the site changing, the town process is an opportunity to improve the site and apply current codes to the site. He stated that just because something as been done for 50 years does not make it right or up to current codes. He believes that Mr. Hubers plans greatly improve this property but that they still must follow the process.

There was much discussion about requiring landscaping to an existing building.

Chairman Cirocco mentioned that he is not comfortable with voting on the plan submitted as there had been some changes made to it and they can't give final site plan approval if it is going to change. The plan they have tonight in not a plan that can be stamped because it is not the final site plan. Mr. Huber commented that he was he seeking final site plan approval.

**IV. Site Plan Review for renovating the building @ 6150 Seneca St. (Continued)**

***Applicant: Todd Huber***

Chairman summarized the main items discussed by the EPB tonight as being the traffic pattern and proposed changes to the site plan with notes made on the plans. The plan they have tonight cannot be stamped because it is not the final site plan. Another requirement would be getting approval from the Erie County Health Department.

There was discussion about getting approval from the Erie County Health Department.

Mr. Huber asked the town engineer if there was anything he sees that would affect the drainage. Mr. Wyzykiewicz stated he would have to look at the plans before he could answer that. He stated that this could be a contingency if needed.

Chairman Cirocco stated that the plans proposed meet the requirements from the checklist except the noted changes to parking and need several approvals including the Erie County Health Department, drainage, and fire department.

There was discussion about the location of the trash enclosure. The applicant was asked to provide an easement from the property owner for it to be located there.

*The EPB reviewed the SEQOR. Item numbers 5b, 8b, 8c, 12b, 13b and 17b were not answered by the applicant. Chairman Cirocco checked the appropriate boxes, and the applicant initialed the changes. James Millard made a motion to check box #2 on the SEQOR, motion was seconded by Robert Waver Yes-6 No-0. Mr. Baker abstained Motion Carried.*

*A motion was made by Robert Waver and Seconded by James Millard to give final site plan approval for the plans at 6150 Seneca St noting there were changes made to the site plan presented that were initialed by the applicant. These changes included removing a proposed septic system on the adjacent property and removing parking spaces from the adjacent property. Approval is contingent on receiving legal paperwork regarding the trash enclosure, and getting approval from the town engineer, the Erie County Health Department, and the local fire department. Yes-6 No-0 Mr. Baker abstained Motion Carried.*

**V. Site Plan Review for a 24' x 40' dry storage building for Building Solutions @ 6091 Seneca St**  
***Applicant: Todd Huber***

Mr. Huber asked the board for a continuance for this agenda item until next month. The EPB agreed

**VII. Adjourn Motion to adjourn at 8:35pm by unanimous consent.**

*Respectfully submitted,*

*Barbara Blair  
Elma Planning Board Secretary*

