

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

MINUTES OF REGULAR MEETING ~ October 15, 2019

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, October 15, 2019 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

*Chairman Michael Cirocco
Member David Baker (Left at 8:16pm)
Member Gregory Merkle
Member James Millard
Member Charles Putzbach
Member Robert Waver*

ABSENT:

*Member Michael Cleary
Alternate Thomas Reid*

TOWN REPRESENTATIVES:

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

I. Approval of Regular Meeting Minutes from September 17, 2019

Motion made by Gregory Merkle and second by Robert Waver to approve the Minutes of the EPB Regular Meeting held on September 17, 2019.

II. Site Plan Approval for parking of new and used cars @ 555 Pound Rd

Contact: Mark Subjeck

Mr. Mark Subjeck and Mr. Todd Huber from Building Solutions spoke about a plan to park cars at 555 Pound Rd.

Mr. Huber mentioned that the buildings on the property have not had any improvements made to them in a long time, so an exterior facade was put on the buildings. They have also cleaned up the parking area. They have also spoken with the fire company and the water department. Both have provided letters that they approve of the plans presented.

Mr. Subjeck spoke about a request from the fire company to put in a new fire hydrant to provide better fire protection for the very back buildings. This hydrant will be on the north side of the entrance in the right of way. The property owner will pay for the installation and the Elma Water Department has agreed to take over the hydrant once it is installed. Mr. Subjeck said he had a letter from Mr. Ron Kimmell stating that the tap was ordered, and that the hydrant will be installed and completed about the end of November 2019.

Mr. Millard asked if installing the new hydrant would allow the back building to be occupied. Mr. Subjeck said yes that it could not be occupied until the new hydrant was in place.

II. Site Plan Approval for parking of new and used cars @ 555 Pound Rd (continued)

Contact: Mark Subjeck

Chairman Cirocco asked Mr. Subjeck about the name Triple Nickle Commerce Park that is referenced in some of the paperwork. Mr. Subjeck stated that is the name he is thinking of using for the property. Chairman Cirocco noted that some of the paperwork submitted has this and other paperwork does not. He conferred with Phyllis Todoro, town attorney, who also advised that the name used on all the paperwork should match, to avoid any problem down the road.

Mr. Baker noted that the letter submitted from the Elma Water Department does not have the specific plan on it nor does it mention taking control of the fire hydrant.

Mr. Cirocco expressed concern that the application lists parking of cars, tractor trailers, RV, Boats, used cars but no junk cars. The plan presented only shows new cars. He felt this was too open ended. Mr. Huber mentioned that because the property is zoned industrial is doesn't have to be as specific as a commercial property.

Mr. Millard asked about the small building close to the road in front of the property. Mr. Huber explained that that building was not part of the property at 555 Pound Rd, but Mr. Subjeck has purchased it and will be merging the two properties.

Mr. Millard asked about the trees that are currently along the property line. Mr. Huber stated that the plan was to keep those trees and they were part of what he had discussed with the neighbor. Mr. Subjeck discussed wanting to keep the current vegetation in the front of the property there to provide some screening. Chairman Cirocco noted this on the plan.

Mr. Putzbach asked if anything else would be done with the vehicles besides storing them. Mr. Subjeck said no he is just looking for permission to park cars there at this time. He does not have any plans for the buildings as they still need some work done to them. His intent is to rent them out in the future, but nothing is planned now.

Mr. Millard asked what work needed to be done to be able to park cars there, such as grading or bringing in stone. Mr. Huber explained that all work had been done to clean up the existing parking lot. Mr. Subjeck mentioned that they will need to put up a fence as requested by the manufacturers. They will be using existing lighting. Mr. Millard asked if the fence was on the plan. There was discussion about what screening already exists. Chairman Cirocco noted that the fence and existing screening needs to be put on the plans.

Mr. Millard stated that it looks like trees along the railroad track side and in the back have been cleared. And asked what material would be used for the parking area. Mr. Huber stated that some trees had been cleared and that it will be a stone base.

II. Site Plan Approval for parking of new and used cars @ 555 Pound Rd (continued)

Contact: Mark Subjeck

Mr. Millard asked if the plan had been reviewed by the town engineer. Mr. Huber stated he had not yet spoken with him about the project. Mr. Millard said that the area is known for having bad drainage so they would need to confer with the town engineer to see if what was being done would help or hinder the current drainage issues. He also mentioned that it may need a drainage district if there is not already one in place.

Mr. Balcerzak commented that the plans presented show parking over a current septic system. Mr. Huber stated that plans have been sent to the Erie County Health Department for approval. Mr. Subjeck said the plan was to put in a new leach field using the property being merged in the front and that a new tank would be installed in front of building one and building two. He is not looking to occupy any buildings currently only park cars there. Mr. Merkle asked if he would consider occupying any buildings with cars and he said no. There would also not be anyone working on cars or any on site director.

Mr. Millard asked what size the parking spaces will be and if they will be striped. Mr. Subjeck said they would be 8-foot spaces as required for car storage and they will not be striped.

Mr. Millard stated that the problem with the plan is that it has employee/customer parking identified but can't approve because it is unknown what the business will be and how many spaces will be needed. Need to change the plans to just say car parking. When there is a plan to occupy the building Mr. Subjeck would have to come back with new plans designating what spots would be used for the buildings.

Chairman Cirocco stated that the EPB would treat this as a site plan review under code 144-93. The plan presented could not be approved because it references use of the building by having designated customer and employee parking. This could lead to enforcement issues. It also references parking over a septic system that is in place. This creates a compliance issue and issue of getting approval for Erie County Health Department. He recommends that the EPB review the checklist and give a detailed list of items to be corrected. The applicant can then return to the next meeting and if all items are complete could receive both preliminary and final approval.

Mr. Subjeck asked if he needed a permit to park cars in an industrial zone on a property that he owns. Chairman Cirocco responded that he did need approval as it is referenced in the town code.

Mr. Millard pointed out the other problem with the plan is that it has not been reviewed by the town engineer. With it being in an area that is known to have drainage issues they can not approve a plan without knowing it will not make the current problems worse. There was much discussion about drainage.

Mr. Millard asked if they are doing anything to the driveway entrance. Mr. Subjeck stated they plan to use what is currently there.

II. Site Plan Approval for parking of new and used cars @ 555 Pound Rd (continued)

Contact: Mark Subjeck

EPB reviewed the checklist:

Documentation- update application to have a uniform name

Zoning –industrial

Site & Building Details – N/A

Lighting- are using existing lighting. Make sure it is on the plan

Parking – initially stated to remove references to customer/employee parking, then discussed adding additional parking for any future business that may use buildings

Drainage – need approval from town engineer

Signage – put on plans and bring details

Landscaping – show on plans the screening that is to remain

Water Service & Septic System- show location of new sanitary system and approval from EC Health. Put location of new fire hydrant on the plans. Need letter from Elma Water Department acknowledging taking control of the fire hydrant.

Fire Department- have letter from Spring Brook Fire District

Chairman Cirocco noted that the EPB did a Site Plan review under code 144.93 and advised the applicant on items to return with to a future meeting.

III. Site Plan Review for proposed barn addition @ 6301 Seneca St

Contact: Todd Huber

Mr. Huber discussed a plan to add a 32' x 60' addition to an existing barn on his property at 6301 Seneca St. He has already made improvements to the stable area and is looking to improve the barn so he can move his family's personal horses there. He was advised to come before the EPB because the property is in a commercial zone.

Chairman Cirocco noted that this is not an actionable plan because it is private use. He did inform Mr. Huber that under town code 144.99, C-5 that any building housing animals would require a 25ft setback from the side. His plan only shows 21.42. He would have to seek a variance or change the size of the building. Mr. Huber was given a copy of the code.

Mr. Cirocco also advised Mr. Huber that if the use of the property/building changed to a commercial use that he would have to come before the EPB.

IV. Adjourn Motion to adjourn at 8:16 pm by unanimous consent.

V. Meeting Reconvened

Motion by Chairman Cirocco to reconvene the meeting at 8:23pm

Chairman Cirocco motioned to provide a formal recommendation to the Elma Town Board to review and consider changes to the town code that would restrict an applicant from filing any application with the town of Elma if he/she or his/her business has any outstanding deficiencies in town. (He asked that the town attorney reword as needed if the board considered it). Motion seconded by Charles Putzbach.

There was discussion about what actions the EPB can take with applicants currently.

Poll vote -Yes-5 No-0. Motion Carried.

VI. Adjourn Motion to adjourn at 8:31 pm by unanimous consent.

Respectfully submitted,



Barbara Blair

Elma Planning Board Secretary

