

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF REGULAR MEETING - May 21, 2013

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, May 21, 2013 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member James Millard
Member David Baker
Member Michael Cirocco
Member Robert Waver
Alternate Charles Putzbach

ABSENT:

Member Michael Cleary
Member Gregory Merkle

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES March 19, 2013

Motion made by Robert Waver and second by David Baker to approve the Minutes of the EPB Regular Meeting on April 16, 2013.

Ayes: 6. Nays: 0. Motion Carried.

II BALDUCCI CONCRETE, 521 Pound Rd - INSTALLATION OF NEW/STORM WATER DETENTION POND (due to enlarged parking lot)

Owner/Contractor Robert Balducci and Engineer Christopher Wood of Carmina-Wood-Morris appeared as a follow up to the 5/15/12 EPB Meeting. At issue was the approval of a revised drainage plan as a result of Mr. Balducci's increasing the size of the parking lot and subsequently requiring and receiving a Variance from the ZBA for side setback requirements.

According to Mr. Wood, the pond is now bigger and has two drainage intakes; also a catch basin in the pond that captures the water which then empties into the ditch. The pond will hold the water back and discharge it over time. Chairman Reid asked the Assistant Building Inspector if the pond was now up to Code and Mr. Balcerzak confirmed that it was. Mr. Balducci was asked when the project would be completed. He answered: "By the end of July."

Chairman Reid recognized David Duerr, neighbor across the street from the Balducci site. He reiterated concerns expressed in the past about the pond being located in the front of the property. Mr. Wood responded that the pond was three feet deep and also agreed to provide a survey.

Motion made by Chairman Reid and second by Robert Waver to approve the revised site plan of 1/4/13 showing the parking lot increased size and the revised drainage plan C-100 dated 4/20/13 with the stipulation that there be a minimum of fifteen trees as originally approved. The work is to be completed by July 31, 2013 as agreed to by Mr. Balducci.

Ayes: 6. Nays: 0. Motion carried.

III ALTON'S - 2331 Transit Rd. - Addition to Banquet Room 9,201 sq. ft.

Owner Milton Koutsandreas and Architect Daryl Martin returned to the EPB with information regarding the following items as identified at the April 16th meeting as being required prior to Final Site Plan Approval:

1. Specification of materials and colors to outside of building.
Noted on A-2 (5/14/13) Front & Side Elevations as matching existing colors including metal roof and coping, eaves, siding and window treatments.
2. Type, wattage and location of any exterior lighting - building or parking lot.
Noted on ST-3 (4/1/13) Site Lighting Plan with two new parking lot lights (400W) and on outside of building over new exterior exits.
3. Adjustments to size of parking spaces (9x20) with total number added.
Noted on ST-1 Site Plan an addition of 78 spaces (9x20) for a total of 228 spaces including seven handicapped.
4. Landscaping plan with estimated value and 2-year maintenance bond.
Noted on ST-1 Site Plan with plant list and location, estimated value at \$6,830. No insurance bond provided.
5. Letter of site plan review by the Spring Brook Fire Department.
Mr. Martin said he had talked to the Spring Brook Fire Company and they will send a letter to the Building Department.
6. Drainage plan to be approved by the Town Engineer.
Still pending approval.

Motion by Chairman Reid and second by Robert Waver to approve the Type I Short Form SEQR indicating that the proposed action will not result in any significant adverse environmental impacts.

Ayes: 6. Nays: 0. Motion Carried.

Motion made by James Millard and second by Michael Cirocco to grant Final Site Plan Approval for the new banquet facility addition of 7,093 square feet and the new cooler/storage addition of 2,108 square feet for a total addition of 9,201 square feet contingent upon the following:

1. *Receipt of two-year maintenance bond from the insurance company in the amount of \$6,830 for the estimated value of new landscaping.*
2. *Letter of review and acceptance by the Spring Brook Fire Company.*
3. *Drainage plan being submitted to the Town Engineer for approval and subsequent notification by the Engineer to the Building Department.*

4. Addition to ST-1 Site Plan of a 3x3 concrete slab outside of an exterior door as referred to by Architect Martin.

Ayes: 6. Nays: 0. Motion Carried.

IV 101 NORTH WOODLAND RIDGE - 2.0 AC LOT (No language in Code)

Salvatore & Patricia Valvo , owners of the residential property at 101 North Woodland Ridge, (accessed from North Davis Road to Henry Drive)told the EPB that they had lived on the 5 1/4 AC parcel (known as Sublot 5) since 1988 and now wished to sub-divide it into two lots, to sell their existing home and to build a smaller house for themselves on the new lot. He said that the proposed house would be far enough away from the neighbors so as not to encroach on their property. Submitted were copies of the following:

- Deed dated 11/17/88 "grants and conveys" to Lot No. 5 (Salvatore and Brenda L. Valvo, his wife) "an exclusive easement over the easterly 30 feet of the easement designated as easement "B"...for purposes of ingress and egress from the premises conveyed herein to Henry Drive".
- Deed dated 5/13/92 "grant and release" (to Salvatore and Brenda L. Valvo, his wife), "all that tract or parcel of land"... being the westerly 30 feet of the easement designated as easement "B"subject to the right of the owner of Subdivision Lot No. 4...to traverse or cross such 30 foot parcel for purposes of gaining access to...".

Mr. Valvo stated that he "owns" both the easterly and westerly (used by Lot No. 6) easements.

Discussed by the EPB, the Assistant Building Inspector Balcerzak and Town Attorney Todoro, were the minimum requirements for a Residential B lot (size of 125x250). Also referenced was the Residential 280-A Development Resolution passed by the Town Board 2/10/10 which requires at least 35 feet frontage on a public highway, a two AC lot size minimum for a single family dwelling and a stipulation that any strip of land less than 50 feet in width is not to be included in the two or three AC calculation. Mr. Waver cited that the lot may have been a conforming lot when built upon but that the code had changed two or three times since then. Aside from Code requirements was the question as to whether Mr. Valvo actually owns both easements, a total of sixty feet. A suggestion was made that Mr. Valvo request presenting his case to the Town Board.

A motion was made by Chairman Reid and second by Michael Cirocco to recommend approval to the Town Board for the creation of a 220 foot lot on the south side of Lot No. 5 contingent upon proof that Salvatore and Brenda Valvo own the 30 foot private road and that an easement exists on the north side of Lot No. 5 going out to North Davis Road.

Ayes: 3. (Reid, Cirocco, Waver) Nays: 3. (Baker, Millard, Putzbach)

Motion failed due to lack of majority.

V TRANSITOWNE DODGE-CHRYSLER-JEEP - Digital Sign (added to Agenda)

Members of the EPB questioned why the digital sign in front of the business on Transit Road had still not been moved to their Kia dealership across the street as agreed upon when Final Site Plan Approval was given on April 17, 2012. Mr. Balcerzak stated that preparations at the Dodge site had been done - excavating and pouring of concrete to accommodate replacement sign. He also reminded the EPB that the new sign is oversized and required a Variance from the ZBA. He said it should be moved as soon as the concrete had cured.

A motion was made by David Baker and second by Michael Cirocco to write a letter to Transitowne, requesting removal of the digital sign.

Ayes: 3 (Baker, Cirocco, Putzbach) Nays: 3 (Reid, Millard, Waver)

Motion failed for lack of majority.

VI WORKSHOPS/MEETINGS

1. Land Use Training for Municipal Officials -Joint Orleans & Niagara Cos.
Albion Middle School - June 24 from 5 - 9:30 PM

2. Electric Vehicle Supply Equipment - NYSERDA
Medical Campus Buffalo - June 5 from 8:30 AM - 12:00 PM

3. Town of Elma New Web Site - Jacob Needle, Wendel
Town Hall - May 1 from 2:00 - 3:00 PM

Secretary Diane Rohl reviewed some of the changes being made to the Web Site including the inclusion of the Building Code and EPB Checklist as well as site's expanded capabilities. There was mention that the EPB will be provided with iPads for use during the meeting. It was decided that in spite of some potential limitations, to request that building plans from the next contractor be emailed to the Town for distribution to the EPB by email attachment. Two hard copies will also be required for the Secretary and the Chairman.

VII FYI

Bldg Inspector's Report - April 2013

ECB Minutes - Town Web Site

ZBA Minutes - Town Web Site

Town Board Minutes - Town Web Site

Multiple Dwelling Code Committee(MDCC)Minutes - Town Web Site

VIII Audience Recognition

See Item II. Balducci Construction.

IX ADJOURN

Meeting adjourned at 9:15 PM.

Respectfully submitted,


Diane Rohl,
EPB Secretary

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