

01/19/10 Planning Board Minutes

TOWN of ELMA PLANNING BOARD
1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING ;V January 19, 2010

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday January 19, 2010 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Michael Cirocco
Member Anne Fanelli
Member Gregory Merkle
Member James Millard
Member Robert Waver
Alternate Gregory Kalinowski

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to Approve Minutes of December 15, 2009 made by Anne Fanelli and second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

II ONLINE AUTO CONNECTION, 2971 & 2989 Transit Rd, Elma

Appearing before the EPB were: Owner Mark Subjeck, Contractor Michael Bevilacqua of Bevilacqua Homes and Engineer John Schenne of Schenne & Associates. It was noted that the entire parcel of 4.2 AC upon which the business will be situated is currently two plots of land in two separate deeds: 2791 and 2989 Transit Road. The owner stated that he intends to have them incorporated into one. All documents were modified to include

2791 as well as the original request for 2989 Transit only.

Preliminary Site Plan Approval was granted on November 17, 2009. The following items were to be completed before Final Site Plan Approval:

1. Elevation showing all sides of the building and exterior materials:

The front of the building will be a combination of stones and other materials; the back on both the right and left sides will be stones in the front portion and metal in the rear portion; the rear will be all metal. Stones and paint will be earth tones, complementing each other. (The exact colors had not been chosen at the time of the meeting.)

2. Lighting/location details for building and site. Lighting detail was shown on C-6. Mr. Bevilacqua stated that there would be the following: four double sets of 400 watts on the sides, two sets of 400 watts on 20' poles on the north; four sets of 400 watts on 20' poles on the south; five wall packs including over the emergency exit and another door; three wall packs between the garage doors; single station 1000 watts on 30' poles either side of the front; very low illumination in the retention pond area in the back.

3. Landscaping detail (2-year maintenance bond): A detailed landscaping plan was indicated on C-4 showing a total of 48 trees and bushes on the site. The Plant Schedule indicated a total of 60. Mr. Bevilacqua explained that they have allowed for extra. A quote from Northridge Nursery and Garden Center Inc. valued the 60 plants at \$22,500. The EPB had considerable discussion as to what value should be required for the two year landscaping maintenance bond. This was a new requirement under the Commercial Code adopted by the Town Board on 10/01/08.

Motion to use the full value of the plantings as a valuation for the two year landscaping maintenance bond.

Ayes; 6. Nays: 1. (Reid) Motion Carried.

4. Approval from EC Health Dept for septic system. Approval received and recorded in Building Department.

5. Approval from NYSDOT and permits for curb cuts: Original plans were modified to reduce the radius for both driveways as required and approved by DOT.

6. Approval from Army Corps of Engineers for wetlands designation: Letter dated

12/1/09 stating that "these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas." (2971 & 2989 Transit Road) It will remain valid for 5 years after which time "a new delineation may be required".

7. Letter from Blossom Fire Co. regarding emergency access: Letter dated 12/1/09 stating that after a review of the Site Plan, "satisfied with the entrances and parking lot layout that in the event of an emergency there is enough space to maneuver and stage vehicles".

8. Approval from Town Engineer for drainage: Review of plans and verbal approval by James Wyzykiewicz at EPB meeting.

9. Completion of SEQR page 2: Completed by EPB and signed by Chairman Reid.

Motion for a negative declaration on a Type I Short Form SEQR contingent upon the combining of the two individual deeds for 2791 and 2989 Transit Road into one deed only, made by Anne Fanelli and second by James Millard.

Ayes: 7. Nays: 0. Motion Carried.

Motion to grant Final Site Plan Approval contingent upon the combining of the deed for 2791 Transit and the deed for 2989 Transit into one deed only, made by Chairman Reid and second by Michael Cirocco.

Ayes: 7. Nays: 0. Motion Carried.

III ARTHUR COURT DEVELOPMENT - Briggswood/Gaylord Ct Area

Representing the interests of Owner/Developer Craig Fargo (absent) were Attorney Peter Sorgi and Jeffrey Blank. Currently the Site Plan indicates four building lots on 2+ AC. They provided a list of issues that the Town Board initially used as a basis for a positive declaration on a SEQR. Subsequently that was rescinded by them. Mr. Sorgi stated that he believed there were two main issues associated with Fargo Court: (1) whether the Town was going to take over the road or whether it would remain a private road; (2) concern regarding drainage problems in adjacent areas. He also said they had come to the EPB to get some guidance before going back to the Town Board.

Town Engineer Wyzykiewicz reviewed at length the various areas surrounding the

proposed building lots and the some of the existing drainage problems in other areas on Bridle Lane and Gaylord Court. Mr. Sorgi proposed the donation to the Town of a parcel that is currently owned by Mr. Fargo. Mr. Sorgi said that this could be dedicated by an easement to the Town and then used to accept water. Mr. Blank stated that this entire issue will be studied thoroughly before they approach the Town Board.

Chairman Reid reviewed some of the requirements by the EPB before Final Site Plan Approval would be granted:

- „İ Letter from the Highway Department.
- „İ Letter from Erie County Health Department.
- „İ Letter from Town Engineer regarding drainage.
- „İ Letter from Water Department.
- „İ Letter from Fire Department.
- „İ Resolution to non-conforming frontage.

IV Acknowledgment by EPB Member

Michael Cirocco expressed his appreciation for the support shown to him in the past as he begins his new seven year term on the Board.

(Appointed by Town Board at the January Re-organization Meeting.)

VI TOWN OF ELMA COMMERCIAL CODES

A. EPB Commercial Code Booklet will be distributed at the February meeting.

VII UPDATE

A. Graph: New Homes Built in Elma 1965-2009

A graph showing the number of homes since 1965 was prepared by the Building Department and distributed to the EPB. It was noted that new home building was down considerably from 2008 (28 homes vs. 16). Not included were the patio homes built in Springbrook Shores.

B. Proposal to Town Board for Fire Inspections

Joseph Colern, Building Inspector, proposed to the Town Board a new building inspection fee schedule based upon square footage instead of the current cubic footage (more expensive). Fees will be considerably lower with the starting fee of \$25 for up to 5,000 sq. ft. and ending with a fee of \$400 for anything over 50,000 sq. ft.

C. Proposal to Town Board for Solar Panels @ Town Hall

Town Engineer Wyzykiewicz elaborated on the plan for solar panels behind the Town Hall that the Town plans to submit to NYS for possible grant approval.

VI FYI

Walmart in Amherst - BNews 12/19/09

Final ECIDA Revisions ;V BNews 12/19/09

EC Leg OKs Break for Home Renov - BNews 12/18/09

Building Inspector's Report ;V Nov 2009 & Dec 2009

ECB Minutes - Town Web Site

ZBA Minutes ;V Town Web Site

DGC Minutes - Meeting Cancelled Dec 2009

Town Board Minutes - Town Web Site

VII ADJOURN

A motion to adjourn at 9:00 PM was made by Chairman Reid and second by James Millard.

Ayes: 7. Nays: 0. Motion Carried.

Respectfully submitted,

Diane E. Rohl,
EPB Secretary