

07/21/09 Planning Board Minutes

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

MINUTES OF REGULAR MEETING –July 21, 2009

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday July 21, 2009 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Anne Fanelli
Member Gregory Merkle
Member Robert Waver
Alternate Gregory Kalinowski (Acting Secretary)

ABSENT:

Member Michael Cirocco
Member James Millard
Secretary Diane Rohl

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to Approve Minutes of May 19, 2009 made by Anne Fanelli and second by Robert Waver.
Ayes: 7. Nays: 0. Motion Carried.

II ONLINE AUTO CONNECTION, 2989 Transit Rd, Elma (Proposed)

Owner of the proposed property, Mark Subjeck of 442 North Davis Rd, Elma, was present with his supervising contractor Michael Bevilacqua of Bevilacqua Homes and his

architect Jon Zywicynski of JRZ Architecture. Provided to the EPB were a pro-forma survey of the entire parcel (4.20 acres) as well as a detailed plot plan, drawings of the proposed building and an aerial view of the site. Mr. Bevilacqua stated that the intent would be to conduct automotive sales of new, used and classic cars.

The front half of the property, already zoned C-3 in an Automotive Overlay Zone, would be the site of a 20,000 sq. ft. building, housing office and sales space. The back part of the property, measuring approximately 200.5 feet x 308.0 feet, is currently zoned Residential C.

Mr. Bevilacqua explained that the latter area would be used to unload cars from auto transport vehicles. These vehicles are 75 feet long and need this amount of space to be able to turn around and exit onto Transit Road. Unloaded cars would be stored prior to being prepared for repair and/or sale. In addition this area would be the site of the septic system. Mr. Bevilacqua also said that the proposal was in compliance with the new Major Commercial C-3 landscaping requirements.

Asked by Chairman Reid how close the back of the property was to the houses on South Blossom, Mr. Bevilacqua responded "about 500 feet". He also said that there is a natural tree barrier between the back of the property and the houses but that they intend to put in additional trees in the back 50 feet.

In response to questions, it was stated that Mr. Subjeck has been in the automotive years for more than twenty-five years. He currently has an automotive sales business at 250 Lein Road in West Seneca. It was also stated that cars will be stored on the subject parcel, ultimately for sale; that he would need a special license for salvage which he does not have nor does he intend to get; that there would be no collision work or painting; that there would be no work performed on the cars in the outdoors.

Mr. Bevilacqua said that Mr. Subjeck is seeking a rezoning of this parcel of the property (200.5 feet x 308 feet) to be the same as the front, from Residential C to Major Commercial C-3. Chairman Reid polled the EPB, Town Attorney, Engineer and Assistant Building Inspector for comments, reminding them that this is not a Site Plan Review at this time.

According to Code of the Town of Elma, Article XIII Amendments, Section 114-118 B.,

Motion to recommend to the Town Board, the rezoning of the back parcel of 2989 Transit Road, Elma, measuring approximately 200.5 feet x 308.0 feet, from Residential C to Major Commercial C-3, contingent upon and limited to this business only and for this intended purpose only, made by Chairman Reid and second by David Baker.

Ayes: 5. Nays: 1. (Anne Fanelli) Motion Carried.

There was some further discussion between the parties and the EPB regarding some of the items that will be required for Site Plan Review should they prove successful in having the property rezoned subsequent to a Public Hearing scheduled in August.

III FYI

County Planning Board Idea is Dead – Buffalo News(6/26/09)

Steuben Foods Buys Its Elma Facility – Elma Review (7/15/09)

The EPB expressed pleasure that the Erie County Planning Board proposal was defeated. They also commended Steuben Foods for its dedication to conducting a successful business, having recently purchased their Maple Road facility from the ECIDA.

Building Inspector's Report – May & June 2009

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

DGC Minutes - 5/28/09, 6/25/09

Town Board Minutes - Town Web Site

The EPB asked whether anything had been done in regard to the one-year Moratorium on 280As and Subdivisions. Mr. Wyzykiewicz stated that the Town Board has not proceeded as yet.

IV REQUEST TO BE HEARD

Mr. David Duell of 490 Pound Road expressed some concerns to the EPB regarding the site of Balducci Construction, located across the street from his home. He also contacted the Town Engineer and Building Inspector.

In response to any enforcement issue, the Town Attorney responded that the first step is the Building Department sending out a letter to the property owner citing the violation.

At the request of Chairman Reid, Mr. Balcerzak stated that the Building Department will inspect the site within the next two days regarding any drainage issues. Chairman Reid

said that once they have contacted Mr. Balducci and set up an appointment to meet on the site, he will accompany them and notify other EPB members to see if they would also be interested.

V ADJOURN

Motion to adjourn at 9:10 was made by Chairman Reid and second by David Baker.

Ayes: 6. Nays: 0. Motion Carried.

Respectfully Submitted,

Diane Rohl,
EPB Secretary