

## **04/15/08 Elma Planning Minutes**

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

DRAFT MINUTES OF REGULAR MEETING, April 15, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, April 15, 2008 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

### PRESENT:

Deputy Chairman James Millard  
Member David Baker  
Member Michael Cirocco  
Member Anne Fanelli  
Alternate Gregory Kalinowski (Merkle)

### ABSENT:

Chairman Thomas Reid  
Member Gregory Merkle  
Member Robert Waver

### TOWN REPRESENTATIVES:

Joseph Colern, Building Inspector  
Raymond Balcerzak, Asst. Building Inspector  
James Wyzykiewicz, Town Engineer (absent)  
Phyllis Todoro, Town Attorney (absent)

### I APPROVAL OF MINUTES

Motion to Approve Minutes of March 18, 2008 as amended Made by Anne Fanelli and  
Second by David Baker.

Ayes: 5. Nays: 0. Motion Carried.

II EDUKIDS INC. DAY CARE – 6961 Seneca Street, Elma  
Andrew Marino, Civil Engineer of Tredo Engineers, Carmine Provenzano, architect of

Silvestri Architects and Nancy Ware, President of EduKids appeared before the EPB. Contained within the March 18, 2008 Minutes was a checklist of items, also provided to Mr. Marino which needed to be completed before Final Site Plan Approval would be granted. The EPB reviewed the following checklist with Mr. Marino and Mr. Provenzano to determine the status of those items. It should be noted that some on the checklist were completed as of the March Meeting. Where necessary, a more detailed explanation of the items follows the checklist.

- 1) Letter of approval from Erie County Health Department - NO as of 3/18/08. Mr. Marino indicated he had talked to ECHD but has yet to receive approval.
- 2) BUP Application: Correct Item 7. Zone from Industrial to Commercial.- YES as of 3/18/08.
- 3) Letter of approval from EC Dept. of Public Works for curb cut. – NO as of 3/18/08. Letter of approval dated 4/2/08.
- 4) Specify color scheme and type of materials for building and gables. – NO as of 3/18/08. Colored drawing submitted on 4/15/08.
- 5) Lighting specs for building and parking lot: style, height, wattage. – NO as of 3/18/08. Specified on Colored Drawing and SP-101 Drawing 4/15/08.
- 6) Number and dimensions of parking spaces. – YES as of 3/18/08.
- 7) Specify how parking will be handled during construction. – YES as of 3/18/08.
- 8) Specify time frame for demolition of old building after project completion. – NO as of 3/18/08. Letter from Nancy Ware, President dated 3/28/08.
- 9) Review and approval of drainage plans by Town Engineer. – NO as of 3/18/08. Memo of approval from James Wzykiewicz dated 4/15/08.
- 10) Letter of no concern from Springbrook Fire Company regarding access. – NO as of 3/18/08. Letter accepting plans as submitted dated 4/7/08.
- 11) Corrections to Part 1 – SEQR as reviewed by EPB. – INCOMPLETE as of 3/18/08. Corrections made and cover page provided on 4/15/08.
- 12) Letter to EC Dept. of Environment & Planning, Sec. 239-m Referral. – NO as of 3/18/08. Submitted by Elma Building Department on 3/27/08.

Nancy Ware stated that the colors depicted on the drawing of the building seemed to be green – and that she wanted them to be in the beige and brown shades with the roof matching as well.

Mr. Provenzano reviewed the proposed lighting scheme. Exterior pole lights will be a

maximum of twenty-two feet, 400 watts, shoebox style with two along Seneca Street and two along Jamison Road. There will be wall sconces on the Seneca Street side of the building, 60 watts, Arts & Crafts style. Soffit lighting will be at the entrance and around the building with emergency lighting above the back door.

According to Mr. Marino and a signed letter submitted by Nancy Ware, President, demolition will be accomplished within 45 days of building completion. The Building Department will issue a Temporary CO (Certificate of Occupancy) and upon completion of demolition, 45 days maximum, they will issue a permanent CO.

In the absence of Town Engineer James Wyzykiewicz, he submitted an email stating that he had met with the Building Inspector and Engineer Andrew Marino; and that the drainage plan “is acceptable as proposed”.

According to Building Inspector Colern, the 239-m Referral was sent to the EC Department of Environment and Planning on 3/27/08. Mr. Colern stated that “generally the Department will call right away if there is a major thing, that this is advisory only”.

Motion Made by James Millard and Second by Anne Fanelli to complete Page one of the Type I SEQR, checking Box “A”, indicating that this project “will not have a significant impact on the environment, therefore a negative declaration will be prepared”.  
Ayes: 5. Nays: 0. Motion Carried.

Motion made by Michael Cirocco and Second by Anne Fanelli to grant Final Site Plan Approval contingent upon the receipt of a letters of approval from the Erie County Health Department and the Erie County Department of Environment & Planning.  
Ayes: 5. Nays: 0. Motion Carried.

III ROBERT A. BALDUCCI CONSTRUCTION CO – 521 Pound Road, Elma  
At the September 18, 2007 EPB Meeting, Mr. Robert Balducci received Final Site Plan Approval for his building and site plan improvements. He was referred once again by the Building Department to the EPB based upon his requests to change the landscaping plan; and to change the location of the detention pond and the septic system from the back of the building to the front.

He passed out pictures of his building (front & side) and the trees and shrubs across the front of his property at 521 Pound Road. He had modified the front office part of the building from its original design of bricks part of the way up the three exposed sides, to all brick with a wide accent stripe. He said he did that to improve the look of the structure. He continued, saying he wanted to also improve the landscape and “make it look professional” by removing the trees and brush in the front along Pound Road. He proposed putting in a berm with 5-6’ pines. The company sign would be located on the berm instead of near the beginning of the driveway. (A sketch indicating the berm, the proposed detention pond and proposed septic system was attached to the pictures.)

Chairman Millard responded that part of the original approval was screening and the EPB read from the 9/18/07 EPB Minutes that “a buffer of trees and shrubs will be left between the road and the building...”. In response to Mr. Balducci’s suggestion of a berm design, the EPB indicated that they were adverse to these types of landscaping, partially because the trees have a tendency to die.

After further discussion Mr. Balducci said he would prefer to have an attractive landscape plan instead.

Joseph Sluberski of 480 Pound Road gave copies of a letter signed by the homeowners living at 480, 490, 510, 520 and 530 Pound Road. He said that Mr. Balducci had spoken to them about his desire to modify the original site plan. Mr. Sluberski spoke for the residents, stating that they did not want modifications to the original plan. He reiterated their objections to being able to see the building and other properties in the back with a berm; their concerns regarding drainage if the detention pond is put in the front when that area of Pound Road is already flood prone; and the pond providing an attractive nuisance for children. Mr. Balducci responded that the reason for a detention pond is to alleviate a water problem; to capture the water and let it run out at a slower rate than it ordinarily would.

In response to some EPB Members saying they “like the trees and shrubs the way they are”, Mr. Balducci said it will be necessary to cut a path through this area in the front to install the utilities. The EPB requested that Mr. Balducci make it of minimum width but not any wider than ten feet.

Mr. Balducci went on to explain that because the water naturally drains from the back of his property to the front, the detention pond and the septic system need to be located in the front. He said that if the detention pond were in the back, it would not be able to serve

its purpose because the water would have to run up hill to get to the pond. Joseph Colern said that Mr. Balducci had already submitted a request to the Erie County Health Department to relocate the septic system from the back to the front; and that fill would have to be put in before the septic system could be installed. Chairman Millard asked Mr. Balducci if he had talked to the Town Engineer about a new location for the pond and septic system to wit Mr. Balducci responded that he had not.

Mr. Balducci questioned whether he needed EPB approval to change the location of the septic system. Chairman Millard read from the Town Building Code Chapter 117 – Site Plan Review, Section 117-3 Application for preliminary site plan approval, under A.(1) Items (a) – (u), indicating that some of the requirements to be contained within the application are:

- (e) Soils data, minimally relating to the site....
- (k) The location, design and construction materials of...drains, culverts,....
- (l) A description of the method of sewage disposal and location, design,...
- (m) A description of securing public water and location, design...
- (q) The location and proposed development of all buffer areas...
- (t) A general landscaping plan and planting schedule.

Mr. Kalinowski then queried: “What are you going to do that will be equally effective as the original barrier that the existing trees provide?” Anne Fanelli objected to any change in the landscape plan. Chairman Millard suggested that an appropriate alternative to the screening now provided be submitted for consideration.

Motion made by Chairman Millard and second by Michael Cirocco to Table the request for removal of trees and relocation of the detention pond and septic system.  
Ayes: 5. Nays: 0. Motion Carried.

Motion made by Michael Cirocco and second by Anne Fanelli to have Mr. Balducci meet with the Town Engineer to review a plan that would improve present drainage problems; and if approved, to submit a revised plan to the EPB for the drainage system; and to submit a revised plan for the septic system if approved by the Erie County Health Department; and to submit a new landscape plan that would provide equal or better screening from the new building and the other properties behind the Balducci property.  
Ayes: 4. Nays: 1. (Baker) Motion Carried.

#### IV DISCUSS CHANGE IN POLICY - MINUTES

Previously comments from the EPB Members were made regarding the amount of paper used to prepare the monthly Agendas. Secretary Diane Rohl made the suggestion that copies of Minutes from any of the Boards that are available for viewing on the Town Web Site, not be duplicated within the Agenda materials. EPB Members agreed that it would be their responsibility to view them prior to the Meeting. All materials would still be in written form for the permanent EPB files.

Motion made by Michael Cirocco and Second by James Millard to recommend to the Town Board that the policy of duplication of Minutes for the EPB Agenda be discontinued when they are available for viewing on the Town Web Site.

Ayes: 4. Nays: 1. (Baker) Motion Carried.

#### V FYI

Update on Re-Tree Elma Program

Building Inspector's Report – March 2008

CRC Minutes - 3/27/08

Conservation Board Minutes - 3/25/08

Town Board Minutes - 3/19/08, 4/02/08

#### VI ADJOURN

Motion made by Gregory Kalinowski and Second by Anne Fanelli to adjourn at 9:30 PM.  
Unanimous.

Respectfully submitted,

Diane Rohl,  
Recording Secretary