

## **01/16/07 Planning Board Minutes**

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

DRAFT MINUTES OF REGULAR MEETING January 16, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held Tuesday, January 16, 2007 at 8:00 p.m. 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 Robert Waver  
Alternate Gregory Kalinowski (substituting for James Millard)

### ABSENT:

Member James Millard

### OTHERS PRESENT:

Joseph Colern, Building Inspector  
James Wyzykiewicz, Town Engineer  
Phyllis Todoro, Town Attorney  
Approx. 15 Elma residents

### I APPROVAL OF MINUTES

Motion to Approve Minutes of December 19, 2006 as amended with member name correction, Made by Anne Fanelli and Second by Gregory Kalinowski.

Ayes: 7. Nays: 0. Motion Carried.

II Express Mart/Tim Horton's, 611 Jamison Road IV Additions and Alterations  
Mr. Ralph Lorigo, Attorney and Mr. of Carmina & Wood, Architects, indicated that they

had not received a letter of approval as yet from the Erie County Planning Department for the ZR-1 nor approval from the Erie County Health Department for the septic system. Mr. Reid reiterated that receipt of both of these by the Building Department will be necessary for Final Site Plan Approval.

Per the request of the EPB from the previous meeting of December 19, 2006, Mr. Lorigo suggested alternative colors/materials for the roof and the metal wing panels of the additions. He displayed on a large panel board, three different drawings of the building additions, each with a front, side and rear view. He did not provide any detailed drawings for individual Board Members.

View #1 was the same as the original drawing proposal submitted on December 19, 2006. View #2 was the metal roof in an orange color and the panels in a sculptured brick iv samples of which were shown to the EPB. View #3 was the metal roof in a grey-blue color and the panels in a slate iv samples of which were also shown to the EPB. Mr. Lorigo stated that his clients preferred the second view. After much discussion, the EPB agreed to approve the second view as well. (In response to a question from an EPB Member, Mr. Lorigo stated that Express Mart is leasing to Tim Horton's.)

Motion to accept the changes in materials as show in View #2 and to grant Final Site Plan Approval contingent upon the receipt of an approval letter on the ZR-1 from the Erie County Planning Department and receipt of an approval letter from the Erie County Health Department for the septic system; Also contingent upon the receipt by the Building Department of three copies of the colored drawings exactly as presented to the EPB indicating Views #1, #2, and #3 of the Express Mart/Tim Horton's Additions and Alterations,

Made by Thomas Reid and Second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

### III STEUBEN FOODS, 1150 Maple Road iv Phase II

Thomas Taggart, representing Steuben Foods, and Matthew Edwards, representing Fontanese, Folts, Aubrecht, Ernst, Bammel Architects, displayed blueprints indicating the location of the proposed new driveway to enter/exit the Plant from Jamison Road. They said:

ä- That it would be similar to the current driveway which exits on Maple Road.

- ä- That the mixed plantings of trees and shrubs would also be similar to those on the Maple Road driveway.
- ä- That the plantings would not obstruct the view for exiting truck traffic.
- ä- That the apron , 30 feet radius to the curb, would be wide enough so that truck traffic would not have to swing into the opposite lane when exiting.
- ä- That the estimated number of trucks per day would be 28 between the hours of 7-7 with no second shift, the majority of them gone by 3 PM.
- ä- That a berm of 5-7 feet would be constructed all the way along the building, about 60 or 70 feet from the road and that the building would be hidden from the neighbors.
- ä- That driveway lights will be to the left of the houses, facing into the open field.

There were concerns expressed as to whether the location of this driveway would affect the safety of other drivers on Jamison Road. The trucks would be slow to exit and accelerate, and they would be entering/exiting on a blind grade. The EPB suggested that a sign be placed on the road indicating a plant entrance, and also that another sign be placed at the driveway exit indicating "Right Turn Only".

Several nearby neighbors expressed their opposition to the driveway, indicating their objections to increased truck traffic and the negative effect on the value of their properties due to the placement of the driveway being directly across from their homes. Mr. Taggert responded to a suggestion that the Maple Road driveway be extended by saying that he could not imagine all of the trucks coming in that way, where there is already a lot of traffic at the front of the plant at the refrigeration docks; and also having trucks pass by the office area where there is pedestrian traffic. Questioned as to whether the Jamison Road Fire Company had been approached, Mr. Taggert responded that they were aware of the proposal.

Motion to grant Final Site Plan Approval contingent upon placement of a Right-Turn-Only Sign onto Jamison Road at the driveway exit and a receipt of a letter from the Jamison Road Fire Chief stating the Fire Company had no concerns.

Motion made by Michael Cirocco and Second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried.

Motion made to request of the Erie County Highway Department that a sign with flashing lights be installed indicating a plant entrance.

Motion made by Michael Cirocco and Second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried.

#### IV RITE AID PHARMACY

Removed from the Agenda. No materials received from the Attorney.

#### V OLD BUSINESS

A. New Training Requirements for Planning Board Members Two new amendments to the Town Law Sections 267 & 271 require a minimum of four hours of training for Town Planning and Zoning Board Members. The EPB decided that it wanted to review the requirements in more depth to determine what areas of study would be most beneficial and what organizations or schools would be offering this training. Once a decision has been reached, a recommendation will be made to the Elma Town Board.

#### B. Knoche Farms Estates Subdivision

As a requirement of the SEQR process, a letter and accompanying materials containing the Draft Environmental Impact Statement on the Knoche Farms were received from the Orchard Park Planning Department. This proposed subdivision is immediately adjacent to an area in Elma's Regional Comprehensive Plan that is designated as a Rural/Resource Protection Area. A Public Hearing is being held in Orchard Park on February 14th, and it was requested that the EPB review the materials and respond with any comments or concerns prior to the Public Hearing. The materials were turned over to Town Engineer James Wzykiewicz for review and comment.

#### VI The following information was provided to the EPB:

- A. 1. Resolutions to the Town Board regarding Rite Aid Pharmacy process.
2. Recommendation to Town Board for David Baker for another 7 year term.
- B. Building Inspector's Monthly Reports for November and December.
- C. Information on General Municipal Law 239
- D. Meeting Schedule for 2007

Chairman Thomas Reid asked of the audience if anyone wanted to speak. Two residents from Gaylord Court, one resident from Woodside, one resident from Chairfactory, one resident from Bowen Road and one resident from Pond Brook spoke to the following issues concerning the location of the proposed Rite Aid Pharmacy on Bowen Road near Bullis Road:

- ä- They moved to Elma because of the rural nature of the Town.
- ä- They were concerned about the Board following the Town's Regional Comprehensive Plan and planning for smart, not uncontrolled, growth.
- ä- They did not want to see vacancies in the plaza due to too many competing products being sold at Rite Aid and the resultant decrease in foot traffic.
- ä- They were worried about increased traffic and safety at the intersection.
- ä- The number of Rite Aid Pharmacies that are being built, and in some areas, being abandoned after a few years.
- ä- The overall size of the proposed Rite Aid and the size of the parking lot.
- ä- The potential for exacerbation of drainage problems that already exist farther on down Bullis Road and side roads.
- ä- The difficulty in exiting from Pond Brook due to increased traffic.
- ä- The effect on property values of homes closest to Rite Aid.
- ä- That a web site called [www.ElmaFirst.com](http://www.ElmaFirst.com) was formed in an attempt to get people involved, and that a petition against Rite Aid was circulating and had over 600 signatures.

Other questions were asked of the EPB regarding zoning, the process that must be followed by Rite Aid; what the estimated time line is for various phases of the process; what is the EPB's role in this process; what will have to happen before a final decision is made; will they have a chance to voice their opposition; and who make the final decision. When asked what they could do to work together with Rite Aid and/or the EPB or the Town Board, Chairman Reid suggested they continue to attend board meetings, both the Planning and the Town Board.

There was a brief discussion regarding the drainage across from the Iroquois School at Girdle and Woodard Roads and that although Erie County is finished at the site, there is still a problem.

Motion to adjourn at 10:10 PM by Chairman Thomas Reid and Second by Gregory Kalinowski.

Respectfully Submitted,

Diane Rohl,  
Recording Secretary