

04/17/07 Planning Board Minutes

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

DRAFT MINUTES OF REGULAR MEETING April 17, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held Tuesday, April 17, 2007 at 8:00 p.m. in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT: ABSENT:

Chairman Thomas Reid Member Gregory Merkle
Member David Baker
Member Michael Cirocco
Member Anne Fanelli
Member James Millard
Member Robert Waver
Alternate Gregory Kalinowski (Sub. For Gregory Merkle)

OTHERS PRESENT:

Thomas Stynes, Asst. Building Inspector
James Wyzykiewicz, Town Engineer
Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of February 28, 2007 Made by Anne Fanelli and Second by Gregory Kalinowski.

Ayes: 7. Nays: 0. Motion Carried.

II ENTERPRISE CAR RENTAL û 3461 Transit Rd û Final Site Plan Approval

Mr. Daryl K. Martin, Architect representing Column Development and Enterprise Car Wash, was present requesting final approval of all required plans and documentation. The following were submitted to the EPB:

ò Approved ZR-1 by Erie County 3/20

ò Request of Erie County regarding treatment of car wash waste 3/7

- ò NYSDEC Water Discharge Permit 3/22
- ò NYSDOT Storm Water Drainage 3/29
- ò NYSDOT Highway Work Permit 4/5
- ò Blossom Fire Company Site Plan Review 4/3
- ò D.K. Martin Letter regarding buffer for neighbors 4/6
- ò Final Site Plans

In response to questions from EPB Members regarding wetlands and approval by the Army Corp of Engineers, Mr. Martin indicated that it was the first thing they did. James Wyzykiewicz, Town Engineer explained that these are not mapped wetlands, Enterprise must not affect any delineated wetlands. Mr. Martin explained that the issue was with the car wash and that since the area failed the Erie County Perc Test, it will be necessary to install a sand filter system.

Thomas Stynes, Assistant Building Inspector, said that the final site plan approval will have to be contingent upon approval by the Erie County Health Department.

The EPB agreed to revise the number of pole lights in the parking area from three to two with the stipulation that they be shining down so as not to disturb the neighbors whose property line is only 13 feet away.

Mr. Martin explained that he had contacted the neighbors at 3431 Transit Road and that they agreed that a row of arborvitae planted part of the way down the property line as a buffer would be satisfactory. He also explained that the bushes could not extend the full length of the property line because they would clog the drainage. Mr. Martin also explained that the retention pond would only be necessary when the drainage system could not handle the water.

Mr. Reid asked whether the neighbors, Mr. & Mrs. Robert Mitchell who were in the audience, would like to come up and look at the plans. As a result of a review between the Architect, the EPB and the Mitchells, an agreement was reached to install a six feet high fence between the properties, running from the end of the arborvitae to the front of the house.

Motion to grant Final Site Plan Approval to Modified Site Plan contingent upon final approval by the Erie County Health Department; and contingent upon this action being in

accord with Local Law 1-2007 (Twelve Month Moratorium) Made by James Millard and Second by Michael Cirocco.

Ayes: 7. Nays: 0. Motion Carried.

III TODD HUBER û 6091 SENECA ST ADDITION û Preliminary Site Plan Approval
Mr. Huber brought in his proposed site plan at 7:30 PM for the EPB to review at its preliminary meeting.

Mr. Huber stated the he would like to put an addition onto the existing building presently occupied by a landscaping and garden service and Buffalo Embroidery. He said he would like to withdraw his request for a new building of approximately 2,000 square feet that was approved by the EPB at the October 17, 2006 meeting; and instead wishes to put on an addition of approximately 1500 square feet (estimated at 24 x 60). He also stated his reason for changing his plans was that due to Buffalo EmbroideryÆs business growing so fast, he did not have time enough to build the new building previously approved.

There will be additional parking of twenty spaces. Mr. Wyzykiewicz stated that the hard pan presently there is not that different than paving. He also said that the addition would have not have any effect on the water run off.

The EPB questioned the number of bathrooms. Mr. Huber said there were two bathrooms for each business. Thomas Stynes, Assistant Building Inspector, said that this requirement is based upon the square footage of the building and type of occupancy and that he would have to see the final plans first.

Upon questions regarding lighting, Mr. Huber stated that there will be ten feet high light standards which will not be seen by neighbors due to the berm. The EPB requested that the lights be indicated on the plans.

After a discussion of past plans, requests, approvals, etc., James Millard and David Baker agreed that this is a better plan than previously requested. Mr. Reid requested current drawings indicating all of these buildings including the approved storage building. ôThen the EPB could look at everything based upon the review of the site plan.ö Any previous approvals no longer valid would be rescinded when use issues are clarified and final approval is granted. Mr. Reid told Mr. Huber that he would have to go to the Town Board

for a variance.

Motion to grant Preliminary Site Plan Approval contingent upon submittal of a site plan indicating all buildings at the time of Final Site Plan Approval; and contingent upon this action being in accord with Local Law 1-2007 (Twelve Month Moratorium) Made by James Millard and Second by Anne Fanelli. Ayes: 7. Nays: 0. Motion Carried.

IV STEUBEN FOODS û 1150 Maple Road û Driveway Warning Sign

Diane Rohl, Recording Secretary, shared the conversation she had with ECD Public Works & Highways regarding the EPBÆs request of the February 27th meeting for a warning sign with flashing lights near the proposed driveway.

The following was explained to her by Michael Asklar, Safety Engineer (See attached Memo to EPB from Diane Rohl dated 3/26/07):

The following steps will be necessary before proceeding with the installation of a sign with flashing lights:

1. Pass a resolution agreeing to the installation and agreeing to maintain the sign.
2. Indemnify the County against any liability.
3. Town would agree to ownership of the sign and responsibility for its maintenance. (Normally the County maintains the signs.)
4. Erie County will issue a permit for the sign along with the signed Agreement between the Town of Elma and Erie County as indicated above.

After some discussion regarding safety and liability issues, the EPB decided to eliminate the flashing lights.

Motion to revise the request of the EC Department of Public Works and Highways to remove the flashing lights recommendation but continue the request for a warning sign Made by Thomas Reid, Chairman and Second by Michael Cirocco. Ayes: 7. Nays: 0. Motion Carried.

V EXPRESS MART/TIM HORTONÆS- 661 Jamison Rd û Driveway Queuing

Diane Rohl, Recording Secretary, explained the suggestion received from Michael Asklar, Traffic Safety Engineer of ECD Public Works and Highways. Essentially the County feels that for safety reasons, the driveway on Bowen Road closest to Jamison be closed off completely, and the first driveway on Jamison closest to Bowen be a right hand

turn in/out only. (See attached Memo to EPB from Diane Rohl dated 3/26/07 and sketch received from EC.)

After considerable discussion regarding safety the EPB agreed with the one statement from the County (in quotes):

Motion stating that since Erie County does not have proof that the driveway is causing or will cause any problems, the EPB reaffirms its decision to leave the driveway queuing as originally submitted by the architect and as previously approved Made by Michael Cirocco and Second by Robert Waver.

Ayes: Thomas Reid Nays: David Baker

Michael Cirocco Anne Fanelli

Gregory Kalinowski

James Millard

Robert Waver

Motion Carried.

VI CODE REVIEW COMMITTEE

It was recommended that the Town Board be notified that the Chairman recommends Thomas Reid and James Millard to serve as the two representatives from the EPB on the Code Review Committee.

VII NYS TRAINING SEMINARS

The following was distributed to the EPB:

- (a) NY Planning Federation (NYPF) List of on-site courses offered by request.
- (b) NYPF Suggested Town Board Resolution regarding authority to select courses.
- (c) NYPF/Wendel Duchsherer Losing Community Identity @ Angola, 5/8
- (d) APHNYS Spring Conference @ Utica, NY 4/29-5/1
- (e) TVGA List of free two hour sessions (no dates as yet) @ Local Office

The EPB selected the following courses listed on the TVGA survey card as ones they would be interested in attending.: SEQR Process, Stormwater, Codes-Section Review, Traffic Calming/Access Management. Diane Rohl will mail it to TVGA, located at 1000 Maple Road, Elma.

VIII FYI

The following was distributed to the EPB:

- (a) Proposed Local Law 1-2007: Impose 12-Month Commercial Building Moratorium.
- (b) Resolution to Town Board regarding vacant second alternate position.
- (c) Resolution to Town Board regarding subjects for NYS training requirements.
- (d) Building Inspector's Report û February and March 2007
- (e) Conservation Board Minutes û February 27, 2007 and March 27, 2007
- (f) Town Board Minutes û 2/21, 3/7, 3/21 û see www.elmanewyork.com

IX GENERAL WELDING û 991 Maple Road - Informal Review of Plans

This item was not on the Agenda but the EPB agreed to talk to Terry Myers of LBM Contracting for General Welding. She requested of the EPB that they review the site plan for the proposed 27,500 square feet addition to General Welding so that she would have a better idea of what they required. (General Welding had initially met with the Town Board at a Work Session.) The EPB indicated that it needed information on the blueprint regarding size, elevation, location of other buildings, lighting detail (existing and proposed), information on drainage, location of wetlands, parking, septic system, any impact on neighboring businesses.

Motion to Adjourn at 9:50 PM Made by Thomas Reid, Chairman and Second by Robert Waver. Ayes: 7. Nays: 0. Motion Carried.

Respectfully Submitted,

Diane Rohl,
Recording Secretary