

08/21/07 Planning Board Minutes

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

MINUTES OF REGULAR MEETING August 21, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held Tuesday, August 21, 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 James Millard
Member Robert Waver
Alternate Gregory Kalinowski

OTHERS PRESENT:

Joseph Colern, Building Inspector
James Wyzykiewicz, Town Engineer
Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of July 17, 2007 Made by Michael Cirocco and Second by Gregory Merkle.

Ayes: 7. Nays: 0. Motion Carried.

II ROBERT A. BALDUCCI CONSTRUCTION CO. – Pound Road, Elma

Property Tax ID: 144200.136.00-4-24.1

Robert Balducci, owner and John Schenne, Consulting Engineer, appeared before the EPB. Mr. Schenne reviewed the proposed site plan showing an office building 30' x 40'

for one or two full time employees and an adjoining storage building 60' x 100'. The building would be set back approximately 170' from the road, located on the front portion of the fourteen acre parcel zoned Industrial and screened by trees and shrubbery. A 160' buffer zone of trees and shrubs will be left to the south for the residential property. Concern was expressed regarding the site line down the driveway by the neighbor across the street. Mr. Balducci responded that the driveway is centered on the property and he did not want to change the location.

Construction equipment would be stored inside and outside. Mr. Balducci stated that there will not be any grinding, crushing or manufacturing, nor any concrete stored on the site. He also stated that there will be a fuel tank in the future of either 500 or 1000 gallons but that he was not certain of the size at this time. He was reminded that he will need separate EPB approval for this. While there will be no lights in the parking lot, there will be 100 watt wall packs over the doors which should be noted on the drawing.

Chairman Reid explained that the EPB is not in favor of Bulter type buildings; that they would like to see some modification of the front of the building, some type of decorative material such as bottom board, stone, etc. to soften the look. Mr. Schenne was asked to bring some samples to the next meeting. Parking will be for a combination of cars for employees and construction vehicles.

Mr. Schenne stated that the SWWP is done, that the site plan is the drainage plan and that they are trying to stay under one acre to avoid dealing with the DEC. He also said he already has culvert and curb cut approval from Erie County Highway Department.

In response to Mr. Balducci's questions, Mr. Colern said that in view of the upcoming weather, that Mr. Balducci could begin the driveway with stone base, etc. without a building permit - if the EPB is satisfied with the layout - but that prior to the building foundation, a building permit will be required.

The following will be required before Preliminary Site Plan Approval:

1. Approval by Erie County Health Department of bathrooms and septic system.
2. Completion of a SEQR - Unlisted Action.
3. Change to the front exterior design of the building as suggested.
4. A blow-up of the proposed site plan drawing for EPB review.
5. Letter of "no concern for access" from the Springbrook Fire Co. if an additional plan is

going to be submitted to the EPB for a fuel tank.

6. Detail of sign size and location.

7. Approval of drainage plan by Town Engineer.

Motion for Preliminary Site Plan Approval contingent upon satisfaction of items 1. – 7.

Made by James Millard and Second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

AL-WIL AUTO FINISHERS – 2811 Transit Road, Elma

Property Tax ID: 144200.136.03-1-22

Gerald Kirschbaum, Vice President and Frank Wailand, Construction Manager appeared before the EPB in December 2006 and received approval for a new 4600 square foot building on a 1.2 acres site. The intent was to have the operations housed in a trailer on site while the old building was demolished and the new building was erected. Due to the high cost and potential business interruption, the plan was scrapped. The new request is for a 5300 square foot building to be constructed behind the existing facility, that being demolished when the new one is completed.

The new building will be located approximately 160' from the right of way. The exterior will be burgundy and grey with split faced block, gabled roof. The EPB requested a photograph of the exterior of the building or one similar .A twelve inch overhang at the office area will have a series of small halogen lights around the perimeter and in the landscaping.

There will be fifteen parking spaces including on handicapped space in front and employee parking in the rear. Trucks will use the lot in the rear of the building to off load at the two overhead doors. A ground level sign will be placed on a berm close to the road. Landscaping will be in two separate areas on the site.

The interior space will have a 45' x20' area for showroom, offices, and two bathrooms; a separate 45' x 25' paint mixing room and the remainder of the space will be for storage of materials. Upon completion of the new building, “the removal of the old building would be immediate”, according to Mr. Wailand. Joseph Colern said a temporary CO (Certificate of Occupancy) could be issued until the demolition is completed – either in 30 or 60 days.

Mr. Schenne stated that he has received a letter of approval from Erie County to extend the current sanitary line after the building is completed. This required a special "Out of District" Agreement since it extends the existing line from West Seneca.

A discussion ensued regarding whether this is a modification of an existing approved plan or a new plan. A part of the Moratorium was read dealing with any recommendations to the Town Board from the Planning Board. Consensus was that it will be necessary to seek a variance from the Town Board.

Motion to recommend that the Town Board strongly consider approval of a Variance to Al-Wil Auto Finishers based upon their thirty years of business conducted in the Town Made by Michael Cirocco and Second by Robert Waver.
Ayes: Cirocco, Waver.
Nays: Baker, Fanelli, Merkle, Millard & Chairman Reid.
Motion Defeated.

Motion to table the request for Final Site Plan Approval until the Town Board grants a Variance to Al-Wil Auto Finishers Made by Anne Fanelli and Second by Chairman Reid.
Ayes: 7. Nays: 0. Motion Carried.

IV UPDATE ON SCHEDULED COURSES – TVGA, Elma

Diane Rohl reported that the Invitation from the Elma Planning and Zoning Boards to other Boards in the Towns of Marilla, Wales, Aurora and East Aurora had been mailed. It was a follow up to the TVGA mailing for the seminars to be offered on Monday, September 10th and Monday, October 8TH at the Elma Town Hall. These courses will fulfill the NYS four-hour annual training requirements for Planning and Zoning Boards. Response thus far has been fair.

V HIGHLIGHTS OF PLANNING & ZONING SUMMER SCHOOL - 7/26/07

Diane Rohl reviewed some of the highlights of the NYS Association of Towns Summer School offered at Geneseo College that was attended by Anne Fanelli and herself.

Of special interest were seminars on keeping good records in case of legal challenges which also suggested what should and should not be included in the Minutes; recent court decisions on Planning and Zoning approvals and disapprovals; and the SEQR process.

Materials from the Conference were brought back and shared with all members of the EPB.

VI CORRESPONDENCE

Letter from DEC on Smolarek – 5121 Clinton Street, Elma

Letter to EC Dept of Public Works/Highways – Steuben Foods

VI FYI

Building Inspector's Reports – June 2007 & July 2007

Code Review Committee Minutes – August 9, 2007

Conservation Board Minutes – July 24, 2007

Town Board Minutes – July 25, 2007 (www.elmanewyork.com)

Association of Towns – Summer School 7/26/07:

SEQR Cookbook

Planning & Zoning Case Law Update

Respectfully Submitted,

Diane Rohl,
Recording Secretary