

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING, May 20, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, May 20, 2008 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member James Millard
Member David Baker
Member Michael Cirocco
Member Anne Fanelli
Member Gregory Merkle
Member Robert Waver
Alternate Gregory Kalinowski

ABSENT:

None

TOWN REPRESENTATIVES:

Joseph Colern, Building Inspector
Raymond Balcerzak, Asst. Building Inspector
James Wzyzkiewicz, Town Engineer
Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of April 15, 2008 Made by James Millard and Second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried.

II ONE LOT SUBDIVISION - KINGSLEY NEAR NORTHRUP RD

Owner Connie Ulrich of 450 Northrup Road, Elma, appeared before the EPB with a final request for a one lot subdivision. Building Inspector Colern said that approval from the Erie County Health Department had already been received. The lot is currently zoned Residential "C". According to Mr. Colern subdivisions are only allowed in Residential "B". Therefore approval by the Town Board will be necessary. Mrs. Ulrich indicated that she was on the Town Board Agenda for May 21st.

Motion Made by Michael Cirocco and Second by Robert Waver to recommend to the Town Board that approval be granted for the one lot subdivision at the corner of Kingsley and Northrup Roads.

III ROBERT A. BALDUCCI CONSTRUCTION CO – 521 POUND RD

Robert Balducci appeared before the EPB for the second time, requesting modification of the Site Plan originally approved on 9/18/07. Also present was John Schenne, Engineer of Schenne & Associates. Mr. Balducci is seeking approval to move the septic system and detention pond from the back of the property as originally approved, to the front; and to cut down the trees in the front along the road, replacing them with evergreens. Mr. Balducci said that the main reason for requesting relocation of the septic system and the detention pond was that the land in the back proved to be higher than in the front and "water cannot run up hill".

Mr. Balducci gave the EPB copies of the email he received at 4:01 PM today from Carl Dimmig, EC Department of Public Works, allowing for discharge to the County highway ditch along Pound Road. Letters from the DEC were provided earlier indicating a tentative determination to approve an application for a SPEDES Permit. (A copy of the required legal notice appearing in the East Aurora Advertiser was also attached.)

Concerns were expressed by Mr. Sluberski, a long time resident on Pound Road, that flooding has been a problem in this area. Town Engineer James Wyzykiewicz agreed, saying that the drain pipe running under the railroad has been plugged for a long time and that the Railroad will not fix it, thus causing the water to back up. Mr. Schenne went on to explain how the 56 thousand gallon detention basin will collect the water and then filter it through the sand, discharging it more slowly from the Balducci property into the drainage ditch. However, he said, this will not cure the overall flooding problem in the neighborhood.

Mr. Wyzykiewicz said that detention and retention ponds "are what they are doing for the present and the future". According to Mr. Schenne, he is following NYS approved engineering practices. Mr. Wyzykiewicz indicated that if he finds that this plan is not working, then he will have to hire a contractor to fix the problem and charge it back to the business owner.

In response to concerns about the landscape plan which indicates the removal of the trees and shrubs and shows two rows of evergreens across the front of the property, Mr. Balducci said that all of the trees and scrub bushes on the sides of the property would remain. He said he just wanted the property to "look nice" and that he intends to plant grass around the detention pond as well as in the front by the evergreens. Mr. Colern said that he believes that the Site Plan is a legal document and that there should be some recourse against the developer if the trees die within three years.

Motion Made by Gregory Merkle and Second by David Baker to modify approval of the original plan of 9/18/07 to the current plan as submitted contingent upon:

1. **Final Approval of the Detention Pond by the EC Health Dept.**
2. **Final Approval of the Septic System by the EC Health Dept.**
3. **Landscaping Plan followed as approved by the EPB.**

Ayes: 5. Nays: 2. (Fanelli & Reid) Motion Carried.

IV OPEN SPACE SUBDIVISION – GIRDLE/JAMISON RD

Mr. William Miller presented a sketch plan of proposed lots for the property located at Girdle and Jamison Roads, currently owned by the Baker Family. Mr. Miller stated that he was looking to purchase the property and build two homes on the southeast corner, one for his wife and him and the other for his son. He also said that if it proves to be feasible and it looks like it would be approved by the Town, he would like to purchase the entire 110 acres to develop as residential lots with five acre minimums.

Building Inspector Joseph Colern stated that according to Section 100-2 of the Building Code, lots greater than five acres are not classified as a subdivision and therefore do not have to be rezoned. According to Mr. Colern: "If approved, under Code 100-2 the lots can be split again later. If you don't want these lots split again by a buyer, you must include a deed restriction. The Town will not enforce deed restrictions or covenants." Town Engineer James Wzykiewicz said that according to Erie County anything greater than five acres is not a subdivision and therefore does not require action to approve them.

Chairman Reid suggested to Mr. Miller that he discuss his plans with the Town Board. He said that anything discussed will be "non-binding". Mr. Reid then indicated that he had no issues with the proposal. Anne Fanelli said she would like to see the land left in farming until there is actual building on it. Michael Cirocco concurred, saying that it would be good to preserve the open land as much as possible.

V UPDATE ON PROPOSED COMMERCIAL CODES

Diane Rohl, Recording Secretary, reminded the EPB that the second Public Informational Meeting to seek comment on the proposed commercial codes is scheduled for June 11 at 6:00 PM. She reviewed the concerns of the businessmen and the Code Review Committee (CRC) relating to zoning on Maple Road between Jamison and Route 400; also on Seneca Street in some areas. She distributed a copy of the Non-Conforming Use Proposal yet to be officially acted upon by the CRC. Members discussed the pros and cons of both issues.

VI WORKSHOPS/MEETINGS

An Agenda and registration sheet were provided for EPB members who wish to attend the NY Association of Planning & Zoning Summer School given at various locations around the State.

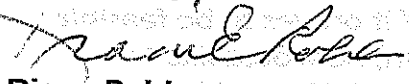
VII FYI

- Building Inspector's Report – April 2008
- CRC Minutes - 5/8/08
- ECB Minutes - 4/22/08 Cancelled for Open Space Dev Workshop
- Town Board Minutes - 4/16/08, 5/07/08 Town Web Site

VIII ADJOURN

Meeting was adjourned by unanimous consent at 10:00 PM.

Respectfully Submitted,



**Diane Rohl,
Recording Secretary**