

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

MINUTES OF REGULAR MEETING, July 15, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, July 15, 2008 at 8:00 PM 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
Gregory Kalinowski – (Diane Rohl, Rec. Sec’y)

TOWN REPRESENTATIVES:

Raymond Balcerzak, Asst. Building Inspector
Phyllis Todoro, Town Attorney

ABSENT:

Joseph Colern, Building Inspector
James Wyzykiewicz, Town Engineer

I APPROVAL OF MINUTES

Motion to Approve Minutes of June 17, 2008 Made by Anne Fanelli and Second by Robert Waver.
Ayes: 7. Nays: 0. Motion Carried.

II R. CONLEY TRUCKING INC. - 6891 SENECA ST – REZONE REQUEST

President and Owner Ted Gaczynski of R. Conley Trucking and Attorney Leonard Berkowitz appeared before the EPB requesting consideration for rezoning of his entire business property from Commercial to Industrial. In support of his case Attorney Berkowitz showed a picture from the 1950's displaying use of most of the property for business purposes. He also referenced a copy of Elma's Regional Map as indicating the property as Industrial. He stated the R. Conley Trucking is completely surrounded by commercial or industrial zoning with no residents in the immediate area. Chairman Reid corrected him by stating that the back of the property is zoned residential; and that there are residents in the building immediately adjacent on Seneca Street.

Mr. Gaczynski voiced concern about his ability to stay competitive if he is restricted from enlarging his building in the future on the present site. Chairman Reid responded that only the first 300 feet is under consideration for rezoning - not the entire parcel. Asked by Anne Fanelli of Attorney Berkowitz: "If the first 300 feet were rezoned, would that help you?" He replied that even if this part were to be rezoned to Industrial, it is his intent to request that the entire parcel be rezoned to Industrial.

Chairman Reid asked for audience input. Joseph Sluberski objected to rezoning to Industrial but favored rezoning to the largest commercial zone. The EPB and Mr. Sluberski referenced certain restrictions under the newly proposed commercial codes (C-1, C-2 and C-3), but Mr. Reid reminded them that these are only proposals at this time; that nothing has been adopted by the Town Board as yet.

Motion Made by James Millard and Second by Anne Fanelli to recommend to the Town Board that none of the property located at 6891 Seneca Street be rezoned.

Ayes: 7. Nays: 0. Motion Carried.

III MOOG – 7211 SENECA ST – OFFICES SERVICES BLDG #12

Preliminary Site Plan Approval was granted on 10/16/07 for a 9,000 square foot metal building to be used primarily for document storage. It was to be located behind the Carlton Building on the Moog Site and was to be a replacement for an existing building scheduled for demolition.

Rick Crance, Facilities Manager for Moog and Adam Scott appeared before the EPB requesting Final Site Plan Approval. Chairman Reid pointed out that this request was based upon Industrial and not Commercial zoning.

The EPB began the review of the site plan. Mr. Baker requested that Moog do something to enhance the look of the metal building – more in keeping with the "Moog image". He suggested that they look at some other metal buildings around Elma. Mr. Crance responded that the cost per square foot of a regular building is \$220; and the cost of a metal building is \$60. He then responded the building will be about 100 feet from the road but that they would change the front to make it more appealing. The parking was reviewed and determined not to require further action by the EPB.

The EPB ultimately choose to once again grant a Preliminary Site Plan Approval only, due to the fact that there were too many changes from the original proposal including a location different from the original plan. They passed the following resolution with conditions as outlined:

Motion Made by Chairman Reid and Second by James Millard to grant Preliminary Site Plan Approval. Final Site Plan Approval may be granted upon submission and/or receipt of the following:

- 1. Enhance the front of the metal building.*
- 2. Provide lighting specifications.*
- 3. Provide landscaping specifications.*
- 4. Approval of the Drainage Plan by the Town Engineer.*
- 5. Receipt of a letter from the Springbrook Fire Co.*
- 6. Receipt of a letter from the DEC for continuance of the project within its original scope.*

Ayes: 6. Nays: 1 (Baker) Motion Carried.

IV SASI - 960 WEST MAPLE COURT – BLDG ADDN (24X33)

William Long, Architect of William L. Long Associates, Thomas Becker and Anthony Anunziato, representing SASI, appeared before the EPB to request Final Site Plan Approval for a 792 square foot addition to an existing 20,000 square foot building. The addition will be used for additional offices. It will be located in the rear southwest corner of the building. Mr. Long indicated that they had applied to the Town Board for a Variance to Local Law 4-2008 Commercial Moratorium and were on the Town Board Agenda for consideration on July 16, 2008.

The EPB briefly reviewed the Site Plan. Anne Fanelli cited Local Law 4-2008, stating that the EPB cannot approve anything without a Variance to the Moratorium from the Town Board. She said that an action of this nature could be viewed as "arbitrary and capricious". Chairman Reid said that the EPB cannot do anything *in anticipation* of a Variance; that in addition to the Site Plan, the EPB would need the completion of a Short Form SEQR.

Motion Made by David Baker and Second by James Millard to Table the request for Final Site Plan Approval until the August EPB Meeting; and that it will be necessary for SASI to have a Variance under Local Law 4-2008 from the Town Board and a completed Type I Short Form SEQR.

Ayes: 6. Abstain: 1. (Cirocco). Nays: 0. Motion Carried.

Motion Made to add to the Agenda St. Gabriel's Roman Catholic Church, Request for Site Plan Approval, by unanimous consent.

V ST. GABRIEL'S CHURCH, 5271 CLINTON STREET – POLE BARN (40X60)

Mr. Alan Stachowiak appeared before the EPB as the Project Chairman and representative for St. Gabriel's request for a Final Site Plan Approval of a 40 x 60 foot pole barn, to be used for storage purposes only – tractors, sports supplies, etc.

According to Mr. Stachowiak, they had been working with a different contractor who failed to complete the project plans although he was working with Joseph Colern, Building Inspector. A new contractor has taken over and is in the process of preparing the site. He will be able to construct the building if it can be started within the next few weeks.

The new pole barn will be located on the site of an old storage barn (30 x 30), recently destroyed by special request of the Church, under a controlled burn by the Fire Company. It is centrally located on the Church property, at least 750 feet from the road and 1,000 feet from the back. The Church bought the house next door and it is now the "Gabriel House". Area homes are at least 500 feet from the proposed building. The building is metal, tan in color with a brown roof and brown one-quarter of the way up the building.

There will be no electrical service. There is lighting around the area but not on the building. Drainage will be into an existing swail which is also used for drainage for the Church building. Mr. Stachowiak said that there are plans to do more with the drainage once the new building is completed. The EPB reviewed the Site Plan, Survey and other drawings provided by Mr. Stachowiak.

Motion Made by Michael Cirocco and Second by Robert Waver to grant Final Site Plan Approval contingent upon the review and approval of the drainage by the Town Engineer.

Ayes: 7. Nays: 0. Motion Carried.

VI CRC UPDATE

Gregory Kalinowski cited a few of the most pressing issues with the CRC and their attempt to resolve them as much as possible: Non-Conforming Use Clause, possible overlays in specific areas on Seneca Street and Clinton Street to allow for added building size, concern for existing businesses as well as residents in certain areas. He also mentioned that the CRC is trying to come to consensus as to whether the Maple Road area between Jamison and the 400 should be C-2 or C-3. He said that July 23rd is expected to be the last meeting of the CRC. The consultant will then perform the necessary steps to prepare for a Public Hearing to be conducted by the Town Board.

VII FYI

Building Inspector's Report – June 2008 N/A

CRC Minutes - 7/10/08 N/A

ECB Minutes - 6/24/08 Town Web Site

Town Board Minutes - 6/18/08 Town Web Site

VIII PUBLIC CONCERNS

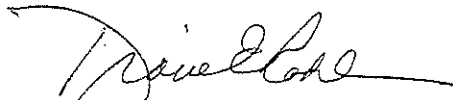
A contingent of neighbors from Pound Road submitted a petition complaining of the change in detention pond location from the back to the front on the Balducci Construction site. Cited were issues of health and safety due to mosquitoes and the attraction for children playing in the area as well as concerns regarding drainage due to flooding problems on Pound Road. They also complained of his working on his site in the evening.

Chairman Reid responded that the location of the pond and the septic system were approved by the DEC and the EC Department of Health & Environment; that the role of the EPB is to enforce the laws and codes; and that their decision for approval was based upon them. James Millard said that the EPB tries to take care of potential health and safety issues when reviewing site plans. Chairman Reid said that if the residents were not satisfied with the EPB's response, they should seek recourse to the Town Board by asking them to change the code.

IX ADJOURN

Motion Made by Anne Fanelli and Second by Chairman Reid to adjourn at 10:05 PM. Unanimous.

Respectfully Submitted,



**Diane Rohl,
Recording Secretary**