

## TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

### MINUTES OF SPECIAL MEETING -October 24, 2012

The Special Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, October 24, 2012 at 8:05 PM in the Conference Room of the Elma Town Hall at 1600 Bowen Road, Elma, New York.

### PRESENT:

Chairman Thomas Reid  
Member Michael Cleary  
Member Gregory Merkle  
Member James Millard

### ABSENT:

Member David Baker  
Member Michael Cirocco  
Member Robert Waver  
Alternate Charles Putzbach

### TOWN REPRESENTATIVES:

Attorney Phyllis Todoro - present  
Raymond Balcerzak, Asst. Bldg. Inspector - absent  
James Wyzykiewicz, Town Engineer - present

### I APPROVAL OF MINUTES - October 16, 2012

*Motion made by James Millard and second by Gregory Merkle to approve the Minutes of the EPB Regular Meeting on October 16, 2012.*

*Ayes: 4. Nays: 0. Motion Carried.*

### II 6091 SENECA STREET, COMMERCIAL BLDG, REVISED SITE PLAN INCREASE SIZE FROM 5,200 TO 8,180 SQUARE FEET

Owner/Developer Todd Huber of Building Solutions Inc. was present to review with the EPB the latest documents submitted by him. Previously the EPB had tabled on 2/21/12 his request for a building at 5,200 square feet; and subsequently tabled on 10/16/12 his request for the same building at 8,180 square feet.

Town Engineer James Wyzykiewicz said he had reviewed the drainage plan since the 10/16/12 meeting and would send a letter of approval. He also told Mr. Huber that it will be necessary to have his own engineer check the site plan to determine whether they need to comply with the SWPP regulations.

Secretary Diane Rohl asked Building Inspector Joseph Colern for a checklist of what was still required of Mr. Huber for Final Site Plan Approval. He emailed it to her on 10/19/12 at 3:31 PM. Chairman Reid suggested that it should have also been emailed to Mr. Huber. Mr. Huber then responded that he had met with Mr. Colern and already discussed with him all of the items on the list.

Chairman Reid proceeded to use the email checklist and the EPB Checklist Form to be certain all items were in order. In reference to landscaping and screening, Mr. Huber said that the landscaping is toward the road and the proposed building is 900' back; that it will be hidden behind two other buildings. He also said there is a 25' long berm with evergreens which shade the building on the east side. Grass will be planted between the parking lot of the building to be leased to the "Penny Saver" (legal name R. W. Publications) and the access road. Shown on the plan are 35 parking spaces, size 9x20, which include two handicapped spaces.

There are ten windows and a glass door in the front. There is a paved area connecting two buildings with "adequate" walkways. The building height is 16' maximum on the sidewall and 30' maximum at the peak according to Mr. Huber. Chairman Reid said it will be noted on the drawing that it is "less than 35 feet". In response to Chairman Reid, Mr. Huber said he is waiting for a letter of approval from the EC Department of Health for the septic system.

During the meeting Chairman Reid recognized Mark Katilus, 200 Pound Road, a neighbor immediately adjacent to the rear of Mr. Huber's property. Claims by him that there had not been public notice when rezoning was requested by Mr. Huber were refuted by Town Attorney Todoro. He had several complaints about the conditions of the area bordering his property. Mr. Huber then said he would "do anything to make him happy". Mr. Katilus was referred by the EPB to the Building Inspector to whom he should address his complaints.

Chairman Reid deleted from the email checklist item *7. EC Department of Environment and Planning ZR1 Form* as not being required of the applicant. Documents received since the 10/16/12 EPB meeting were:

1. Planning Board Fee/amended plan payment of \$100,
2. Detailed site plans stamped and signed by architect with a letter 10/18/12.
3. Site restoration satisfactory letter from Army Corps of Engineers 6/28/12.
4. No exceptions noted in letter from Spring Brook Fire Company 10/24/12.

*Motion by Chairman Reid and second by Gregory Merkle to approve the Type I Short Form SEQR indicating that the proposed action will not result in any significant adverse environmental impacts.*

*Ayes: 4. Nays: 0. Motion Carried.*

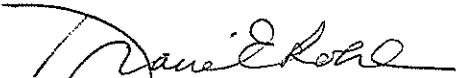
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*Motion by James Millard and Second by Michael Cleary to grant Final Site Plan Approval contingent upon: (1) Decision by Mr. Huber's engineer as to whether it will be necessary to submit SWPP documentation, copied to Building Department if required; (2) Approval from the EC Health Department on septic system.  
Ayes: 4. Nays: 0. Motion Carried.*

III ADJOURN

*Motion to adjourn at 8:35 PM unanimous.*

Respectfully submitted,



Diane Rohl,  
EPB-Secretary