

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF REGULAR MEETING –January 21, 2014

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday January 21, 2014 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Michael Cleary
Member Gregory Merkle
Member James Millard
Member Robert Waver
Alternate Charles Putzbach

ABSENT:

Member Michael Cirocco

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES - December 17, 2013

Motion made by James Millard and second by Robert Waver to approve the Minutes of the EPB Regular Meeting held on December 17, 2013.

Ayes: 7. Nays: 0. Motion Carried.

II STORAGE FACILITY (4 Bays max w/Office) - 101 Jamison Road

Jay Macaluso, owner and Architect Michael C. Anderson of ABSTRACT Architecture appeared before the EPB for a Preliminary Site Plan Review. Presented was a plan to construct a 40' x 170' wood frame, steel building with up to four storage bays and a small office in

the front for administration of the facility. Mr. Macaluso said he has owned the property for 22 years, looked around the area and believed there was a need for more commercial storage. He has talked to Moog and plans to offer the entire storage area to them once completed. Should that not materialize, he said he will offer individual storage units to other interested businesses and that he is looking for long term storage.

The parcel measures 100' x 1500'. Zoned C-2, it is bordered on either side by private residences. Frontage will be 51'. Asked the setbacks of adjacent residences, a neighbor in the audience responded "97-98 feet". When the EPB expressed concern regarding a buffer between the facility and neighbors, Mr. Macaluso said there will be evergreens running down the sides but he "will need to modify" that to increase the screening, with the rear existing vegetation to remain. He also agreed to increase the frontage to be in line with the adjacent residential properties.

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Mr. Macaluso stated that the site will be designed for box trucks but he believes there will not be a lot of traffic. There will be no storage of hazardous materials. According to the photo and specifications submitted, the building will be light gray metal with an antique bronze metal roof. It will have four insulated overhead doors with 14 feet clearance and four adjacent man doors on the east side. The west side will have no windows or doors. The front office area is a combination of windows with one man door. Wall packs with diffused lighting will be over each man door. Stone veneer will be installed partially up the front and sides of the office addition. No indoor plumbing nor exterior dumpster are planned. Suggestions were made by the EPB regarding parking locations.

Mr. Macaluso will be requesting a Preliminary BUP at the 1/22/14 Town Board Meeting. Chairman Reid completed the EPB Checklist for items submitted. The following was determined to be required before EPB Final Site Plan Approval:

1. Official Site Survey.
2. Modified blueprints of site, building, landscaping as necessary.
3. Engineering blueprints for drainage & elevations.
4. Increase front setback from 51' to be in line with adjacent residences.
5. Correct Application for Use Permit - Exterior Walls (steel)
6. Increase area of stone veneer on exterior of building.
7. Consider putting a window(s) on the west side of the building.
8. Consider decreasing height of overhead doors from 14' to 12'.
9. Parking lot layout with parking space designations, striping, finish materials & traffic patterns. (2 spaces/bay; 1 space/350' floor area.)
10. Correct Application for Use Permit - Signs (none)
11. Landscaping Plan including estimated value & two-year Maintenance Bond.
12. Approval letter from Town Engineer on drainage plan.
13. Approval letter from Fire Department for emergency access/ingress/egress.
14. Approval letter from NYSDOT regarding any curb cuts.

III BROOKSIDE PATIO HOMES - revised (54 units) - Bowen Road

Representing Owner of 2401 Bowen Road, LLC (Bryan Young) was Attorney Peter J. Sorgi, Hopkins & Sorgi, PLLC. (Note: This project was submitted as the Meadowbrook Patio Homes in December. Building Inspector Joseph Colern advised via email that there could be some confusion regarding site location in the event of an emergency. It was agreed that the project would be renamed to Brookside Patio Homes.) In addition to a sketch plan, letters were submitted from Attorney Sorgi (1/3/14); and from Engineer R. Christopher Wood (1/2/14) to Building Inspector Joseph Colern "summarizing the discussion during our meeting" regarding procedures and Town of Elma Building Codes.

Mr. Sorgi stated that the patio homes plan had been revised since their first proposal to the EPB on December 17, 2013. He noted that a stone walking trail runs from the north to the rear within the expanded dedicated open space and a 5' wide sidewalk would be installed on

Bowen Road from Pond Brook to the Plaza. The private road would be 50' wide and 520.08' in length from the midpoint of Bowen Road to the rear of the adjacent properties, then continuing to encircle the remainder of patio homes.

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According to Mr. Sorgi, putting in a road to Town of Elma specifications will add another \$10,000 to the cost of a lot. "Mr. Young is not interested in the Town taking over the road. He will build it to Town specifications."

Mr. Sorgi said the original parcel of land proposed had been increased from 20.3 AC to 32.9 AC and that "57% of the entire project is open space". He also said that some open space would be preserved through an LCE (Land Conservation Easement) with the patio homes HOA. Zoned Residential C, the EPB still questioned the definition of "clustering" and the method used to arrive at the density. Proposed are 54 SFR units with lots sizes varying from .16 AC. to .32 AC depending on location. Mr. Sorgi said that he felt the plan fit into the Town of Elma Regional Comprehensive Plan.

Asked about any wetlands on the property, Mr. Sorgi said they "will not be mitigated at this time; that the Army Corps of Engineers will only authorize that for commercial use". He had also stated at the December EPB meeting that having their own sewer system would be cost prohibitive; and now said that their "Engineer R.C. Wood believes that Pond Brook can handle it" (meaning the addition of the 54 patio homes). Chairman Reid reminded Mr. Sorgi that Elma Sanitary Engineer Tim Walczyk, who is in charge of the Pond Brook Sewer Plant, was not certain whether this was the case. Town Attorney Phyllis Todoros said that any request to tie into the Pond Brook Sewer Plant would require the Town Board to determine what is in the best interests of those residents before any approval could be given. Town Engineer Wyzykiewicz said any tie in would require that the DEC be involved.

In review, Mr. Sorgi said that after they complete the Site Plan Review process, they will submit a SEQR, then a Preliminary Plat with public hearing and then Final Plat with public hearing. Chairman Reid said the Elma Fire Department needs to review the plans to determine compliance for ingress/egress in emergencies, and to issue a letter of approval to the Town. Also that the Town Engineer will need to approve the drainage and wetlands and subsequently issue a letter of approval to the EPB. Mr. Sorgi responded that "it is too early without the SEQR".

Chairman Reid polled the EPB, asking if anyone had changed his mind (from the December meeting) regarding the use of the land for patio homes. Comments;

- Not visible from Bowen Road.
- Need more screening in some areas between patio homes and Pond Brook.
- Side Setbacks between homes are only 7 1/2'.
- Prefer to apartment buildings.
- Still a lot of unanswered questions.
- Two members - no comments.

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Motion made by James Millard and second by David Baker that under Elma Code 117-2 B.(3) Sketch Plan Conference, the EPB has determined that the project does require full review under this chapter, based upon its scope and/or land use and site design characteristics, and advises the applicant of preliminary site plan requirements in accordance with this chapter 117-3 Application for preliminary site plan approval.

Ayes: 7. Nays: 0. Motion carried.

IV RUNNING BROOK SUBDIVISION - (new) - Bullis Road

Representing Owner of 2401 Bowen Road, LLC (Bryan Young) was Attorney Peter J. Sorgi, Hopkins & Sorgi, PLLC. (Note: This project was submitted to the Building Department as the Meadowbrook Subdivision. Building Inspector Joseph Colern advised via email that there could be some confusion regarding site location in the event of an emergency. It was agreed that the project would be renamed to Running Brook Subdivision.) In addition to a sketch plan, letters were submitted from Attorney Sorgi (1/3/14); and from Engineer R. Christopher Wood (1/2/14) to Building Inspector Joseph Colern "summarizing the discussion during our meeting" regarding procedures and Town of Elma Building Codes.

Mr. Sorgi presented the subdivision sketch plan, proposed 18 lots for SFR, varying in size from .87 AC to 5.08 AC. Development will be covered under various Town Code requirements (see Wood letter of 1/2/14 - attached as a part of the official Minutes). Originally Mr. Sorgi stated there would be 50 AC; then changed to "44.9 AC - 21.9 AC zoned Residential B and 23.0 AC zoned Residential C". He said lots are of this size assuming positive perc tests by Erie County. "I am not sure if all of the lots perc. I don't have the answer now. SEQR requires us to show maximum build out. We may have to decrease the number of lots if they don't perc." Town Engineer James Wyzykiewicz told Mr. Sorgi that if they don't perc, he will need to meet with the Town Building Inspector to review the 1950 Town Map.

There is a proposed storm water basin that crosses the rear of six lots. Mr. Sorgi explained that easements will have to be approved. Attorney Todoro advised that the lots (6) could be lost if the Town does not want to grant the easements. Town Engineer Wyzykiewicz said: "The "lower left corner shows wetlands - probably jurisdictional." Mr. Sorgi said the wetland area will be 5 AC lots; "just cannot build on them". Chairman Reid told Mr. Sorgi that in order to do the proposed patio homes, the EPB will need the SEQR, showing the environmental impact of the total properties.

Access to the subdivision will be a public road off of Bullis Road, ROW 60' and built to Town specifications. A traffic study will be performed. All utilities will be public and there will be no sewers.

Chairman Reid polled the EPB members regarding the subdivision proposal:

- What is best for the Town of Elma and surrounding areas?
- Prefer green space and one large lot.
- Take a look at the historical significance of the site.

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EPB poll (continued)

- Response (Sorgi): Will have to submit to SHPO to determine. Will have to "contact them even if we are not going to go ahead with the subdivision, but we have to do the SEQR for the entire 80 AC".
- Concerned (3 members) over clearing of land prior to any approval.
- Response: (Reid) There is nothing in the Town Code to prevent it.

Chairman Reid asked for any further comments from the EPB or the audience:

- Some residents from Pond Brook said that they had a petition with 24 signatures of residents who object to the patio homes being there.
- Pond Brook owners would like a buffer for properties bordering patio homes.
- Concerns regarding location of driveway next to plaza - increase in traffic and difficulty in exiting onto Bowen Road.
- Response (Sorgi): " We will reach out and try to meet with Pond Brook residents."
- Suggest moving the driveway closer to the Plaza, leaving more of a buffer for the Pond Book homes.

- Review clustering definition/law to determine if patio homes qualify.

Mr. Millard requested that the Requested Action on the Agenda be changed from Sketch Plan Review to Concept Plan Review. A discussion ensued, with the EPB unanimous, that the subdivision proposal had not been developed enough to begin the approval process as cited in Town Code 123 Subdivision of Land.

V WORKSHOPS

(1) Smart Growth in Village Centers

Weds, Jan 22 7-9 PM Williamsville South High School

(2) Planning & Zoning Board Training Session

Thurs, Jan 30 7-9 PM Orchard Park Municipal Bldg

Secretary Diane Rohl informed the EPB that she had sent a proposed Resolution on December 3, 2013 to the Town Board for adoption, recognizing educational credits for the October and November Workshops conducted in-house. This has been done in the past and is allowed under Town Law Sec 267 & 271, Village Law 7-712 & 7-718 and General City Law 27 & 81, effective January 1, 2007.

VI FYI

Bldg Inspector's Report - December 2013

ECB Minutes - Town Web Site

ZBA Minutes - Town Web Site

Town Board Minutes - Town Web Site

MDCC Minutes - Town Web Site

VII AUDIENCE RECOGNITION

Members of the audience voiced concerns regarding the adequacy of the Fire Department and Police Department to meet the needs of the proposed patio homes and subdivision. As clarification, Secretary Rohl read aloud the section of Elma Town Code 117-2 B. (3) Sketch Plan Conference as passed in a Motion by the EPB for the patio homes proposal. Asked who would maintain the road in the patio homes, she responded that responsibility would be covered in the HOA prospectus. Chairman Reid reiterated that these were proposals only, that it was early in the process and no approvals had been made by the EPB.

VIII ADJOURN at 9:25 PM by unanimous consent.

Respectfully submitted,

Diane Rohl, EPB Secretary