

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF REGULAR MEETING- July 15, 2014

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday July 15, 2014 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

Member Gregory Merkle - Interim Chairman

Chairman Thomas Reid (arrived at 8:30)

Member David Baker

Member Robert Waver

Alternate Charles Putzbach

ABSENT:

Member Michael Cirocco

Member Michael Cleary

James Millard

TOWN REPRESENTATIVES:

Phyllis Todoro, Town Attorney

Raymond Balcerzak, Asst. Bldg. Inspector

James Wyzykiewicz, Town Engineer

I APPROVAL OF MINUTES - June 17, 2014

Motion made by David Baker and second by Robert Waver to approve the Minutes of the EPB Regular Meeting held on June 17, 2014.

II TIM HORTON'S REST/DRIVE THRU - Transit Rd South of #2151 - 1,950 Sq Ft

Interim Chairman Merkle presided. Patricia Bittar, PE from William Schutt Assoc. presented to the EPB the revised site plans dated July 9, 2014. Plan C-3 detailed the longer traffic queue depicting a total of 30 cars in line from entry point to drive through window. Several Town residents expressed their concerns regarding traffic tie-ups at other Tim Hortons. Interim Chairman Gregory Merkle also cited the

letter from the Spring Brook Fire District mentioning traffic congestion and insufficiency of one entrance. PE Bittar responded that the driveway has one entry and two exit lanes, one right and one left turn. She said that the DOT had given their approval. The driveway now extends an additional 43' into the rear Residential Zone. PE Bittar said that on July 1st a request for rezoning the entire parcel in the rear from Residential C to Commercial C-2 had been submitted to the Town Board as Lead Agency.

Plans for Revised Storm Drainage CA, Grading CA.1 and Soil Erosion C5 were also submitted. All others remained the same from June 17th EPB meeting. An estimate for landscaping costs of \$18,664 (from \$19,564 - corrected total) was handed in at the EPB meeting. It was as a result of the island added in the rear drive through. A request for a Variance for the front lawn sign has been scheduled for the August 12th ZBA meeting. Drainage District #195 for Tim Hortons was approved by Town Board on June 18, 2014.

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The following documents were received:

1. Wm Schutt (7/9) explaining lighting and citing other locations as examples.
2. Spring Brook Fire District (7/9) questions regarding traffic & sufficient access.
3. DOT email (7/2) approving traffic & drive thru queuing plan.
4. DOT email (7/14) approval drainage plan.
5. EC Health Department email (7/11) approving sand filter system.

Motion made by David Baker and second by Charles Putzbach to recommend Final Site Plan Approval to the Town Board as Lead Agency, contingent upon approval of rezoning from Residential C to Commercial C-2 and approval by the ZBA of sign.

Ayes: 4. Nays: 0. Motion Carried.

III KING'S SALES & SERVICE - 6511 Seneca St (Town Code §60) Bldg Rehab

Owner Donald King appeared with John Schaefer, PE. Based upon the request by the EPB on June 17th, the following were submitted and accompanied by a letter of review dated 7/1/14 from John Schaefer, PE.

1. Stamped Survey: Copy stamped with original date of 10-11-89.
2. Sign drawing: Mr. King described the pole sign as located in the grass island in the front of the building; internally lit by two 40 watt florescent bulbs; lettering to be red and white.
3. Building facade detail: Per front elevation drawing May 2014, grey vinyl siding, existing brick to remain as an accent, four new overhead doors, two man doors in front with wall mounted 60 watt side lights.
4. Lighting specifications including number and locations: No plans at this time for any other exterior lighting on the building or site.
5. Landscaping Plan: Sketch of landscaping in an island only in the front at the area surrounded by three resale parking spaces; estimated value of \$307.22 with signed and notarized two-year guarantee from Mr. King.
6. Parking Plan: Four resale spaces in front and six resale spaces on the south side with one HC and three customer parking spaces immediately in front of building; all areas are paved but not striped; three parking spaces for employees in the rear on stone. All spaces are 9x20.
7. Letter of approval from Elma Water Department. Received but not provided.
8. Letter from Spring Brook Fire Department. Approval 7/9/14.
9. Letter of approval EC Health Department. Approve existing system 7/8/14.

Mr. King said the dumpster is located behind the building. There won't be a fence but he said there is a line of trees to hide it. Aside from car repair he said he would be selling cars and renting RVs which would be parked in the rear. Customers would not be going into the rear but if that should change Mr. King said he will add lighting. Town Engineer requested a drainage plan. Mr. King said he did not

have one. Mr. Wyzykiewicz said a plan was necessary and he would be glad to work with Mr. Schaefer, PE, to design one.

Motion made by David Baker and second by Robert Waver to recommend to the Town Board that final approval be granted under Chapter 60 Article II §60-9. C. contingent upon: (1) receipt of a letter of approval from the Elma Water Department and (2) a drainage plan approved by the Town Engineer.

Ayes: 4. Nays: 0. Abstain: Reid (late arrival) Motion Carried.

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IV INCREASE SIZE OF VACANT LOT - Transfer from 2601 West Blood Rd

Attorney Kenneth Ferrell, representing owners Deborah & William Marshall, explained that they wish to transfer 0.5913 AC from their lot to their adjacent lot to create a buildable lot under the Elma Town Code Chapter 100 Acreage Lot Development §100-3 Lots beyond the Four Split Rule. He said they are applying because this would exceed the Four Split Rule. The new lot would exceed 2 AC and the original lot would be reduced from 6.12 AC to 5.5287 AC. Two stamped surveys dated 7/27/14 were provided, the first indicating the parcel to be transferred and the second showing the vacant lot with the additional acreage.

Motion made by Chairman Thomas Reid and second by Charles Putzbach to modify Sublot 5 from 6.12 AC to 5.5287 AC and increase vacant lot by 0.5913 AC to create an additional buildable lot under §100-3; to recommend approval to the Town Board for modification of Expressway Acres Subdivision under §123-1 B.

Ayes: 5. Nays: 0. Motion Carried.

V PINES SUBDIVISION (13 lots) - Tracy Dr (betw West Blood & Summerdale)

Owner John Elliott appeared for a Sketch Plan Conference. Mr. Elliott explained that the Pines Subdivision received approval "in the fifties" but that the 32 lot subdivision had been only partially developed. He said Tracy Drive had not

been completed although the road was installed and has been maintained by the Town. He is requesting approval to continue development for 13 lots (#10 - #21 and #33). Reviewing the history of the subdivision with the Town, he said that in 1982 the Building Department would not issue building permits on these lots until the drainage was corrected. He outlined a sequence of past events:

- 5/82 - Town was to investigate water problems.
- 6/82 - Town had meeting with the residents to determine requirements.
- 7/82 - Town Engineer & DEC to study run off.
- 3/83 - Mr. Elliott sent in results of engineering study & ECH Department.

Town Engineer Wzykiewicz said there is an engineering study which determined what the situation was. "It is an approved subdivision but it does not matter whether it percs or not. The Town Board can still stop development." He then said that information needed is: (1) Where would the sand filter systems be located? (2) Results of EC performing perc tests. Mr. Elliott said it was recommended a Drainage District be formed but that it was never done; and that currently he has had no complaints and feels the problems have been resolved.

Motion made by Chairman Reid and second by Gregory Merkle under Sketch Plan Conference §177-2 B. (4) to recommend to the Town Board that they honor the original request of Mr. Elliott in 3/83 for drainage information.

Ayes: 5. Nays: 0. Motion Carried.

VI LEIN FARM ESTATES-CLUSTER SUBDIVISION - Aurora & Clinton (138 AC)

Applicant Dr. Donald J. Lein of Lein Farm Estates was represented by Thomas J. Wolanski, PE, Greenman-Pedersen, Inc. Representatives from Ryan Homes, having entered into an agreement to potentially purchase the property, were also present. As requested, a sketch plan review was conducted under Article VIII Clustering, Section 123-22. B.

The history of the property was presented indicating that homes and a barn presently on the site will be remain separate from the proposed development. While totally in the Lancaster School District, the site is divided between the Towns of Lancaster and Elma, 138 AC of the 188.3 AC being in Elma. Of the Elma portion, 54 AC is proposed to remain undeveloped by either preserved open space or by land conservation easements. The commercially zoned portion on the ROW is not planned to be developed under this application.

Proposed are 157 units. Describing the types of homes, they would be typical of the Ryan Homes in Cross Creek: 6-10 different building types, 2,000-2,400 square feet, price range from \$200,000 - \$275,000. Mr. Wolanski offered this as a Cluster Development. Asked by Chairman Reid what was the basis for the lot dimensions, he responded that they are using the Town of Lancaster bulk regulations "for a more uniform look throughout the development". Chairman Reid responded that this land is zoned Residential C and Cluster Developments are only allowed in Residential B; and that this plan is not representative of a Cluster Development, and that the Town of Elma, apart from Lancaster, is dedicated to maintaining a more rural character.

Mr. Wolanski continued saying that the wetlands have been identified, currently being used in the farming area. Mr. Reid said a plan would need to be submitted with the wetlands preserved. The SEQR would be a coordinated review between both towns. A request would be made to have the roads taken over by the towns.

Members of the public spoke expressing the following concerns:

- A member of the Blossom Fire Company said that with the current manpower and emergency and mutual aid calls, they cannot even handle what they already have.
- There are drainage problems with creek water.
- There is already a large volume of traffic on Aurora Street. This would add to it.

Chairman Reid advised the applicants that in order for the subdivision plan to be considered by the EPB, they would have to submit one that complies with Elma Zoning Codes and Building Codes.

VII WORKSHOPS

2014 Planning and Zoning Summer School- NY Plan Fed & NYAT

Clarion Hotel, Batavia - August 8th - 9:15-3:45 (5 credit hours)

VIII FYI

Bldg Inspector's Report - June 2014

ECB Minutes - Town Web Site

ZBA Minutes - Town Web Site

Town Board Minutes - Town Web Site

MDCC Minutes - Town Web Site

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IX ADJOURN

Meeting adjourned at 10:05 by unanimous consent.

Respectfully submitted,

Diane Rohl,
EPB Secretary