

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

EPB WORKSHOP @ 7:00 - 8:00 PM

Review/Approve EPB Checklist - Diane Rohl; Town Code Review - Drew Reilly

MINUTES OF REGULAR MEETING - MAY 19, 2015 - AS AMENDED JUNE 16, 2015

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday May 19, 2015 at 8:00 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
Dean Puleo, Deputy Town Attorney
Raymond Balcerzak, Asst. Bldg. Inspector
James Wzykiewicz, Town Engineer
Drew Reilly, Town Board Consultant for SEQR - Brookside Patio Homes

I APPROVAL OF MINUTES - April 21, 2015

Motion made by James Millard and second by Robert Waver to approve the Minutes of the EPB Regular Meeting held on April 21, 2015.

Ayes: 7. Nays: 0. Motion Carried.

II PAGE'S ENTERTAINMENT CENTER INC. -

THE COVE- 4701 Transit Rd - Two-Story Front Porch

Owner Brian Page was unable to attend. Absent was architect David Fleming, DRF Design. Representing Mr. Page was Amanda Hirnyj. She said that the front of the building sustained damage over the winter. To repair and enhance the Cove restaurant, a two-story porch is proposed. The first floor will be on the existing foundation and a second floor will be added with outdoor seating. Originally there was a first floor patio. Both levels will be surrounded by a railing. An outdoor staircase will lead to the second floor. Columns will support the second floor deck. There were questions regarding measurements. Concrete bollards will be erected to protect the columns from any potential damage by cars parking there. Mr. Millard asked how much of the driving lane is left. A picture was requested.

Questioned by the EPB, Ms. Hirnyj said the parking lot will not be affected by the parking of any additional cars. "Mr. Page has an agreement with the adjacent property owner to use the area for overflow parking." The EPB requested that a written copy of that agreement be provided.

A motion was made by Chairman Reid and second by Michael Cleary to table the request for a two-story porch until the following are provided:

- 1. Of the two drawings submitted, clarify which one should be used.*
- 2. Provide a site plan of the entire property.*
- 3. Provide details showing columns to be constructed on the entire site.*
- 4. Provide elevations of patio/porches for all sides.*
- 5. Provide lighting detail - locations, types and wattages.*
- 6. Provide a copy of the parking agreement with the owner next door.*
- 7. Provide a photo of the driving lane including measurements.*

Ayes: 7. Nays: 0. Motion carried.

III BROOKSIDE PATIO HOMES - SEQR #173 - Bowen Road - behind Elma Plaza
Owner Bryan Young of Young Development Inc. and Attorney Sean Hopkins of Hopkins Sorgi & Romanowski PLLC appeared before the EPB requesting approvals for the Brookside Patio Homes project. Drew Reilly, PE of Wendel, hired by the Town Board as a Consultant for the SEQR process, was also present to assist the EPB in their review.

The following documents were submitted by the applicant:

1. Cover letter Hopkins & Sorgi dated 2/26/15.
2. Application for Site Plan Approval - Re-zoning Request (not dated).
3. SEQR (Full EAF) 2/26/15 with supporting documents.
4. C-100 Site Plan Layout Overall 2/26/15
5. C-101 Site Layout Plan 2/26/15
6. EX-100 As of Right Plan 2/26/15
7. Copies of letters from Hopkins Sorgi & Romanowski dated 5/14/15 to six residents of Pond Brook regarding their meeting on 5/9/15 and attached C-101 Site Plan Drawing dated 5/13/15.**
*(**Note: Copies of the referenced C-101 Site Plan Drawing dated 5/13/15 were not attached nor provided to EPB.)*

Attorney Hopkins reviewed the history of the proposed site, stating it had been purchased three years ago and that the original intent was to build multi-family dwellings. When the Town declared a Moratorium and the subsequent code did not allow for multi-family dwellings, he said Mr. Young modified his plans and is now proposing 54 detached patio homes, owner occupied. The revised plan (C-101 Site Plan Drawing dated 5/13/15) for 54 patio homes laid out in a cluster development now includes an additional 15 AC of dedicated open space. "This would be 54 homes on 50 AC." Mr. Young is also proposing a pedestrian walkway that will connect to Pond Brook - "if they so desire". Attorney Hopkins said he and Mr. Young met with Pond Brook residents on 4/23 (no letter to residents provided) and on 5/23 (letter to residents provided). He said: "He has kept them informed and is willing to have them continue to be involved."

The letter refers to C101 Site Plan that "incorporates the following modifications":

1. Building area for Lots #1-6 has been moved 20' east resulting in rear setbacks doubling from 20' to 40'. On Lots #3 - #6, the existing vegetation will remain.
2. Proposed drainage pipe originally relocated to the rear of Lot #3 and Lot #6 will now be located in the right-of-way in the front of these lots with existing vegetation to remain.
3. Proposed planting of new evergreens in the rear and side of Pond Brook homes on Old Mill Circle, numbers 13-16 and 21-24. Residents prefer that the trees be planted on the patio homes property unless approved by the Pond Brook HOA.
4. Trees to be planted Lots #1 - #6 in new setback area.
5. Roadway from Bowen Road into patio homes to be moved south to increase green space to 47' on the Pond Brook side.

In regard to the Pond Brook Waste Water Treatment Plant WWTP), Mr. Hopkins stated that it currently needs updating at an estimated cost about \$250,000 to comply with DEC standards, these costs would be shared between current users on a proportionate basis. (Pond Brook & Sylvia's Place.) The proposed project would cause the WWTP to need over \$500,000 to upgrade. These costs would be assumed by the applicant. (Actual costs could be higher and they would also be the responsibility of the applicant - as stated at the meeting.) Consequently there would be no costs to the current users for these improvements. The new project would become a part of the existing sewer district and they would pay their proportionate share of future O&M costs.

The Elma Zoning Code says access to the development should be a public road. Mr. Young is asking that it be a private road and agrees to build it to public road standards. Later in the meeting it was confirmed that the Town Law allows the Town Board to waive the requirement of the road needing to be a public road. This would be a Town Board decision and could include reasonable conditions.

Chairman Reid asked the question: "How does this comply with the RCP? and the Elma Center Overlay District? Points brought up by Attorney Hopkins:

- It is helping to develop this area as the Town Center.
- The intent is to build for those who may want to downsize but stay in Elma.
- Estimated selling price of the units may start at around \$250,000 - similar to Springbrook Shores.
- A sidewalk has been proposed between Pond Brook and Brookside.
- Development is not impacting most of the wetlands.
- Added 15 AC of dedicated green space to create a development equaling about 1 unit/AC density.
- Lot setbacks will be 20' rear and 7.5' side.
- Lots #1 - #6 increased rear setbacks to 40' per agreement with Pond Brook.

SEQR Consultant Drew Reilly began a review of the process between the EPB and the Town Board. He said that the RCP states that the Town should create a development plan for this area; but in the absence of Town's actions, the EPB and the Town Board, through this project, can develop the Plan for this area. This Plan will help them decide on this rezoning. The issues to be reviewed and recommended by the EPB per the Town's Codes are as follows:

1. Whether to rezone the site from Residential C & C-2 to Residential B (lot size minimum of 125'x 250') and if recommending rezoning, what conditions should be placed on the rezoning.
2. Does the proposed development qualify for cluster subdivision (power given to EPB to make this decision) and if so, the maximum number of lots allowed needs to be determined. To assist with this determination, lot dimensions need to be shown on the base site plan(as of right development plan) and the proposed cluster. There was an extended conversation on whether the base plan accurately showed approvable lots (not increasing density as required under NYS Law). This Law gives the EPB the discretion of determining allowable lots.
3. Whether the Town Board as Lead Agency should issue a negative or positive declaration of SEQR , based upon the review of the EAF and information submitted by the applicant.

If the preliminary cluster development proposal is approved to proceed, the EPB would then provide an Advisory Report with recommendations to the Town Board- the approved agency for rezoning, final subdivision approval and as SEQR Lead Agency under Elma Town Codes and NYS Law 278.

Attorney Hopkins responded that the proposed cluster lots would be 60' D and 40'W and that the residents would own their own lots while the HOA would be responsible for the maintenance. He said that the density would be lower with additional acreage, but Mr. Young would be willing to agree to a maximum number of 54 lots; and that there would actually be an increase in Federal wetlands. Mr. Young will agree to preserve 36.8 AC of open space in a deed restriction. It can either be deeded to the Town in a Land Conservation Easement Agreement or deeded to the Brookside Patio Homes HOA. The road will be private. The sidewalk could run to Pond Brook and to the Plaza if so desired. A comment was made by the EPB that it would be nice to have the sidewalk connect Brookside, Pond Brook and Sylvia's Place. Mr. Young has agreed to pay the total costs of the Waste Water Treatment Plant upgrade repairs and all costs to tie into Brookside as estimated by Clark, Patterson and Lee - to be as much as \$500,000.

CLUSTER DEVELOPMENT

I. Rationale to Town Board under the Regional Comprehensive Plan (RCP):

Preserves & protects significant environmental resources including Pond Brook.

Is consistent with the Elma Center Overlay District.

Promotes orderly growth and development.

Maintains and helps to improve the infrastructure.

Meets the density requirement of State and Local Law.

Provides connectivity to the area and helps economically by supplying users for the retail business in the area.

II. EPB Motion:

Motion made by James Millard and second by Michael Cleary that in accord with Section 123-22 of the Elma Town Code, the EPB is authorizing the use of Cluster Development for proposed Brookside Patio Homes with a maximum of 54 building lots and 36.8 AC designated as permanent open space.

Ayes: 7. Nays: 0. Recommended to the Town Board.

RE-ZONE FOR CLUSTER DEVELOPMENT

I. Rationale to Town Board under the Regional Comprehensive Plan (RCP):

Facilitates and is in compliance with the RCP and Elma Center Overlay District; Sees the reasons under the cluster development.

Many of those reasons supporting the cluster development were also reasons to support the rezoning.

II. Motion:

Motion made by Chairman Reid and second by Robert Waver that in accord with Section 144-118 of the Elma Town Code, the EPB is recommending the adoption of rezoning of the proposed property from Residential C and Commercial C-2 to Residential B, as described in the applications ; and with the following conditions:

- 1. The maximum density of the proposed site will be 54 units.*
- 2. Permanent protection of 36.8 AC of open green space.*
- 3. Provide what is required for the proposed road to be a private road.*
- 4. Project sponsor will be responsible for the upgrade to the Pond Brook Waste Water Treatment Plant in accord with Clark, Patterson & Lee report.*
- 5. Brookside Patio Homes will not impact Pond Brook.*

Ayes: 7. Nays: 0. Recommended to the Town Board.

The EPB agreed that in order to allow them time to personally review the SEQR and attachments, the SEQR would be placed on the June 16th EPB Agenda for any recommendations or comments to the Town Board. Mr. Reilly stated that this would not delay the project as the Town Board can now set a public hearing on the rezoning and finalize the coordinated review process. He said that once the Town Board has completed these steps and the EPB provides their input under SEQR, the Town Board can make a SEQR decision. He explained that If it is a negative declaration, they can proceed to rezoning. If the site is rezoned, then the application would return to the EPB once a complete Preliminary Subdivision Application is received. As the EPB is an Involved Agency under SEQR and only a recommending board, these decisions are up to the Town Board to make - and can be different than the EPB's recommendations.

Items IV & V Added to Agenda by Chairman Reid at EPB Meeting:

IV COMMERCIAL STORAGE BLDG - (60' x 100') - 5960 Seneca St

Applicant Bo Tucker, Creative Land Development, and Engineer John Schenne appeared before the EPB. The legal address of the proposed building was corrected to 5980 Seneca Street, verified by the Building Department. At the March 17, 2015 EPB meeting, the EPB requested the following prior to granting Final Site Plan Approval:

- New elevation drawing showing area and colors of siding and stone.
- *North & East Elevations A2 dated 5/14/15; EPB Minutes 3/17/15.*
- Details on proposed driveway.
- *Proposed Enlarged Site Layout C1 dated 5/14/15. There will be two driveways - one for 5962 (existing) and one for 5980 (proposed).*
- Letter of approval from EC Highway Department for curb cuts.
- *Received 5/14/15.*
- Letter of approval from Spring Brook Fire Co. for emergency access.
- *Received 5/14/15.*
- Letter from Elma Water Department.
- *Received 5/13/15.*
- Lighting Detail - location and wattage.
- *Located over 2 man doors & 2 bays. Wallpack 18 Watt with photocell.*
- Drainage Plan to be submitted to Town Engineer for approval.
- *Will need SWPP and drainage plan for both buildings - 5962 & 5980 Seneca Street . A detention pond will be required in the rear. Plan C1 acceptable if not altered per Town Engineer. He said it will be necessary to work with the DEC for final approval.*
- Two-year warranty letter on landscaping including estimated value.
- *Letter dated 5/1/15 for \$5,800. Discrepancy between site plan and plant list. List to be used per Mr. Tucker for reference by Building Department.*

Motion made by Chairman Reid and Second by Michael Cleary to approve the Short Form EAF SEQOR based upon "that the proposed action will not result in any significant adverse impacts". Ayes: 7. Nays: 0. Motion Carried.

Motion made by Chairman Reid and second by Robert Waver to grant Final Site Plan Approval contingent upon submittal of a SWPP and drainage plan to Town Engineer with no alterations to Proposed Enlarged Site Layout C1. Ayes: 7. Nays: 0. Motion Carried.

V SALON ELIZABETH - 720 Jamison - New Building 1,500 sq ft

Owner of Specialized Tree and the subject property, Timothy Dugan appeared on behalf of his wife who will be operating Salon Elizabeth. At the 4/21/15 EPB meeting Chairman Reid said the following will be required before FSPA can be given:

1. Stamped Survey showing the two individual parcels and dimensions.
Plot Plan dated 3/25/15 and stamped by Nussbaumer & Clarke, Engineers.
2. Colored elevations (all sides) and/or black & white elevations: include samples of all materials and colors
Elevations (black & white) dated 3/30/15. Colored rendering of building showing tan stone base, natural colored siding and tan metal roof. Samples shown.
3. Floor Plan including patio area and dimensions.
No floor plan provided. Mr. Dugan described patio as 15'x30' with surrounding shrubbery. (colored rendering)

4. Sign Design - placement, size, color, lighting.
Colored rendering on building site - stone base with sheet of steel - no lights.
5. Location of exterior lighting on building with specification sheets.
Below windows under the soffit - 25 Watt LED.
6. Site Plan with sidewalks, driveway ingress/egress pattern, parking spaces.
Mr. Dugan said the lot will be paved, spaces striped with HC parking.
7. Location of Fire Hydrant.
Plot Plan signed by Howard Diehl, Jamison Road Fire Department Chief.
8. Landscaping plan - location, type, number and estimated value of plants.
Mr. Dugan said it will be mostly large stones (picture) and outside planters.
9. Two-year warranty letter signed by owner for value of all landscaping.
Landscape estimates from Specialized Tree Service dated 5/12/15 included material costs and labor. Revised to \$700 with two year warranty.
10. Engineering blueprint for drainage.
Approval from Town Engineer James Wzykiewicz.
11. Approval of drainage plan by Town Engineer.
Approval from Town Engineer.
12. Approval letter from Erie County Health Dept. - septic system.
Application filed by Custom Builders of WNY to EC Health Dept. not dated.
13. Approval letter from Elma Water Dept.
Application to Erie County Department of Health. not dated.
14. Approval letter from NYS DOT for curb cuts.
Letter from Erie County DPW dated 4/28/15.
15. Approval letter from Jamison Road Fire Co. - emergency access.
Plot Plan signed by Howard Diehl, Jamison Road Fire Department Chief.

*Motion made by Chairman Reid and Second by James Millard to approve the Short Form EAF SEQR based upon "that the proposed action will not result in any significant adverse impacts".
Ayes: 7. Nays: 0. Motion Carried.*

*Motion made by Michael Cleary and second by Charles Putzbach to grant Final Site Plan Approval.
Ayes: 7. Nays: 0. Motion Carried.*

VI RECOGNITION OF AUDIENCE

Tammy & Ewald Tober requested to be heard. They provided copies of a three-page letter dated 5/19/15, outlining various complaints about King's Auto Sales. After listening, Chairman Reid told Mrs. Tober that the EPB cannot help her; that she needs to work with the Building Department, and if necessary, contact the Town Supervisor to address her concerns.
Page 7 - EPB (5/19/15)

VII FYI

Bldg Inspector's Report - April 2015
ECB Minutes - Town Web Site
ZBA Minutes - Town Web Site
Town Board Minutes - Town Web Site
MD-DG Minutes - Town Web Site

VIII ADJOURN

Meeting adjourned at 11:40 by unanimous consent.

Respectfully submitted,

Diane Rohl,
EPB Secretary