

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF REGULAR MEETING - June 16, 2015

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday June 16, 2015 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 Cirocco
Member Gregory Merkle
Member James Millard

ABSENT:

Member Michael Cleary
Member Robert Waver
Alternate Charles Putzbach

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES AS AMENDED - May 19, 2015

Chairman Reid explained that Drew Reilly, SEQR Consultant for the Town Board, had requested in an email dated June 3rd, that the May 19th EPB Minutes be expanded to include certain details from the notes he had taken at that meeting. These notes were specifically related to Brookside Patio Homes.

Motion made by Chairman Reid and second by Gregory Merkle to approve the Minutes as amended, of the EPB Regular Meeting held on May 19, 2015.

Ayes: 4. Nays: 0. Abstain: 1. (Cirocco- did not attend 5/19/15) Motion Carried.

II BROOKSIDE PATIO HOMES - SEQR #173 - Bowen Road - behind Elma Plaza

Owner/Developer Bryan Young, Attorney Sean Hopkins of Hopkins Sorgi & Romanowski, and Christopher Wood, Architect of Carmina Wood Morris were present. As decided and recorded in the EPB 5/19/15 Minutes, the EPB were to review individually Part 1 SEQR and attachments prior to this meeting. The applicant was advised at that meeting that the purpose of the Part 2 SEQR Review by the EPB would be to make a recommendation to the Town Board, the Lead Agency for this project.

The following were provided prior to the meeting:

1. Email from Hopkins 6/11/15 which was forwarded to EPB:
 - a. Colored rendering of layout of Brookside Patio Homes
 - b. Letter to Drew Reilly:
 - Exhibit 1 - Letter to Pond Brook residents 6/2/15.
 - Exhibit A - Letter Clark Patterson Lee re: Pond Brook WWTP 12/4/14.
 - c. Site Plans C-100 and C-101 dated 5/13/15

In response to wetlands on the proposed site, Mr. Hopkins stated they have a permit from the Army Corps of Engineers (ACE) with their request for an on-site verification if possible. According to the application, 13+ AC are federal wetlands, either land or water bodies and approximately .49 AC will be disturbed. He said the ACE "prefers mitigation be on the site, AC for AC". The total area for the site is 49.88 AC with approximately 15.5 AC for 54 patio homes. Mr. Hopkins stated: "With the exception of what we are developing, all the rest of the area will be deed restricted as open space." He said the amended SEQR includes the additional 15 AC that Mr. Young is donating as part of the open space.

Regarding access to the site, Mr. Merkle stated that he had counted 17 ingress/egress points from Bowen Road to other sites and asked if there was any other way to enter Brookside Patio Homes. Mr. Hopkins responded that a letter had been received from the EC Division of Highways in response to the Traffic Impact Study submitted by SRF Associates. It was determined that there is capacity to handle the vehicular trips as a result of the additional 54 homes.

Drew Reilly, the Town Board SEQR Consultant, sent an email on 6/11/15 to EPB indicating that he would be unable to attend the EPB meeting. This three page email and attached Part 2 SEQR list of questions, (copy emailed to Mr. Hopkins) outlined his suggestions for procedures/options to be followed by the EPB; and "his observations on the key environmental issues" to be considered by the EPB. He also included a pro-forma Part 2 SEQR that he completed. (Note: Not all questions contained in that Part 2 SEQR form received comment from Mr. Reilly.)

While *Part 2 - Identification of Potential Project Impacts* - is to be officially completed by the Lead Agency (Town Board), the EPB used it as a guideline to determine environmental impacts, if any, and to provide rationale to the Town Board on their recommendation. The EPB referred to their copies of Part 2 SEQR from Drew Reilly while Chairman Reid read each of the questions on the Headings 1. - 18. on pages 1- 10. The EPB then discussed each question as needed and reached a consensus on each one. Where there was a difference of opinion from Mr. Reilly's recommendation as marked, the Chairman marked the response chosen by the EPB and initialed it as well. The choice for each one was either: "No, or small impact may occur" or "Moderate to large impact may occur". Attorney Hopkins was given an opportunity to provide feedback as the EPB proceeded through the questions on the form.

Part 2 SEQR as marked by the EPB, will be made a part of the Minutes for a record of the EPB's assessment of the environmental impacts of the proposed Brookside Patio Homes project. The following items were changed from Mr. Reilly's recommendation, with the new response indicated as initialed by Chairman Reid:

3. *Impacts on Surface Water*

- a. *The proposed action may create a new water body. No or small impact*
- e. *The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. No or small impact*
- g. *The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). No or small impact*

- h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. No or small impact*
4. Impact on groundwater - NO
5. Impact on flooding - NO
6. Impacts on Air - NO
8. Impact on Agricultural Resources - NO
10. Impact on Historic and Archaeological Resources
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NYS Historic Preserv Off (SHPO) archaeological inventory. No or small impact
11. Impact on Open Space and Recreation - NO
17. Consistency with Community Plans - NO

Part 3 - Evaluation of the Magnitude and importance of Project Impacts and Determination of Significance - (Lead Agency must complete)

Name of Action: Planning Board Recommendation

Statement: Based upon the information that we had at this time, the EPB sees no significant adverse impacts on the environment for this project.

Signed: Thomas Reid, 6/16/15

Considerable discussion followed regarding whether Box A. on page 2. of Part 3 of the SEQR should be checked by the EPB Chairman since the EPB was not Lead Agency. The Town Attorney agreed that it was appropriate to indicate the EPB's recommendation, as an Involved Agency but not as Lead Agency, so as to make it clear to the Town Board that the EPB felt the project will result in no significant adverse impacts on the environment,

Motion by James Millard and second by Gregory Merkle that based upon the information currently available, the EPB has identified no significant adverse impacts on the environment. Ayes: 5. Nays: 0. Motion Carried.

III PAGE'S ENTERTAINMENT CENTER INC - THE COVE- 4701 Transit Rd - Two-Story Front Porch

As a result of Owner Brian Page being unable to attend the 5/19/15 EPB meeting, plans submitted were tabled due to a lack of detailed documentation of the project. He attended on 6/16/15, bringing updated plans for the EPB to examine. (DRF Design Architecture - revised permit set dated 6/15/15 - page 2.)

Submitted on 5/19/15 was a photo of existing conditions (Page 1) "that will not change; that the landscaping will not interfere with the traffic pattern; that the patio will be inside the bollards". According to Mr. Page, the measurements of the new deck are 45' 7 1/2" x 24' 8". He said there will be a black railing, with accent colors matching the existing colors. The existing stage will be kept for the band and there may be background speakers. He said there will be a door upstairs leading to the banquet room and that there will be three means of egress.

He explained the lighting will be the same for the upstairs and the downstairs, matching the existing lights. Asked if the lights were going to remain on after the business is closed, he responded: "No". Regarding parking, he said there is an agreement in his lease for shared parking if necessary, for the area adjacent to his business; that he had to pay for it; and that he expects most of the parking will be in the front. He said parking will not be allowed on Transit Road and there will also be no driving lane.

A motion was made by Chairman Reid and second by Gregory Merkle to grant Final Site Plan Approval contingent upon the Building Department receiving proof of the parking lot agreement in the lease for the Cove that allows parking on the adjacent property.

Ayes: 5. Nays: 0. Motion Carried.

IV CAMINO DEVELOPMENT - 1231 Maple - New Office/Storage 5,860 sq ft

Owner David Ogiony, originally scheduled for the 4/21/15 EPB meeting was unable to attend. The following documents were submitted for the 4/21 and 6/16 Agendas:

- Application for BUP 3/8/15
- Letter Elma Water Dept. Back Flow review in process 4/15/15
- Site Plan 5/6/14
- Topographic Survey 5/9/12
- Sewage Disposal System (Sand Filter) 2/20/15
- Wetlands Delineation 2/12/15
- Stormwater Prevention Plan (SWPP) 2/20/15
- Lighting & Electrical Plans 2/23/15
- Building Elevations & Construction Plans with Notes 2/23/15
- Plumbing & HVAC with Notes 2/23/15
- Landscaping Plan with Plant List 4/13/15
- Letter Department Of Army Corps of Engineers 5/17/15
- Letter EC Health Dept. (Sewage Disposal System) 5/29/15
- Letter EC Environmental Health Services (Sand Filter) 5/29/15
- Letter EC Environmental Health Services (Backflow Preventer) 6/2/15
- Jamison Road Fire Co. (access approval) undated
- Revised Lighting Plan 6/5/15

The building will have an office at each end (30' x 25' or 750 sq ft each) with warehouse space in the middle (4,360 sq ft), totaling 5,860 sq ft. Mr. Ogiony said the building will be similar to 1221 Maple, approved on 6/19/12 at 6,500 sq ft. but slightly smaller due its having to fit on the remaining lot. He said the exterior design will be identical to the existing building. Wall pack lights will be over the man doors. The driveway will be shared and located on the 1221 Maple parcel. Twenty-one (9'x20') parking spaces were indicated including two HC spaces. One-half of the building will be leased to a medical supply business with four employees. A letter signed by Mr. Ogiony valued the landscaping material at \$7,000. He was given a copy of Town Code 144-86.14 requiring a two year written warranty on plantings.

Town Engineer Wzykiewicz had suggested when the first building was built, that the drainage system for each building be separate to eliminate any problem when potentially selling only one building but having a shared system. The plan calls for a shared detention pond. Engineer Wzykiewicz said the approval will be up to the EPB. A letter from the Army Corps of Engineers dated 5/27/15 granted permission to "construct a building and impact 0.02 AC of jurisdictional federal wetlands". Mr. Ogiony said the septic system will be separate from the existing building.

Motion made by Chairman Reid and second by James Millard to approve the Short Form EAF based upon the information and analysis and documentation, that the proposed action will not result in any significant adverse environmental impacts.

Ayes: 5. Nays: 0.

Motion made by Chairman Reid and second by Michael Cirocco that Final Site Plan Approval be granted contingent upon:

- 1. Approval of Drainage Plan by Town Engineer;*
- 2. Approval from EC Dept of Health for backflow prevention plan.*

Ayes: 5. Nays: 0. Motion Carried.

V REVISED EPB CHECKLIST

The EPB was unanimous in its decision to adopt the revised EPB Checklist. The review process was a part of the EPB Workshop conducted on 5/19/15 prior to the regular meeting. Normally distributed by the Building Department, the EPB requested that it be made available to all applicants on the Town Web Site.

VI FYI

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

VII ADJOURN

Meeting adjourned by unanimous consent at 9:10 PM.

Respectfully submitted,

Diane Rohl,
EPB Secretary