

**TOWN OF ELMA PLANNING BOARD**  
**1600 Bowen Road, Elma, New York 14059**  
**Phone: 716-652-3260**

**MINUTES OF REGULAR MEETING ~ September 21, 2021**

*The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, September 21, 2021, at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.*

**PRESENT:**

*Chairman Michael Cirocco  
Member David Baker  
Member James Millard  
Member Robert Waver  
Member Charles Putzbach  
Alternate Thomas Reid*

**TOWN REPRESENTATIVES:**

*Rosemary Bapst, Asst. Town Attorney  
James Wzykiewicz, Town Engineer  
Raymond Balcerzak, Asst Building Inspector*

**ABSENT:**

*Member Michael Cleary  
Member Gregory Merkle*

**I. Approval of Regular Meeting Minutes from August 17, 2021**

*Mr. Reid motioned to approve the Minutes of the EPB Regular Meeting held on August 17, 2021. Mr. Waver 2<sup>nd</sup> the motion. Motion approved.*

**II. Site Plan Review for a 40' x 60' x 21' building @ 550 Pound Rd for Wilbert's U-Pull It of Buffalo Applicant: Todd Lewis**

Todd Lewis and Eric Wilbert returned to get final site plan approval for their plan to renovate an existing building on the property at 550 Pound Road

**EPB reviewed the checklist:**

*Zoning: Industrial*

*Documentation: They applied for and received a preliminary business use permit*

*Site & Building Details: Provided, building will be Hawaiian Blue in color*

*Lighting: lighting details on plan*

*Parking: Parking details provided*

*Drainage: No wetlands, approved by town engineer*

*Signage: Not on the plan- will need a separate building permit*

*Landscaping: No landscaping required. Dumpster location provided*

*Water Service & Septic System: No fire hydrants on site. Using existing septic system. Have a letter from the Elma Water Department*

*Fire Department: Have a letter from the fire department*

**II. Site Plan Review for a 40' x 60' x 21' building @ 550 Pound Rd for Wilbert's U-Pull It of Buffalo (continued) Applicant: Todd Lewis**

Mr. Baker discussed the lighting plans with Mr. Lewis. They will be down lite. Mr. Putzbach asked if there is any change to the back of the property. Mr. Lewis said other than cleaning it up they will continue to use it as it has been used. Mr. Millard asked about the location of the dumpster. After consulting code 144-86-3 the board agreed that since it was behind the building it would not need any additional screening. Chairman Cirocco mentioned that they provided the paperwork missing from last meeting including providing detail on lighting and the dumpster as well as a letter from both the Water Department and the Fire Department

*The EPB reviewed the SEQR. Robert Waver made a motion to check box #2 on the SEQR, motion was seconded by Charles Putzbach. Yes-6 No-0. Motion Carried.*

*A motion was made by Thomas Reid and Seconded by Robert Waver to give final site plan approval for the plans at 550 Pound Rd. Yes-6 No-0 Motion Carried.*

**III. Plan Review for rezoning 850' land @ 2921 Transit Rd for Mayer Brothers Applicant: Garrett Mayer**

Garrett Mayer of Mayer Brothers and John Schenne were present. Mr. Mayer gave a brief history of the property. McNamara Trucking Company was started on the site in the 1940's and is still operating there today. Mr. Mayer's company Mayer Brothers is currently leasing the property to maintain and park approximately 30 trucks. Mayer Brothers is in the process of purchasing the property and would like to continue using the property in the same fashion they are now. During the process of purchasing the property they found out that only the first 300' from Transit Rd is zoned commercial and the rest is zoned Residential "C". They are asking to have an additional 550' rezoned to Commercial from Residential "C". Mr. Mayer mentioned that several other businesses nearby on Transit Road have been rezoned back 850' feet. Mr. Mayer stated that they would like to operate in the same historical envelope that McNamara Trucking has, with little or no impact on the neighborhood and to be good neighbors. The initial plan is to do some mitigations including plantings to reduce any noise. Mr. Mayer stated that they have been leasing the property for about 2 years to store and repair their trucks. McNamara Trucking is still currently operating on the property with their dump trucks. They load and unload various materials from the trucks on site.

Mr. Reid asked if their trucks would be running on site. Mr. Mayer indicated they just maintain and store their trucks there. Mr. Baker asked if they have any refrigerated trucks. Mr. Mayer said they do not currently store anything that is refrigerated.

Mr. Baker asked if they need more than the 300' of commercial property to do what they are doing. Mr. Mayer said yes, they do and that they are already using more than the 300 feet now.

**III. Plan Review for rezoning 850' land @ 2921 Transit Rd for Mayer Brothers**

***Applicant: Garrett Mayer (Continued)***

Mr. Mayer stated that he would prefer to have the whole property zoned commercial but the plan they are presenting with 850' zoned commercial would give them the same zoned area Delacy Ford up the road has. This plan leaves about 400 feet of vacant property still zoned residential.

Mr. Putzbach asked about the residence on the property. Mr. Mayer said that was the residence of Tom McNamara, but it has been used as an office for the last 20-30 years. Mr. Cirocco pointed out that the plan shows that parcel cut out from the other. Mr. Mayer stated the plan is to purchase the whole parcel including the residence and continue to use it as an office. The parcel has 650' of frontage on Transit Road and they would like to have 850' back zoned as commercial. Mr. Baker asked what the hours of operation would be, and Mr. Mayer said it would be during the day. Mr. Putzbach asked what the additional 500 feet would be used for. Mr. Mayer said they would continue using it as they are currently to haul apples or have tanks of water or produce delivered. Mr. Baker asked where the truck currently enter the site and was told they enter from Transit Rd.

Chairman Cirocco stated that the task tonight was to decide if zoning fits. This is not an approval this evening. The Elma Planning Board will be making a recommendation to the Elma Town Board as to whether the property should be rezoned or not. The next step would be a public hearing. Then the applicant would return to the Elma Planning Board for site plan approval. He summarized saying the applicant is currently leasing and using the site, the plan is to purchase the property and continue their current operations.

The Assistant Building inspected stated that it would be on a bigger scale then is currently being done. Mr. Mayer stated that McNamara trucking is also still using the site and operating a trucking business which includes loading and unloading truckloads of material such as topsoil and stone. They also store their trailers there.

Chairman Cirocco stated that they are looking to add stone and millings further back than what is currently there and that this would help control the noise and dust.

Mr. Millard clarified that the first 300' from Transit Rd is already zoned commercial. He expressed concern about rezoning more property along a residence street (E. Center Rd)

Chairman Cirocco commented that other properties on Transit have been rezoned. The difference is that this one is a corner lot that borders a residential street. There is already a house on the property. Chairman Cirocco spoke that the concern of the board is if the town approves the rezoning that it needs to be sure it is specific to the applicant. If the sale of the property would fall through that would leave it for another business to come in that is more intrusive to the neighborhood. The next step in the process is to put more restrictions, in particular to limit the impact on nearby homes, when the site plan is reviewed.

Audience members who spoke:

Scott Repetowski of 480 East Center Rd. He does not want to live across from a trucking company. Does not feel that 850' is needed for 30 trucks and would like to see houses built there and not a business. Concerned about safety of walking on East Center Road, concerned about excessive lighting, concerned about loss of home and property value. Asked if the Elma Planning Board would be coming out to walk the site.

**III. Plan Review for rezoning 850' land @ 2921 Transit Rd for Mayer Brothers**  
**Applicant: Garrett Mayer (Continued)**

Mr. Kole from 761 North Blossom Rd.- Concerned with the environmental impact and loss of habitat for deer and fox that live there, stated that wind blows dirt from piles to his property. Said there is already much noise from dump trucks, often in the middle of the night and on weekends. Concerned about the number of trucks coming in and out 24 hours , 7 days a week and bright lights.

Jean Portillo from 721 North Blossom- concerned about business traffic on North Blossom Rd. Stated she felt the character and quality of life in Elma was being eroded. The town needs to preserve green spaces and natural spaces. Concerned that the area is becoming too commercial. She asked that the town protect the neighborhood from encroachment.

Tom Wallo from 774 North Blossom- concerned about drainage and questioned if there would be a retention pond put it.

Ann Marie Diebel from 440 East Center Rd.- Questioned if they would be using the driveway off East Center Rd, asked what the corner of Transit and E Center Rd will be used for. Concerned about how many cars would be going in and out of driveway to 441 East Center if it is used as an office.

Ken Babiak from 650 North Blossom Rd- questioned how the property was allowed to be used without the proper zoning. Questioned why an additional 500 feet was needed if they are not having more trucks.

Chairman Cirocco summarized the neighbors' concerns that they heard. He reiterated that this is just the first step in the process. The next step is for the town board to hold a public hearing regarding the rezoning.

Mr. Reid explained how historically when a site such as this is reviewed by the Elma Planning Board that it usually ends up being better than it was because the project must be brought up to current standards.

Mr. Millard stated that the rezone is not just an additional 550' feet from Transit Road but it would be 550' along East Center Road since this is a corner lot.

Mr. Baker asked what protection there is if the property is sold in the future Ms. Todoro said that conditions would be set with the business use permit.

There was discussion about what is considered adjacent property and the unique situation that is created in this property being a corner lot and being used commercially while adjacent to a residential neighborhood.

*A motion was made by Thomas Reid and Seconded by Robert Waver that the Elma Planning Board recommend to the Elma Town Board a revision of the zoning for property at 2921 Transit Road, to move the transition line from residence C to commercial C3 from 300' to 850'*

*Yes-3 No-2 Chairman Cirocco abstained. Motion Carried*

**IV. Site Plan Review for a 30.6 KW ground mounted solar array @ Buyer Residence, 2601 West Blood Rd.**

***Applicant: Buffalo Solar, Liam McMahon***

Quinn Porzio from Buffalo Solar and homeowner Michael Buyers presented plans to install a 30.6 ground mounted solar display for residential onsite use. Power generated will be stored in batteries or sold back to utility company.

Ray informed the board that he is here as per code 118A-11-C. The applicant was in front of the town board at a work session.

Chairman Cirocco clarified that they are here to review the plan and recommend if the town board should approve the special use permit. Mr. Putzbach asked the size of panels. Mr. Porzio stated they cover 1600 square feet and are 12 feet high in the back. There are 2 different sized panels. The ones in the back are 75 feet wide and the ones in the front are 48 feet wide.

Mr. Millard asked if they are removing any trees. Mr. Buyer stated that they did remove some trees and cleared about 1/3 of an acre. He has planted grass in the area.

Mr. Millard asked how close to other neighboring residences they will be. Mr. Buyer showed the board where they will be located on google maps. They will be 80 feet front the property line. They are up on a hill behind his house on a 5-acre lot. Mr. Millard asked if the neighbors will be able to see them. Mr. Buyers is planning to plant 6-foot pine trees to help screen from the neighbors. Mr. Reid inquired why they were going with a ground mount and not a roof mounted unit. Mr. Buyers explained that roof mounts were not feasible for several reasons including the design of the house, a lack of a south facing roof, not enough roof space and roof load problems. Mr. Buyer also stated that the building inspector did come to review the site.

*A motion was made by James Millard and Seconded by Michael Cirocco that the Elma Planning Board recommends that the Elma Town Board approve a special use permit for a ground mounted solar array at 2601 West Blood Rd  
Yes-6 No-0 Motion Carried*

According to code 118A-11-D & E the applicant must now have the town board set a public hearing for the project and then return to the planning board for site plan approval. Chairman Cirocco noted that based on the what the code says the applicant does meet the requirements for site plan approval.

There was discussion regarding the solar code section, which does not distinguish between a residential project and a commercial project. Mr. Porzio commented that this is a very long and drawn-out process for a residential project.

V. Site Plan Review for 6150 Seneca St.  
*Applicant: Todd Huber*

Mr. Todd Huber presented his plan to renovate a building located at 6150 Seneca St in Elma. This building is known as and referred to as "The Merri-Mart". Mr. Huber gave a history of his projects on Seneca St and how he came to own this property and why he is looking to renovate this building. He also owns the neighboring property at 6170 Seneca St. He stated that this is part of the revitalization of Spring Brook that he started about 9 years ago and he thought that purchasing this property would help negate some of the concerns that neighbors had about the proposed development on the neighboring property.

He wants to improve the building and make it look more modern and inviting. The plan includes moving the United States Post Office from its current location to the other end of the building. Part of this plan is to put an access driveway along the west side of the building and back around the building to the parking lot. This change would help with mail truck accessibility and traffic patterns. He plans to change the elevation of the accessibility on the east side to make it more at grade with Seneca St.

Another part of the plan is to make the East side of the building to be the entrance and "front of the building".

His goal is to keep the same type businesses that were there. The building has 2 upstairs apartments in addition to the mini mart and post office. He is looking to put a deli with a grocery store plus a pizza and wings. There may be a separate door to a separate business for a pizza and sub shop plus the deli and grocery shop.

Mr. Cirocco questioned the neighbor's shed that appears to be on the property line and asked about the driveway that goes off onto the property on the east side at 6170 Seneca St. Mr. Huber confirmed that there is a gravel driveway located behind the residence at 6170 that trucks use. He is also planning to move the small garage from its current location on 6150 to be behind the residence at 6170 Seneca St. This will create more parking for 6150.

Mr. Millard asked about the new driveway on the west and if there will still be parking in the front of the building between the building and Seneca St. He also questioned if parking spots would be striped. Mr. Huber stated he will be making it more level to Seneca St.

Mr. Putzbach expressed concern about the number of parking spots for the apartments and if they will be designated.

Mr. Huber mentioned that the post office requested some parking spots along the west side of the building. He provided copies of a new updated plan showing this.

Phyllis Todor asked if the new "Merri-Mart" will be the same size. Mr. Huber stated that he is not changing the footprint of the building and that the parking area will stay within the surface area in addition to the area where the garage is.

Mr. Baker asked about any new lighting. Mr. Huber shared that he will be removing the light that is currently on the utility pole in the front of the building at the neighbor's request because it shines into his yard. They will be using the overhang on the building to control the lighting and make sure it is down lite. There will also be new wall pack lighting added to the backside of the building.

Mr. Wyzykiewicz the town engineer stated that he had looked at the plans.

Mr. Millard asked if the new driveway will be a one way. Mr. Huber says yes that is the plan and there will be new signs. Mr. Millard also asked about a fence along the property line.

V. Site Plan Review for 6150 Seneca St.  
*Applicant: Todd Huber (Continued)*

Mr. Huber explained that he will be keeping the current color scheme and style of the building. He will be keeping the same look of the roof line but extending it. He also plans to add an emblem over the entrance.

There was discussion about the new driveway on the west side of the building. Scrub trees and weeds will need to be cleared. The location of the property line was discussed. There will be a new light by a side door.

EPB reviewed the checklist:

*Zoning:*

*Documentation:*

*Site & Building Details:* need a floor plan. Provided a rendering with the exterior colors etc.

*Lighting:* lighting plan provided

*Parking:* is shown on plans but # of spaces needed still needs to be reviewed and determined

*Drainage:* Town Engineer reviewed plans

*Signage:* no statement on signage plans provided

*Landscaping:*

*Water Service & Septic System:* no change to current septic, plans do show a proposed septic on the neighboring property.

*Fire Department:* No fire hydrants showed on plans, need letter from fire department

Audience Members who spoke:

Tom Neu from Northrup Rd spoke about concerns over the driveway and parking on the west side of the building. Mr. Cirocco said the plans show there to be 43'6". Driveways need to be 2' off the property line. Mr. Neu also expressed concern about water discharge from the property, asking where water will be discharged to. Additional concerns were for the extra pavement and the plan to make the parking/driveway level and how that will change where the water goes. He mentioned that extra water going down the ravine to the back of the property would cause additional problems for the neighbors. There have already been some problems with fill in the area. He asked if the plan is to pave over the current septic system.

Lori Weidner of 11 Northrup. Shared some of the history between her and the applicant. She expressed concerns about more water running thru the ravine at the back of the property that also goes thru her property. She is concerned about the water causing more landslides and there being contaminated fill used.

Robert Gross of 11 Northrup shared his concerns about the parking plans. He asked if indoor parking was needed for the apartments. Mr. Reid clarified that since there is only 2 apartments it is not considered Multi Dwelling under the Elma Town Code so indoor parking is not required.

Mr. Gross asked about the use of an adjoining lot for a driveway and parking. He also asked about handicapped parking and a fire lane. He also asked about the percent of the property that is being covered with an impervious surface. Additional concerns were about the amount of fill being brought in and the drainage.

V. **Site Plan Review for 6150 Seneca St.**  
***Applicant: Todd Huber (Continued)***

*A motion was made by Michael Cirocco and Seconded by Robert Waver to give preliminary site plan approval. Yes-5 No-0 Mr. Baker abstained Motion Carried.*

Chairman Cirocco stated that the next step is for the board to walk the site, review the parking and look at the percent of coverage. The applicant also needs to provide materials missing from the checklist.

VI. **Other Business**

The board discussed having applicants provide larger plans and /or have them provide digital copies of the plans so they can be shown on the screen.

VII. **Adjourn** *Motion to adjourn at 10:10pm by unanimous consent.*

*Respectfully submitted,*



*Barbara Blair*

*Elma Planning Board Secretary*