

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

**MINUTES OF REGULAR MEETING ~August 15, 2023**

*The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, August 15, 2023, at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.*

**PRESENT:**

*Member David Baker  
Member Gregory Merkle  
Member James Millard-Acting Chair  
Member Charles Putzbach  
Member Robert Waver  
Alternate Thomas Reid*

**ABSENT:**

*Chairman Michael Cirocco  
Member Michael Cleary  
James Wyzykiewicz – Town Engineer*

**TOWN REPRESENTATIVES:**

*Phyllis Todoro - Town Attorney  
Raymond Balcerzak - Asst Building Inspector*

**I. Approval of Regular Meeting Minutes from July 18, 2023**

*Thomas Reid motioned to approve the Minutes of the EPB Regular Meeting held on July 18, 2023. James Millard 2nd the motion. Motion approved.*

**II. Site Plan Review for a new 50' x 100' pole barn at 1231 Maple St for Fetch the Vet  
Applicant James Mann**

Mr. John Schenne, engineer, James Mann, contractor for Harvey Homes and Dr. Jenni Tudini, business owner, were present to speak about a planned pole barn to be built for use as the office for Fetch the Vet. Dr. Tudini spoke about her business and what they do. She is currently leasing space for her business and is looking to build their own building for the business. The business is a full service mobile veterinary practice. Most of their patients are small animals but they do service some large animals. They also own the East Aurora Vet Hospital and have about 15 employees between the 2 businesses including 5 veterinarians. The building would be used for office space for the employees and would be storage for their 2-3 mobile vet vehicles. Dr. Tudini also explained that they do surgeries in the self-contained mobile units while they are parked in the building so they can use the electric and not rely on their generators. They do not keep any animals overnight. There is no client traffic as they go to the patients. They do plan to have a receptionist in the office to answer phone calls. Other space will be used for the vets' offices and storage space. The planned building has 3 parking bays and extra space to allow their business to grow. The back area may be initially used as space for a tenant.

The EPB questioned the location of the property. The address on all the paperwork is 1231 Maple St. This is the location of the property where they are currently leasing space in an existing building. There was discussion about the location of the vacant property where the new building will be built. This location changed the setbacks needed for the building. Ray from the building department said the address that vacant property would be 1211 Maple St.

**II. Site Plan Review for a new 50' x 100' pole barn at 1231 Maple St for Fetch the Vet**  
**Applicant James Mann (Continued)**

EPB reviewed the checklist:

Documentation: Have applied for business use permit

Zoning: C-3

Site & Building Details: will need updated stamped survey and site plan showing structures on adjacent properties, need engineered blueprints and design blueprints. Are planning on faux stone and timber. Also need to check the percentage of windows on the front to make sure meets the minimum. Needs to be 25%

Lighting: need on plans, just planning on wall packs on building, they need to be downlit. No planned lighting in the parking area

Parking: need on plans, need approval from Erie County Highway, number of spaces was calculated by the number of employees and adding a few

Drainage: no wetlands, planning on a detention pond, need on new plan and need approval from town engineer

Signage: need on plans, planning small sign on building with gooseneck light, need to make sure meets the code for size

Landscaping: will be minimal, need on new plans, need to show screening for dumpster

Water Service & Septic System: need EC Health Department approval and Elma Water Department

Fire Department: no fire hydrant on site. Need fire department approval.

The newest plans presented show the building with a 20 ft setback, can be 10 ft from commercial property.

Mr. Waver asked if they own the property, which they do. Mr. Baker asked the height of the building.

Mr. Schenne said it was 27 feet.

The applicant was advised to submit the needed paperwork and get on the agenda for next month.

**III. Site Plan Review for new 13,104 Sq Ft commercial building @ 6010 Seneca St**  
**Applicant Bo Tucker**

Mr. Bo Tucker and Mr. John Schenne were present to speak about a proposed 13,104 Sq Ft building at 6010 Seneca St. Mr. Schenne handed out copies of a proposed drainage plan. This is a comprehensive plan that covers this building and 6+ other buildings. It shows 3 large detention basins. Mr. Schenne and Mr. Tucker met with town engineer Jim Wyzykiewicz. Previously each building was approved with a detention pond on the individual parcel with the building. Mr. Baker asked what is happening to these drainage ponds that were previously approved. Mr. Tucker said they are pushing them back to be 330 feet. The current pond basins are not part of the new plan. They are being reworked from 2 smaller ponds to one larger one that will be behind the current lot lines on a different parcel behind the lots that the buildings are on. Mr. Reid questioned the lot that these new detention ponds are on since they will no longer be on the individual parcels with the buildings. He questioned how much frontage there is for this back property and where it is located. Mr. Tucker said the frontage is to the east of the building at 6050 Seneca St. He is not sure of the frontage but thinks it is about 60 feet. Mr. Millard explained that the concern is about creating a non-conforming lot by only having 60 feet of access which does not meet the code. The town does not allow the formation of non-conforming lots.

**III. Site Plan Review for new 13,104 Sq Ft commercial building @ 6010 Seneca St**  
**Applicant Bo Tucker (continued)**

Regarding the drainage plan, Mr. Waver stated that the concern is not with the drainage plan itself but that the drainage ponds are off site. Town Attorney Phyllis Todoro suggested that Mr. Tucker go back to his attorney and deed off additional footage to each of the 9 parcels to cover the drainage ponds. Mr. Schenne mentioned creating drainage easements. There was discussion about the size and layout of the back parcel. Mr. Schenne suggested that he could layout the new drainage plan on the overall survey of the property to see how much land there is and look at the town code regarding the access to the back property. This is to protect that back property and any future transfer of that land.

There was more discussion about the drainage plan and having 3 large ponds verses individual ponds. The individual pond for 5990 Seneca St has not been completed and there have been drainage issues in the area. Mr. Wyzykiewicz was not present to speak about why he asked for the changes. Mr. Millard expressed concern about approving the plan without Mr. Wyzykiewicz there to speak to his approval of the plan.

The EPB reviewed the checklist specific to the proposed plan for 6010 Seneca St

EPB reviewed the checklist:

*Documentation:* Mr. Tucker is attending the next town board meeting regarding the Business Use permit

*Zoning:* The Zoning Board approved a variance for the large size of the building

*Site & Building Details:* Have stamped plans, property details, layout, engineered blueprints and intended use. Colors will be Black and Bronze

*Lighting:* A lightening sheet was provided (C-1). The lights are dark sky compliant wall packs, there is 1 on the North side, 1 on the West side and 3 on the East side.

*Parking:* 5 spaces in the front of the building with room for additional on the side, need approval from EC Highway Dept for curb cut. Drive and parking will be paved.

*Drainage:* drainage plan provided. Needs approval from the town engineer.

*Signage:* Not on the plans. The tenant (MOOG) will apply for any signage.

*Landscaping:* Minimal landscaping on the plans. MOOG will landscape to upgrade, Dumpster in the back has fence with closing doors.

*Water Service & Septic System:* Need letter from the water department and the Erie County Health Dept

*Fire Department:* Closest hydrant is across the street, have a letter from the fire department.

Mr. Baker asked about the size of the windows in the front. Mr. Tucker said the windows will be 4 ft x 4 ft which is 1 foot wider than on the plans for the previous building at 6000 Seneca St. The building at 6000 and this one at 6010 are the same except the office door is on the opposite side. The colors are the same for both buildings. They are bronze siding with black wainscoting and a black roof. The front office will have faux stone on all three sides. Mr. Tucker is planning to build 2 more buildings on the property.

Ms. Todoro mentioned to the applicant that a drainage district needs to be formed. This was also a contingency for the approval of the building at 6000 Seneca. He will need to work with his lawyer to complete this. A public hearing will need to be set by the Elma Town Board.

Mr. Millard noted that by approving this project they were not creating a non-conforming lot because there are still several buildable lots and over 300 ft of frontage at this time.

**III. Site Plan Review for new 13,104 Sq Ft commercial building @ 6010 Seneca St  
Applicant Bo Tucker (continued)**

*A motion was made by Robert Waver and Seconded by Charles Putzbach to give Preliminary Site Plan Approval contingent on the town engineers approval of the drainage plan, receiving approval from the Erie County Highway Department, the Erie County Health Department, and the Elma Water Department, and contingent on the formation of a drainage district that includes this property.*

*Yes-6 No-0 Motion Carried*

*The EPB reviewed the short form SEQR. It was noted that this SEQR does not cover the lot that the discussed detention ponds are on. Changes or notes were made to questions #3, #8 and & 17. Mr. Schenne initialed and signed by these changes. Gregory Merkle made a motion to check box #2 on the SEQR, motion was seconded by Robert Waver. Yes-5 No-1 (Baker) Motion Carried*

*A motion was made by Thomas Reid and Seconded by Charles Putzbach to give Final Site Plan Approval contingent on the town engineers approval of the drainage plan, receiving approval from the Erie County Highway Department, the Erie County Health Department, and the Elma Water Department, and contingent on the formation of a drainage district that includes this property. Other contingencies include receipt of the SWPPP and the submission of the descriptions for the drainage easement relative to the detention ponds ASAP.*

*Yes-4- No-2 (Baker & Millard) Motion Carried*

**IV. Other Business**

Mr. Reid brought up a issue with the town code that references needing 25% windows in the front of a new building. This code is not always appropriate to the proposed projects they see. It was agreed that the EPB can use discretion when approving buildings and what is appropriate for each building.

**V. Adjourn Motion to adjourn at 9:10 pm by unanimous consent.**

*Respectfully submitted,*



*Barbara Blair*

*Elma Planning Board Secretary*