

12/19/06 Planning Board Minutes

TOWN of ELMA PLANNING BOARD
1600 Bowen Road Elma, NY 14059

DRAFT û MINUTES OF REGULAR MEETING December 19,2006

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held on Tuesday, December 19, 2006 at 8:00 p.m. in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Gregory Cirocco
Member Anne Fanelli
Member Gregory Merkle
Member James Millard
Member Robert Waver
Alternate Gregory Kalinowski

OTHERS PRESENT:

Joseph Colern, Building Inspector
James Wyzykiewicz, Town Engineer
Phyllis Todoro, Town Attorney
Approx. 10-12 Elma residents

I APPROVAL OF MINUTES

Motion to Approve Minutes of November 21, 2006 as submitted, made by James Millard and Second by Anne Fanelli.

Ayes: 7 Nays: 0. Motion Carried.

II 5121 CLINTON STREET û REZONE REQUEST

Attorney Daniel Smolarek requested another 300 feet of depth (total of 600 feet) be rezoned from Residential ôCö to Commercial. The first 300 feet of the property is zoned commercial. This will allow him to build a funeral home, not exceeding 12,000 square

feet, plus have additional space for parking. Board members questioned why he was requesting 300 feet if he only needed 180 feet. Mr. Smolarek responded that there is a total of twenty acres of property with 1300 feet of depth and that he was allowing for rear set backs and any additional parking with whatever building will be constructed. He also stated there are plans for two others buildings, ranging in size from 7-10,000 square feet with individual office space from 1200-2400 square feet depending on the users. They would be multi-use offices for medical, attorneys, real estate, etc. In response to Board questions about the grey metal building currently on the site, Mr. Smolarek said it is being used for storage of building materials and will be torn down in the Spring by the developer.

Mr. Reid advised Mr. Smolarek that the Town of Elma will advise the Town of Lancaster about rezoning and that when he appears before the Planning Board again with building plans, he will have to initiate a Type I SEQR.

Motion to rezone from Residential to Commercial with a referral to the Town Board, made by James Millard and second by Michael Cirocco..

Ayes: 5. Nays: David Baker and Anne Fanelli. Motion Carried.

III 750 JAMISON ROAD to REZONE REQUEST

John Muscarella and Joan Rocco appeared before the Planning Board for the Earl Becker property and explained that in 1974 when Western Electric purchased property, everything was rezoned, including their house. They now wish to sell the house and a bank will not issue a mortgage on a house that is zoned Industrial. Houses on both sides of their property are residential and there will be no tax impact because the property is assessed as residential. They request that the Planning Board rezone their parcel from Industrial to Residential.

Motion to rezone from Industrial to Residential with a Referral to the Town Board, made by Gregory Merkle and second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried.

IV AL-WIL AUTO SUPPLY CO INC to FINAL SITE PLAN APPROVAL

Mr. Andrew Marino appeared before the Planning Board to explain the requests for clarification from the Board specified at the 11/21/06 Meeting when Preliminary Site Plan Approval was granted.

1. Building Materials- Brick building with brick fatade and masonry on the rear. There will be a truss roof with asphalt shingles.
2. Exterior Lighting- There will be lights on the sign. There will be no pole lights but they will be mounted on the walls. Down lights will be on the front and on the side walls. The east side back doors will have down lights. There will be no lights in the rear parking.
3. Sign- There will be a pole sign on the northwest. There will also be a sign on the building, either on the new storage room wall or on the door, to be determined. A sign permit will be required.
4. Drainage- Small storm water retention basin.
5. Parking- Added 6 more parking spaces for employees and 7 more parking spaces in the front along with spaces for vehicle rentals.
6. Driveway- Has a fifteen feet set back on the side of the building.
7. Short Form Type II SEQR filed.

Motion to grant Final Site Plan Approval based upon the Type II SEQR indicating proposed addition will not result in any significant environmental impact, made by Chairman Tom Reid and second by David Baker.

Ayes: 7. Nays: 0. Motion Carried.

Motion to grant Final Site Plan Approval contingent upon the obtaining of a sign permit and contingent upon the approval of the drainage system by the Town Engineer, made by Michael Cirocco and second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

V HERITAGE ESTATES EAST PHASE II û FINAL SITE PLAN APPROVAL

Mr. Fischione, Developer and Lisa Thompson, Office Manager appeared before the Planning Board for final approval on 4-280A lots. They indicated the following:

1. The fire hydrant has been relocated and the plans submitted.
2. There will be no exception to the proposed turn around.
3. A one year Maintenance Bond for the water lines will be required.

Mr. Fischione stated that the Maintenance Bond will be provided prior to the issuance of the Certificates of Occupancy. The value of the Bond will be 10% of the cost of the infrastructure. Details will be determined by the Town Attorney and the Building

Department.

Motion to grant Final Site Plan Approval contingent upon four Certificates of Occupancy being issued and a Maintenance Bond for water lines being provided, made by James Millard and second by Gregory Merkle.

Ayes: 7. Nays: 0. Motion Carried.

VI EXPRESS MART/TIM HORTONÆS- PRELIMINARY SITE PLAN APPROVAL

Mark Maher, Petr-All Corporation and Ralph Lorigo, Attorney appeared before the Planning Board to provide the information requested by the Planning Board at their 11/21/06 Meeting. (Attached is a copy of a letter to Mr. Colern, Building Inspector, regarding most of these issues.)

1. Parking spaces for employees and patrons- There are fourteen spaces including HC identified on the existing pavement for patrons and for the staff. Mr. Lorigo said there is no parking in the front. Mr. Millard commented that there are two spaces on the southwest corner ôthat he would like to see go awayö because of the traffic pattern. Mr. Reid also mentioned that the Board does not consider spaces at the pumps to be parking spaces.
2. Traffic Pattern- Typical stacking is eight to ten cars. There is an allowance for stacking of sixteen cars.
3. Overflow Hazard- According to Mr. Lorigo, the driving lane in the front will go straight out to either Jamison or Bowen Roads. Both exits are two way.
4. Exterior Lighting- There is ôsufficient lighting on the canopy and also down lights on the buildingö according to Mr. Lorigo. There will be feature lighting in the sidewalk in the front and shining up onto the new wing wall structures. There will also be wall-pack lighting above the doorways. ôWe will need some lighting in the back and are considering low pole lights at the drive through, about 8-10 feet in height.ö
5. Septic System- Mr. Lorigo stated that they had calculated the need to be 241 gallons for the number of employees, and the Erie County Health Department requires 250 gallons. Mr. Reid stated that the Board will need a letter of approval from the Erie County Health Department.
6. Drainage System- Town Engineer Wyzykiewicz stated he see ôno problemö with approval of the drainage system.
7. Landscape Plan- Landscape plan is at the base of the sign. There will be low bushes and perennials creating no visibility problems for traffic. A planting schedule will be

provided by Petr-All with the final documents.

8. Exterior Materials- The Board was provided a colored drawing of the building. According to Mr. Lorigo, the materials are the same around the entire building. The Petr-All Corporation wants a signature look for the Mobil Gas Station and they want to keep this look. Mr. Cirocco said that Petr-All Corporation has to meet the current codes. Mr. Baker said that the community has a right to ask for changes. Mr. Cirocco said the Board objects to the bright metal panels and asked if there was anything else that could be used. Mr. Lorigo responded that he could bring in other samples as the final plans progress. Mr. Reid stated that the Board is looking for compromise and that they need to look at other materials, that while the layout and the shape of the additions are agreeable, the color and the materials on the roof and panels are not.

9. Roof- See item 8. above.

10. New Signage- There is an existing sign. The Board was provided with a drawing of a new sign. Depending on the final height, they may have to obtain a variance if it exceeds twenty feet.

11. ZR-1 Form- According to Mr. Lorigo a ZR-1 Form with site plan documents has been submitted to Erie County Planning Department.

Motion to grant Preliminary Site Plan Approval contingent upon receipt of a letter of approval on the septic system by the Erie County Health Department, drainage system approval by the Town Engineer and upon receipt of a letter of approval of the ZR-1 Form from the Erie County Planning Department, made by Michael Cirocco and second by Gregory Merkle.

Ayes: 6. Nays: 1 (Anne Fanelli)

VII STEUBEN FOODS - PRELIMINARY SITE PLAN APPROVAL

Mr. Thomas Taggart representing Steuben Foods appeared before the Planning Board. He described Phase I of their building project which included 75,000 square feet of additional warehouse space. Phase II converts warehouse space to production space. They will now need 70,000 square feet of additional warehouse space, replacing the old with new construction.

A new entrance driveway onto Jamison Road will have the same appearance as the driveway exiting onto Maple Road. The driveway will be illuminated with lights about 120 feet apart. There will be eighteen additional parking spaces for employees and twelve truck docks. There will be provision for storm water drainage and installation of a fire

hydrant. A variance will be required for two new signs. There are provisions for 10 silos, forty two feet high with a 20,000 gallon capacity: four in 2007, four in 2008, and two in 2009.

There was a discussion regarding the number of trucks servicing the facility per day, the exiting of the trucks onto Jamison Road, the concern regarding their creating a traffic hazard due to their slow speed, the need for caution signs and the possibility of having the trucks exit in one direction only. Mr. Taggart said a very large apron will be provided for easy access/exiting.

Board Members expressed concern for the neighbors' privacy. Mr. Cirocco suggested a berm similar to the one at the Maple Road entrance. It was suggested that the design used at the former Motorola Plant be studied.

Motion to grant Preliminary Site Plan Approval, made by Anne Fanelli and second by Michael Cirocco.

Ayes: 7. Nays: 0. Motion Carried.

VIII RITE AID PHARMACY - SKETCH PLAN REVIEW

Mr. Fred LoFaso and Mr. Ralph Lorigo, Attorney appeared before the Planning Board as a follow up to the Town Board Meeting of 12/06/06. The proposed site for the Rite Aid Pharmacy will be on Bowen Road south of the Sunoco station at Bowen and Bullis Roads. The house on the site is under contract to Rite Aid and is already zoned commercial for 300 feet. Therefore there will be no need for rezoning. A paved driveway will be two feet from the property line. A wooden fence will be erected between the driveway and the adjacent house which is only eight feet from the property line. The homeowner was contacted and the layout was explained. According to Mr. Lorigo, the homeowner said he would call if he wanted to sit down and talk. The owner said it was better than what is there now. Rite Aid proposes to leave the house adjacent to the gas station on Bullis Road as is and obtain an easement so that another driveway can be installed for the drive through pharmacy, entering and exiting onto Bullis Road. This driveway will be about fifty feet from the house. According to Mr. Lorigo the developer acquired an extra piece for the driveway in an attempt to alleviate congestion on Bowen Road and the developer thought it would help to get the approval. There will be about

75 parking spaces. The requirement for retail space is one parking space for every 175 gross square feet of structure.

The proposed Rite Aid Pharmacy will be 14,673 square feet, about the same size as the Rite Aid at Union and Seneca Streets. A colored sketch of the building was provided to all members of the Board.

Chairman Reid raised a variety of issues:

- Adding another drugstore to the Town
- Impact on the neighborhood
- Heavy traffic pattern
- Sale of liquor and beer
- Long range impact on existing plaza and businesses

Mr. Lorigo responded: "What we have seen in the past were plaza type stores. They have done away with that now. This is a typical size." Mr. LoFaso said: "There are not going to be duplication of services," referring to the prescription services provided by CyÆs Pharmacy.

Mr. Reid asked if there were any comments from the audience. A Chairfactory Road resident raised concerns regarding traffic, layout of parking, duplication of services, hours of service, and a precedent setting decision. Several Town residents from Bowen Road who had recently moved in from Lancaster said they moved here because of the community atmosphere and the local businesses. They requested a traffic study be made and a public hearing be held. A Bullis Road resident said that the intersection of Bowen and Bullis Roads is very busy and he can see people cutting through the drugstore lot to avoid it. He also questioned the need for such a large drugstore. Marlene Baumgardner of the Historical Society indicated that the Society wants to "protect and preserve the character of the community" and suggested the proposed property be investigated to determine whether there was any historical significance associated with it.

Jerome Robbins, Owner of CyÆs Pharmacy, spoke in favor of having Rite Aid locate here. He said they had talked to him in the past and he now had an agreement with them to buy out his prescription business and employ his people for one year. David Liskiewicz, owner of Elma Deli, expressed concern regarding the effects on his business with Rite Aid selling the same products and having more parking spaces; also the loss of

the pharmacy at the Plaza and the walk-in trade associated with people visiting the pharmacy. After everyone had an opportunity to speak, the comment session was closed by Chairman Reid. The Planning Board then made the following motions to be forwarded to the Town Board for approval:

The Planning Board respectfully requests of the Town Board that the Planning Board be appointed as the Lead Agency on the SEQR.

Motion made by Chairman Thomas Reid and Second by Michael Cirocco.

Ayes: 7. Nay: 0. Motion Carried.

The Planning Board respectfully requests that the request by Rite Aid for a Preliminary Business Use Permit be postponed.

Motion made by Chairman Thomas Reid and Second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

The Planning Board respectfully requests that no approvals be granted until the Type I SEQR results are received.

Motion made by Anne Fanelli and Second by Michael Cirocco.

Ayes: 7. Nays: 0. Motion Carried.

The Board also requested that the applicant Rite Aid file a Type I SEQR.

James Millard requested information regarding the last fifteen Rite Aid Pharmacies that have been constructed, and whether they are smaller or larger than the one proposed for the Elma site.

Mr. Wyzykiewicz also said that there are serious drainage issues at the site. Rite Aid has purchased additional land for retainage. He said he warned Rite Aid that the land is very poor and it is sensitive to drainage problems.

IX OTHER BUSINESS

A. Required Training for Municipal Planning & Zoning Boards

Chairman Reid suggested the Board members read the attached information and refer to the recent issue of the NYS Planning News.

Discussion regarding requirements and availability of training will be at the January Meeting.

B. Erie County Letter regarding proposed subdivision û Orchard Park
Review and discussion at January Meeting.

C. Change in Meeting Times for Winter Months
Decision by Chairman Reid to retain the same schedule for 2007.

D. Meeting of Association of Towns û NYC on February 18-21, 2007.
David Baker volunteered to represent the Elma Planning Board.

E. Expiration of term on 12/31/06 for Member David Baker.
Motion was made by Michael Cirocco and Second by James Millard that the following
Resolution to be forwarded to the Town Board for approval.
Ayes: 7. Nays: 0. Motion carried.

Recognizing that the term of Planning Board Member David Baker expires on December
31, 2006,

And recognizing his past years of faithful service to the Planning Board,

And recognizing the value of his knowledge and experience and his
significant contributions to the Planning Board,

We heartily endorse and recommend to the Elma Town Board that David Baker be
appointed to another term on the Planning Board.

Motion to adjourn the meeting at 10:55 P.M. made by Chairman Thomas Reid and
second by Michael Cirocco.
Ayes: 7. Nays: 0. Motion carried.

Respectfully submitted,

Diane Rohl,
Secretary to the Planning Board