

# TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

## **MINUTES OF REGULAR MEETING –November 17, 2009**

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday November 17, 2009 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

### PRESENT:

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

### ABSENT:

None

### TOWN REPRESENTATIVES:

Raymond Balcerzak, Asst. Building Inspector  
James Wzykiewicz, Town Engineer  
Phyllis Todoro, Town Attorney

### I APPROVAL OF MINUTES

*Motion to Approve Minutes of August 18, 2009 made by Anne Fanelli and second by James Millard.*

*Ayes: 7. Nays: 0. Motion Carried.*

### II ONLINE AUTO CONNECTION, 2989 Transit Rd – 20,000 sq ft (new)

Chairman Reid reviewed what has transpired since Mark Subject, owner of Online Auto Connection Inc., appeared before the EPB on July 21, 2009:

- ✓ EPB Resolution recommending to the Town Board rezoning of the back part of property from Residential C to Commercial C-3.
- ✓ Approval of rezoning by Town Board on August 18, 2009.
- ✓ Preliminary BUP by Town Board on September 2, 2009.

Appearing before the EPB for a Preliminary Site Plan Review were Mark Subject, Michael Bevilacqua, building contractor with Bevilacqua Homes and John Schenne, engineer of Schenne & Associates. Plans submitted included Site Layout, Site Grading, Site Utilities, Site Landscaping and Site Erosion and Control. A Plot Plan and partial Building Elevations were provided at the July 21<sup>st</sup> meeting.

The operation will consist of sales of new, used and antique cars. The Application for "Use" Permit was revised to reflect operating hours of Monday through Saturday from 8:00 AM to 6:00 PM and Mondays and Wednesdays extended hours until 9:00 PM. The proposed building will have two areas of 4,500 square feet each for display of cars for sale separated by 2,500 square feet of office space and 8,500 square feet in the rear with an 8-bay garage. Total square footage will be 20,000.

Mr. Bevilacqua said the Army Corps of Engineers designated the wetlands as "isolated wetlands" and that "we can go right through them. We would disturb less than 1/10 of an acre". He said the first thing they will have to do is clear the trees, strip the top soil, then bring in fill, fence in and lay in a temporary stone driveway to prepare for the Spring building construction. The building will be a combination of stone and glass (at least 25%) in the front while the sides and back will be mostly metal. According to Mr. Bevilacqua: "No more than 75% of the land will be covered by the building." He also said that the retention pond area will be considered as part of the 25% open space requirement in the C-3 Zone. James Wyzykiewicz, Town Engineer, said that he had just recently received the drainage plans .

The landscaping plan was reviewed by the EPB. As required in the C-3 Zone, approximately 15% of the parking area will be devoted to landscaping. Some suggestions regarding hardiness and growth patterns of trees were made by Diane Rohl. It was noted that directly south of the site is a 120' vacant lot and then a collision shop, both owned by DeLacy Motors.

The type of materials used to pave will be blacktop, concrete or other dust free materials such as crushed stone. Ingress and egress were reviewed noting that the paving base in the back will be of crushed concrete as specified by DOT to accommodate the large transports that will load and unload vehicles.

*Motion to grant Preliminary Site Plan Approval with a request to provide the following information prior to granting Final Site Plan Approval made by Michael Cirocco and second by Chairman Reid:*

1. Elevation showing all sides of the building and exterior materials.
2. Lighting/location details for building and site.
3. Landscaping detail. (2-year Maintenance Bond)
4. Approval from EC Health Dept for septic system.
5. Approval from NYS DOT and permits for curb cuts.
6. Approval from Army Corps of Engineers for wetlands designation.
7. Letter from Blossom Fire Co. regarding emergency access.
8. Approval from Town Engineer for drainage.
9. Completion of SEQR page 2. (EPB responsibility.)

Ayes: 7. Nays: 0. Motion Carried.

III PLANNING & ZONING CONFERENCES

EPB Members were given an announcement from the EC Department of Environment and Planning. A workshop on SEQOR will be conducted on November 18<sup>th</sup> at ECC South and November 19<sup>th</sup> at ECC North. A credit of two hours will be given towards the NYS annual training requirement.

IV UPDATES

A. Balducci Construction Inc.

Gregory Merkle met with Robert Balducci of Balducci Construction and his neighbor David Duell, both of Pound Road, in an attempt to resolve some issues between them. According to Mr. Merkle, there were complaints of traffic and hours of operation.

B. Design Guidelines Committee

Gregory Kalinowski and James Wyzkiewicz told the EPB that the Design Guidelines Committee (DGC) reviewed their first draft of the Design and Performance Guidelines. Mr. Kalinowski stated that the intent is to provide information and guidance to the contractors while leaving some latitude for the EPB to make decisions as they relate to conformance with the new commercial codes. Mr. Wyzkiewicz said that one of the biggest issues facing the DGC is to determine at what point additions and/or alterations require a Building Permit and subsequently require review by the EPB. Mr. Kalinowski told the EPB that once a draft is completed, the DGC will meet with the EPB for their comments and input.

C. 280A/Subdivision Committee

Anne Fanelli and James Wyzkiewicz reported that there have been a number of proposals on how much frontage there should be for a 280A lot; and whether there should be more frontage required if there are to be duplexes on the property. Also discussed were side and rear setbacks; whether the minimum size of the lots should remain the same; and whether there should be shared or individual driveways.

IV FYI

Buffalo News Article 11/1/09 – Walmart, Hamburg  
Letter - Kathy Konst, Commissioner of EC Envir & Planning  
EPB Resolution - Recommend Members for 280A/Sub Comm  
Building Inspector's Reports – July, August, September, October  
ECB Minutes - Town Web Site  
ZBA Minutes – Town Web Site  
DGC Minutes - August & October 2009  
Town Board Minutes - Town Web Site

