

## TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

### **MINUTES OF REGULAR MEETING - May 15, 2012**

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, May 15, 2012 at 7:10 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

#### **PRESENT:**

Chairman Thomas Reid  
Member James Millard  
Member David Baker  
Member Michael Cirocco (Arrived at 7:27 PM)  
Member Michael Cleary (Arrived at 7:50 PM)  
Member Gregory Merkle  
Member Robert Waver  
Alternate Charles Putzbach

#### **ABSENT - None**

#### **TOWN REPRESENTATIVES:**

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

#### **I APPROVAL OF MINUTES - April 17, 20, 2012**

*Motion made by David Baker and second by Robert Waver to approve the Minutes of the EPB Regular Meeting on April 17, 2012.*  
*Ayes: 6. Nays: 0. Motion Carried.*

#### **II COOKIE KITCHEN, 2360 Bowen Rd (rear of existing Simme Plaza)**

Owner of the Simme Plaza, John Simme and owner of the proposed business Corinne's Cookies, Cynthia Berabil, appeared before the EPB. Mr. Simme explained that he wishes to remodel 320 square feet of space currently located behind the liquor store and being used as a garage, into a small scale kitchen. According to Ms. Berabil, she will be baking cookies to sell at farmers' markets, health food stores, etc. She said she began baking in her own kitchen but once her business grew, she was told by the Health Department that it needed to be done at a commercial location. There is a short driveway leading from Finnegan Drive to the "garage". Asked if there will be deliveries of supplies, she stated that she will be picking up her own and bringing them in her vehicle; that there will be no delivery trucks and no retail sales out of this location.

Ms. Berabil said that at the present time she will be the only employee. Questioned about parking, Mr. Simme said that there is room to park four cars in the driveway area with more space behind the Post Office since the postal employees now work out of East Aurora location. He also said that the tenants of the rear apartment do not park in the driveway either.

Town Engineer James Wzykiewicz said he had no issues; and that the septic system is under Erie County Health Department. An email dated 5/7/12 from the Erie County Health Department stated that the "application to add a non-processing bakery to the Simme plaza is approved". A letter dated 5/14/12 from the Elma Water Department stated: "He needs to install an RPZ backflow after the meter ..."and that Mr. Simme "is aware and will install before town issues a C/O."

*Motion made by James Millard and second by Robert Waver to grant Final Site Plan approval based upon the Site Plan submitted as "Cookie Kitchen", business to be known as Corinne's Cookies.*

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

### **III BALDUCCI CONCRETE, 521 Pound Rd, INCREASE PARKING LOT**

Owner/Contractor Robert Balducci of Balducci Concrete, requested that he be allowed to increase his existing stone parking lot to the south property line to the edge of the required 100' buffer between he and his neighbor's property. He said he has already increased the original size from 85' to 117', an increase of 17' beyond the original approval. Mr. Balducci provided a schematic of the site including the buildings, eight enlarged photographs of the parking lot and pond area as well as a Google Map of his site in relation to his neighbor's. Town Engineer Wzykiewicz said a new drainage plan will be required to determine whether there would be any impact on drainage; that any substantial change cannot be done by the applicant but must have a determination by a certified engineer. Adjacent neighbor Glenn Olejniczak claimed that green space has been disturbed and questioned the size of area of the buffer to his property line.

Mr. Balducci was undecided as to whether he was going to proceed with his request for an increase to his parking lot, stating that he would have to investigate further as to how much it would cost to provide the required documents. No action was taken by the EPB.

### **IV OFFICE/WAREHOUSE COMPLEX, 1221 Maple Rd (6,500 Sq Ft)**

President of Camino Development, David E. Ogiony, and William Ogiony presented a plan to build a 6,500 square feet warehouse/office complex on a 0.85 AC lot, labeled Phase I on Survey/Site Plan A-1, situated between another business and a second 1.81 AC lot owned by Mr. Ogiony, both lots located in the C-3 Major Commercial Zone. The required side setback is ten feet.

Floor Plan/Exterior Elevations A-2 shows an all metal building for warehousing with a combination metal and vinyl siding office complex at each end. The ceiling height will be 18 feet in the warehouse section "in case he needs to do a second floor". He said he will be utilizing the back office and warehouse for his business. EPB members requested that the all metal warehouse be modified to include some kind of trim. Mr. Baker showed Mr. Ogiony the Elma Design & Performance Guidelines booklet and suggested that he obtain a copy from the Building Department to assist him in designing the exterior of the metal building.

The EPB requested that the following be provided before they could consider granting Final Site Plan Approval:

1. Colors and trim for metal building (all sections).
2. Lighting (Building & Parking Lot - if applicable) with types and wattage.
3. Parking Lot to Code including lined spaces and handicapped markings.
4. Setbacks indicated on plans.
5. Location of dumpster on plans.
6. Landscaping (Building & Parking Lot) with two year maintenance bond.
7. Wetlands determination and compliance plan from an engineer.
8. Drainage Plan approval by Town Engineer James Wyzykiewicz.
9. Letter from Erie County DOT regarding curb cuts, etc.
10. Letter from Erie County Health Department regarding septic system.
11. Letter from Jamison Fire Company regarding emergency access.
12. Completion of SEQR Application for final determination by Board.

*Motion made by Chairman Reid and second by Gregory Merkle to grant Preliminary Site Plan Approval.*

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

#### **V SYLVIA'S PLACE, 2460 Bowen Rd - Non-Compliance Issues**

A final inspection for Sylvia's Place was conducted by Joseph Colern, Building Inspector, prior to his issuing a CO to Bryan Young. The EPB was provided with copies of their Minutes from the meetings involving Mr. Young: 1/18/11, 3/15/11, 5/17/11. Mr. Colern requested a review of the following four items found to be out of compliance with the Final Site Plan as approved by the EPB on 5/17/11:

1. Site Plan C-101 shows no site pole lighting at the north and south entrances. Site inspection revealed one base pole installed for future lighting at each entrance.

*Young Response: The lights will be 15-20' high. They will be directed downward, and are the same style as the Elma Town Hall. Only the concrete bases are in now while we await the fixtures.*

**EPB:** The two pole lights are approved and to be noted on the Site Plan.

2. Site Plan C-101 shows privacy fence at the south lot line to extend to the ends of the east and west parking lot pavement.

*Young Response: There will be a fence or hedge row depending on the desires of the neighbor. I have already spoken to him about this.*

**EPB:** Approve either decision to be made between Mr. Young and the neighbor.

3. Site Plan C-101 shows split rail fence at the rear of the property. Site inspection revealed no fence.

*Young Response: "I took out the split rail fence because I don't want to block the view. It is mowable and does not seem necessary."*

*In response to the question, Attorney Todoro told the EPB that the Town could be liable if they approved the site with no fence and someone gets hurt as a result.*

**EPB:** Install two sections of split rail fence behind each of the two wings of the building where the sidewalks changes and to be noted on Site Plan.

4. Landscape Plan C-105 approved by the Planning Board and dated October 26, 2010: \*Trees not installed at rear of property.

\* Center front island missing hardwood tree.

\* Plan called for 10 hardwood trees in front of sidewalk; only 4.

*Young Response: I took ten trees from the back and put them on Todd Meyer's property. It was too tight in the island so I put other stuff in there but not the tree. I received a letter from Erie County Department of Highways stating that if there is any damage to lines, etc. due to trees being planted in the Right-of-Way, that I will be responsible. I planted four trees instead of ten.*

**EPB:** Approve Planting changes as made on site and to be noted on Site Plan.

*Motion made by Michael Cirocco and second by James Millard to approve the changes made on the Site Plans and referenced in the Minutes per the Checklist of four items provided by the Building Inspector.*

*Ayes: 6. Nays: 1. (Baker) Motion Carried.*

#### **VI SEASONAL NURSERY. 1120 Bullis Rd, REVISED SITE PLANS**

Owner Bryan Young and Architect Christopher Wood of Carmina, Wood & Morris, presented the following plans detailing the major changes to the original plans given Preliminary Site Plan Approval on October 18, 2011. Parcel is zoned C-2 Minor Commercial in the front and Industrial in rear.

- C-100/C101 Site Plan & Details (including scaled down color Site Plan)
- C-200 Grading Plan
- C-300/C-301 Storm Drainage Plan & Details
- C-400/C-401/C-402/C-403 Utility Plan & Details
- C-001/C-002 Erosion Control Plan & Details
- L-100 Site Lighting Plan
- L100/L101 Landscaping Plan & Details
- Amended SEQR Type I dated 5/1/2012

The main buildings were reduced in size, now approximately 15,883 square feet:

Retail Center	2,189
Offices	7,274
Green Houses	5,520
Glass House	900

Other buildings located to the rear of the property are two Vehicle Warehouses at 10,000 square feet each and one Mechanic Shop at 8,478 square feet - all metal buildings. Two polyhouses are shown but not considered to be buildings as they are metal tubing serving as framing for plastic covers for winter storage of plants. The three metal buildings were relocated to allow for the detention ponds to now be at the west property line. This was necessary due to the identification of wetlands in the rear by the Army Corps of Engineers. Mr. Young said that he will be moving the greenhouses from their current location on Southwestern Boulevard to the Bullis Road site. No variances will be necessary to comply with setbacks.

A letter dated 5/15/12 from the Springbrook Fire Company took no exceptions to the Amended SEQR #170 contingent upon:

1. Definite location of a fire hydrant in accordance with NYS Fire Code Sec 508.
2. Knox Boxes keyed alike and installed on all gates.
3. Fire Suppression System installed at Fel Pad.

Mr. Young said that the center driveway was eliminated at the request of the EC Highway Department. He also said that "there will be 3-4 semi trucks delivering twice a year and that no trucks will be sitting in the road - that there is enough room on site". Mr. Young stated that his trucks fill up in the morning and are then done for the day. "The gravel area on the plan will be for trees and the stone area for driving."

The business sign (picture provided) will have a stone base, two posts with a small light on each side, supporting a small roof and a changeable display area (non-digital) in the middle. It will measure about 220" high and 165" wide.

Several neighbors raised questions regarding location of power lines, and any chemicals on site. Mr. Young said that his engineers will provide all of the information. "They (chemicals) will be stored inside and outside." Regarding drainage issues relating to the berms he initially created after clearing the land, Mr. Young said he will re-plant with willows, etc. instead.

*Motion made by Chairman Reid and second by James Millard to grant Preliminary Site Plan Approval.*

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

VII WORKSHOPS/MEETINGS

- A. *Comprehensive Planning, Aging in Place & Revising Zoning Wkshop*  
EC Dept Env & Plan @ECC North Campus, June 14th from 5-9:30 PM
- B. *Joint Meeting of Town, Planning, Zoning & Conservation Boards*  
Elma Town Hall, Weds May 30th @ 7:00 PM

VIII FYI

- Bldg Inspector's Report - April 2012
- ECB Minutes - Town Web Site
- ZBA Minutes - Town Web Site
- Town Board Minutes - Town Web Site

IX ADJOURN

*Motion to adjourn unanimous at 9:55 PM.*

Respectfully Submitted,



Diane Rohl,  
EPB Secretary