

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

DRAFT MINUTES OF REGULAR MEETING, March 18, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, March 18, 2008 at 8:10 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid

Member Anne Fanelli

Member Gregory Merkle

Member James Millard

Member Robert Waver

ABSENT:

Member David Baker

Member Michael Cirocco

Alternate Gregory Kalinowski

TOWN REPRESENTATIVES PRESENT:

Joseph Colern, Building Inspector

Raymond Balcerzak, Asst. Building Inspector

James Wyzykiewicz, Town Engineer

Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of February 19, 2008 as amended Made by Anne Fanelli and Second by Robert Waver.

Ayes: 6. Nays: 0. Motion Carried.

II EDUKIDS INC. DAY CARE – 6961 Seneca Street, Elma

Mr. Andrew Marino, Civil Engineer of Tredo Engineers, appeared before the EPB as a spokesman for the engineering and architectural aspects of the proposed new building. Revised building plans were submitted to the Building Department by Silvestri Architects PC, Amherst, NY this afternoon. The plans originally submitted to the EPB at the February 19th meeting indicated 7,628 square feet; the size of the building has now been reduced to 7,198 square feet. Changes were made to the size of the rooms in the center and at the south end of the building. Exterior changes to windows involved modifications from sets of two windows side by side to one casement window with a narrower fixed window on each side. Zoning marked on the Business Use Permit was corrected to read "Commercial". Mr. Marino indicated he would amend the square footage on the

Business Use Permit to 7,198 square feet and submit it to Joseph Colern, Building Inspector.

Page -2- EPB (3/18/08)

Mr. Marino said he had talked to the Erie County Health Department and was told he would receive approval but as yet, has not received a letter. Mr. Marino said he had also talked to the Erie County Department of Public Works & Highways for approval of new curb cuts but as yet, has not received a letter of approval.

In response to a previous request by the EPB, Mr. Marino outlined the color scheme of the building and pitched roof as faxed to him by the architect. Vinyl siding will be on three sides with cultured stone intermittently placed one-quarter of the way up the front. The roof will be shake antique. Gables will be at the entry and side. Supporting columns will be painted the same color as the trim. Mr. Marino will request of the architect that he provide copies of the building in color for the April EPB meeting.

Mr. Marino will also request clarification of the architect regarding the lighting to be mounted on the building. The EPB had previously requested that all lighting be shown on the plans including placement, type and wattage. There will be two wall packs facing Seneca Street. There will be no lighting on the east and west sides of the building with soffit lighting over the doors on the north side (rear). In the parking lot, there will be three twenty feet high 400 watt Allied Shoe Box Style lights (facing downward), two on Seneca and one on Jamison.

Mr. Marino indicated there would be twenty-three parking spaces, changed from nineteen to twenty feet. There are 10-20 employees, varying with shift changes. Most employees are part time, 6:00 AM to 2:00 PM three or five days per week. Full time employees work 9:00 AM to 5:00 PM. A storage building will be located on the north side approximately 12' x 20', with an overhead garage door and vinyl siding to match the main building.

During the construction phase a temporary gravel parking lot will be installed. Once the building is completed, the parking lot will be removed and become part of the play area. Chairman Reid requested that a detailed construction schedule be supplied to the Building Inspector.

In a discussion with the EPB, Mr. Marino said that construction should take about eight months beginning in May and "ending in late October, early November or at the latest, the end of the year. Demolition of the existing building will occur immediately". Mr. Colern requested that it be stipulated that demolition and removal of debris be required within thirty days of the issuance of a Certificate of Occupancy.

EAF Item B. Project Description 6. If single phase project should be changed to "N/A" and Item 7. c. Approximate completion date should be changed to "December 2008".

Page -3- EPB (3/18/08)

As an aside, Mr. Marino informed the EPB that it was discovered that the parcel of land to the north of the site also belongs to Edu-Kids, but that there are no plans to develop it. (The EAF Item B. Project Description 1. a. Total contiguous acreage owned or controlled needs to be increased to reflect this acreage, size unknown at this time.) All corrections to the EAF are to be initialed by the Chairman and Mr. Marino.

In reference to whether Town Engineer Wyzkiewicz has reviewed the drainage plans, Mr. Marino stated that they were just completed and have not been submitted as yet.

There will be a new sign in the same location as the existing one. It will be a free standing, colored, 40" high and 9' wide painted sign with no lights. Lettering will be over the front entry of the building.

Mr. Reid reviewed with Mr. Marino the requests of the EPB outlined in a letter addressed to him on February 25, 2008. When asked why many of these things had not been completed by Silvestri Architects, Mr. Marino responded that he had given a copy of the letter to the architect and did not know why the information was not provided as requested. The following is a status report on those requirements as copied from the letter:

- 1) Letter of approval from Erie County Health Department - **NO.**
- 2) BUP Application: Correct Item 7. Zone from Industrial to Commercial.- **YES**
- 3) Letter of approval from EC Dept. of Public Works for curb cut. - **NO**
- 4) Specify color scheme and type of materials for building and gables. - **NO**
- 5) Lighting specs for building and parking lot: style, height, wattage. - **NO**
- 6) Number and dimensions of parking spaces. - **YES**
- 7) Specify how parking will be handled during construction. - **YES.**
- 8) Specify time frame for demolition of old building after project completion. - **NO**
- 9) Review and approval of drainage plans by Town Engineer. - **NO**
- 10) Letter of no concern from Springbrook Fire Company regarding access. - **NO**
- 11) Corrections to Part 1 – SEQR as reviewed by EPB. – **INCOMPLETE**

Chairman Reid informed Mr. Marino that he will need to return next month with all conditions met before a Final Site Plan Approval may be issued. Mr. Colern stated that a letter will have to be submitted to Erie County Department of Environment and Planning under a Section 239-m referral.

In view of the current proposed commercial code changes, it was suggested that the owner of Edu-Kids be informed that, subject to the final approval of the

specific commercial code designated for this area, (maximum size of a building 7,000 square feet), Edu-Kids would be unable to expand; and they would not qualify as being grandfathered since it is expected that the revised codes will be approved prior to the completion of the building.

Page -4- EPB (3/18/08)

II Moose Lodge #370 - 6555 SENECA STREET, ELMA
Attorney David W. Whittemore, of the firm of Bennett, DiFilippo & Kurtzhalts, LLP, representing Moose Lodge #370, requested to be heard. Chairman Reid granted his request.

Mr. Whittemore said that apparently he had misunderstood the approval process and was here to clarify building specifications for the EPB.

Mr. Whittemore said the building would be located about 800' back from Seneca Street. It would be 42' x 81', open sided and used for storage purposes only.

The EPB reviewed and approved the concept, noting that it is not being used for the public, with the caveat that if the building were to be used in the future for any other purpose, that Moose Lodge #370 would need to return for further review and consideration. Unanimous.

Diane Rohl explained briefly the new Re-Tree Elma Program supported by Re-Tree WNY. She said that the Conservation Board is sponsoring the program and seeking volunteers to help plant trees at the Town Hall.

Mr. Millard expressed his appreciation to the Town Board for approving his attendance at the NY Association of Towns Conference in New York City in February. He offered to share information and distributed SEQR material to each of the members.

- IV FYI
Re-Tree WNY Program
Elma First - Results of Elma Development Survey
Building Inspector's Reports - January & February 2008
CRC Agendas & Minutes - 2/28/08
Conservation Board Minutes - 2/26/08
Town Board Minutes - 2/13/08, 3/5/08

IV ADJOURN at 9:20 PM. *Motion Unanimous.*

Respectfully Submitted

Diane Rohl,
Recording Secretary