

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

MINUTES OF REGULAR MEETING, June 17, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, June 17, 2008 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member Anne Fanelli
Member Gregory Merkle
Member Robert Waver
Alternate Gregory Kalinowski

ABSENT:

Member James Millard
Member David Baker
Member Michael Cirocco

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

*Motion to Approve Minutes of May 20, 2008 Made by Anne Fanelli and
Second by Robert Waver.*

Ayes: 5. Nays: 0. Motion Carried.

II SAMCOE RECREATIONAL VEHICLES INC - 1721 Transit Rd, Elma

Secretary Mike Glair appeared before the EPB representing President William Bogner. He provided a Site Plan of the buildings at the Transit Road location and a sketch of the location of an above ground 1,000 gallon liquid propane tank, to be enclosed by a six foot high fence. It will be situated 145' from the building, 50' from the street and 135' from the lot line to the south. For information purposes, he also provided a picture of the tank and its placement on a trailer.

Samcoe Recreational Vehicles Inc. received a Variance to the Commercial Moratorium from the Town Board on June 4, 2008; and a Variance to install the tank from the Zoning Board of Appeals on June 10, 2008. According to the Minutes of the ZBA, Mr. Glair has agreed to remove the tank when he vacates the property, currently under a one year lease.

Motion to Approve the Site Plan as Submitted by Chairman Thomas Reid and Second by Robert Waver.

Ayes: 5. Nays: 0. Motion Carried.

III BROOKS RIGGING CORP – 621 Conley Rd, Elma

Owner James Brooks appeared before the EPB with a request to put a 90'x100' addition onto an existing building measuring 90'x200'. According to plans prepared by Kyle F. Swierski, P.E. of Professional Engineering Services, the proposed building would be a pre-engineered metal building located on a concrete slab. It would be used for storage purposes.

Asked about zoning, Mr. Brooks said that "the property was rezoned from Commercial to Industrial to allow for the building; that it was built in the late to middle 90s; and that the piece adjacent to him is presently zoned Residential B". Chairman Reid indicated that according to Section 144.90 (Industrial Districts) of the Town Building Code, D. Buffer and Landscaping requirements are as follows: (1): A buffer of not less than one hundred (100) feet in width shall be reserved where an Industrial Zone borders a residential zone unless the proposed use is a commercial one. Such a zone shall be landscaped and maintained by the owner. (6) Landscaping shall be maintained and all required landscaping as shown on the approved landscape plans shall be preserved. Therefore the buffer area would have to be comprised of 50 feet from the Industrial Zone and 50 feet from the adjacent field to equal the required 100 foot buffer.

Town Engineer Wyzykiewics said he had no issues with the proposal. Assistant Building Inspector Balcerzak said he had none as well.

Motion to Approve the Site Plan and the building addition subject to compliance with the buffer requirements in Section 144.90 D. (1) of the Town Building Code Made by Gregory Merkle and Second by Gregory Kalinowski.

Ayes: 5. Nays: 0. Motion Carried.

IV R. CONLEY TRUCKING INC – 6891 Seneca St, Elma

Conley Trucking Inc. was referred by the Town Board to the EPB. According to Section 144-118 (Petition for change) of the Town Building Code, B. Referral to the Planning Board. Each proposed amendment except those initiated by the Town Planning Board, shall be referred to the Town Planning Board for an advisory report prior to the public hearing held by the Town Board. In reporting, the Town Planning Board shall fully state the reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes made the amendment desirable and shall state whether such amendment is in harmony with a comprehensive plan for land use in the town.

Owner Ted Gaczynski had requested of the Town Board to have his property rezoned from Commercial to Industrial "because of the type of business I am in". He stated that according to the Regional Comprehensive Plan his location is listed as Industrial. He then said that he is concerned about the effect the new zoning might have on his ability to sell his property if it becomes a "Non-Conforming Use" business.

He said he is located on 5.8 AC, (actual acreage including highway is 5.967 AC), that his current building is approximately 9,000 square feet and that his trucks are outgrowing the building. He said he has up to 76 pieces of equipment and he employs 48 people. He indicated that he wants to expand in the future and that under the proposed Commercial Code for his area of Seneca, his ability to do so may be limited. Because a tractor trailer cannot fit onto the property as currently laid out as well as other limitations, he would need to construct a new building of at least 15,000 square feet.

He said his property is currently zoned 300' in front as Commercial and the rest of the property is Residential. Asked what is located next door to him, he replied that it was a group home under People Inc. Chairman Reid cited Section 144.90 D. (1) of the Town Building Code stipulating a 100' buffer when an Industrial property borders a residential property. Town Engineer Wyzykiewicz questioned whether there were wetlands on Conley's property; and whether they were Jurisdictional wetlands requiring a 50' buffer; or DEC designated wetlands which requires a 100' buffer. Chairman Reid also said that at a minimum the EPB would have to see a site plan showing the building(s) and all dimensions.

Motion to Table pending a review by the Code Review Committee at the June 25, 2008 meeting Made by Chairman Thomas Reid and Second by Robert Waver.

Ayes: 5. Nays: 0. Motion Carried.

IV UPDATE ON PROPOSED COMMERCIAL CODES (CRC)

Gregory Kalinowski highlighted the events of the Public Informational Meeting held on June 11 at 6:00 PM. He said there were many businessmen there concerned about the changes. Chairman Reid told members of the EPB that there is a debate going on amongst the CRC members centering mainly around zoning between C2 and C3 for Seneca Street and Maple Road; certain restrictions proposed in the Elma Overlay District; no SUP (Special Use Permit) allowed in C1 or C2 Zones. He mentioned that all CRC members were encouraged to drive the roads in question before the next meeting in order to refresh their memories regarding the mix of business and residential locations.

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V FYI

Building Inspector's Report – May 2008

CRC Minutes - 6/5/08

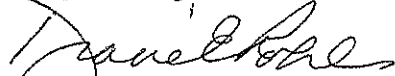
ECB Minutes - 5/27/08 Town Web Site

Town Board Minutes - 5/21/08, 6/4/08 Town Web Site

VIII ADJOURN

Meeting was adjourned by unanimous consent at 9:10 PM.

Respectfully Submitted,



Diane Rohl,
Recording Secretary