

01/15/13 Planning Board Minutes

TOWN of ELMA PLANNING BOARD
1600 Bowen Road Elma, NY 14059
Phone: 716-652-3260

MINUTES OF REGULAR MEETING - January 15, 2013

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, January 15, 2013 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Michael Cleary
Member Gregory Merkle
Member James Millard
Member Robert Waver
Alternate Charles Putzbach

ABSENT:

Member Michael Cirocco

TOWN REPRESENTATIVES:

Attorney Phyllis Todoro
Raymond Balcerzak, Asst. Bldg. Inspector
James Wyzykiewicz, Town Engineer - Absent

I APPROVAL OF MINUTES December 18, 2012

Motion made by James Millard and second by Michael Cleary to approve the Minutes of the EPB Regular Meeting on December 18, 2012.

Ayes: 7. Nays: 0. Motion Carried.

II BALDUCCI CONCRETE, 521 Pound Rd - ENLARGE PARKING LOT

Owner/Contractor Robert Balducci appeared before the EPB as a follow up to the 2012 meetings of 5/15 and 8/21 wherein requests were tabled by the EPB.

Mr. Balducci reviewed how he had enlarged his parking lot to the rear and subsequently requested site plan approval. He said the measurements he previously submitted on a site plan dated 4/16/08 were incorrect. The plan now submitted is an official survey of the property dated 1/4/13 and signed by Nussbaumer & Clarke. The issues are the Town Code set back requirements and the submission of a new drainage plan to be approved by the Town Engineer.

Mr. Balducci went on to explain that he needed to enlarge his parking lot in the rear because the tractor trailers did not have enough room to swing in and turn around. Trees were taken down the "width of a full bulldozer". He said that some area can be seen by the adjacent neighbor but that if there is an objection, he is willing to continue the existing berm further towards the back. On the other hand, he feels that installing the berm may create more drainage problems, stating that planting more trees might be the answer instead. He said that he had offered to help the neighbors by providing equipment and digging a ditch in the area plagued by drainage issues but that he could not provide any materials. Another solution would be the removal of a top soil pile which would further require the removal of more trees, now a buffer in that area.

Assistant Building Inspector Raymond Balcerzak cited Town Code 144-90 District Regulations, D. Buffer and Landscaping requirements, (1): A buffer of not less than one hundred feet in width shall be reserved where on Industrial Zone borders a residential zone unless the proposed use is a commercial one.

The EPB determined this section was not applicable and therefore referred Mr. Balducci to the Zoning Board of Appeals for a Variance from the 100' setback required. It was suggested to Mr. Balducci that he demonstrate that he has been trying to protect the residents by extending the berm; to state his rationale for a hardship as the limited area for tractor trailer turn around, that being indicated to the EPB as his reason for enlarging his parking lot. He was advised to return to the EPB for site plan approval (exclusive of a drainage plan) if approved by the ZBA.

Town Engineer James Wyzykiewicz was absent. He had indicated to Chairman Reid, in a telephone conversation prior to the meeting, that a new drainage plan was necessary and would require his approval. There was discussion amongst the EPB, Mr. Balcerzak and Town Attorney Phyllis Todoro if the new SWPP regulations were applicable. At issue is whether the increase in parking lot size should be part of all alterations to the property which would then exceed the disturbance of more than one AC (1.7 AC) and thus require a SWPP Plan; or whether, because the driveway and parking lot were approved by the EPB as part of the original site plan which disturbed less than one AC, this addition to the parking area should stand on its own and not be combined with the original parking lot area, resulting in the disturbance of less than one AC. No final decision was made but Chairman Reid advised Mr. Balducci to bring his Engineer John Schenne and to meet with the Building Inspector, the Town Engineer and the Town Attorney to resolve this matter.

III WORKSHOPS/MEETINGS

A. One Region Forward - Sponsor Community Congress

1/29/13 (7-9PM) or 2/3/13 (2-4PM) Not eligible for educational credit

B. Annual Training 2013

The EPB discussed what topics they would like to see covered in their in-house workshops in order to meet the NYS mandated annual educational credits of four hours. At this particular point, they choose the following and asked Secretary Diane Rohl to seek speakers to present on EPB meeting dates:

1. SWPP (Storm Water Pollution Prevention)
2. Senior Housing (The future Elma and Elma Center Overlay District)

IV FYI

Bldg Inspector's Report - December 2012

- Annual Report 2012

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

Town Board Minutes - Town Web Site

V ADJOURN

Meeting adjourned by unanimous consent at 8:15 PM.

Respectfully Submitted,

Diane Rohl,
EPB Secretary