

TOWN OF ELMA PLANNING BOARD
1600 Bowen Road, Elma, New York 14059
Phone: 716-652-3260

MINUTES OF REGULAR MEETING ~February 20, 2024

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, February 20, 2024, at 7:03 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:

*Member Michael Cleary
Member Gregory Merkle
Acting Chairman James Millard
Member Charles Putzbach
Member Robert Waver
Alternate James Lembke*

ABSENT:

Chairman Michael Cirocco

TOWN REPRESENTATIVES:

*Phyllis Todoro - Town Attorney
Raymond Balcerzak - Asst Building Inspector
James Wyzykiewicz – Town Engineer*

I. Approval of Regular Meeting Minutes from January 16, 2023

Gregory Merkle motioned to approve the Minutes of the EPB Regular Meeting held on January 16, 2023. Michael Cleary 2nd motion. Motion approved.

II. Site Plan Review for a 180' x 50' pole barn @ 555 Pound Rd for Triple Nickel Industrial Park
Applicant- Mark Subjeck

Mr. Mark Subjeck returned for final approval of a new metal building at his Triple Nickel Industrial Park at 555 Pound Rd. It is a 50' by 180' pole barn that will be located behind "the cottage". He provided a new stamped survey of the entire property.

Mr. Millard stated that he had driven by the property to see that there is a berm. He asked about the fence behind the cottage. Mr. Subjeck said that this fence would be staying.

EPB reviewed the checklist:

Site & Building Details: site plan and blueprints provided. A stamped survey provided.

Lighting: The lighting on the back of the building, which faces the street, needs to be down lite and shielded. A lighting plan was provided. No new lighting in the parking lot.

Parking: The entire site is paved and striped. There is plenty of parking.

Drainage: The town engineer was present and gave his approval.

Signage: no new signage

Landscaping: There is no new landscaping planned. The applicant stated there is an existing berm that is between the road and the building.

Water Service & Septic System: Location of fire hydrant are on the site plan. The building will have one bathroom in it. The applicant provided a copy of a letter from the water department approving the backflow preventer. The septic system will be behind the building (between Pound Rd & the building. A letter from engineer John Schenne was provided as Approval from the Erie County Health Department

Fire Department: Spring Brook Fire District proved a letter of approval.

II. Site Plan Review for a 180' x 50' pole barn @ 555 Pound Rd for Triple Nickel Industrial Park (continued) Applicant- Mark Subject

When a specific tenant is known he will get a business use permit for that specific tenant. There is a cottage on the property that is currently rented out. The applicant was asked to meet with the building department and change the use of the building as it is still listed as an office. He also will need to get a permit for any changes made to make it an apartment.

The EPB reviewed the short form SEQR. James Millard made a motion to check box #2 on the SEQR, motion was seconded by Robert Waver. Yes-6 No-0 Motion Carried

A motion was made by Robert Waver and Seconded by Charles Putzbach to give Final Site Plan Approval, Yes-6- No-0

III. Site Plan Review for a 20' x 80' shade structure @ 850 Maple Rd for Berner Farms Applicant Leon Berner

Applicant was not present- no action taken.

IV. Site Plan Review for an outside seating/ patio @ 6150 Seneca St for Montemaggiore's Italian Restaurant Applicant Todd Huber

Mr. Todd Huber returned with revised plans for project at 6150 Seneca St. He is returning to fine tune some details from the previous plan. He is planning an outdoor seating/patio area in the front of the building. He handed the board members some pictures. Mr. Millard asked Mr. Huber if he had been to the EPB for this property since October 2021 when the previous plan was presented. This plan had the post office on the north end of the building and a convenience store with pizza and sub shop to the south. Mr. Huber stated that while trying to work with the federal government it was easier to leave the post office where it was already located. This left the pizzeria/restaurant to go back to the north side of the building. There will be a take-out only area in the northeast corner of the building and the patio will be for the take-out patron to use while waiting for their order or after getting their order to eat. Mr. Huber presented pictures of the concrete barriers and planters that will be placed around the patio. It will also have a gas fireplace. Restaurant patrons can exit the dining room through the take-out door but cannot enter the restaurant from this door. The patio is for take-out use only. There will not be any table service. The entrance to the restaurant will be on the south side of the building.

Ms. Todaro asked if there would be an awning. Mr. Huber there is not one planned at this time, but he did like that idea. The secondary driveway to the north will be used for the takeout area. Mr. Millard asked if this driveway will be one way only. He also asked what would be done about the drop off next to the parking spaces along that driveway. Mr. Huber said the property line is another 4-5 feet from those spaces so he will come up with something there.

Mr. Cleary asked what else is in the building besides the post office and the restaurant. Mr. Huber said there are two upstairs tenants, and they enter through the rear of the building.

Mr. Millard asked if the patio out front would come out to the utility pole in the front. Mr. Huber said yes it would go straight across from there. The intent is to prevent people from being able to pull in front of the building and parking there.

IV. Site Plan Review for an outside seating/ patio @ 6150 Seneca St for Montemaggiore's Italian Restaurant (Continued) Applicant Todd Huber

Mr. Huber discussed several options with the EPB, including a gradual taper to the property line or putting up guardrails. Mr. Huber agreed to putting up the guardrails along the north side and to the west by the back parking area. He added these to the site plan and initialed the changes. If he makes any changes from what are on the plans, he needs to return to the EPB.

Mr. Huber talked a little about the new tenant and the restaurant. He stated they are looking to open in the middle of April.

*A motion was made by James Millard and Seconded by Michael Cleary to give Preliminary Site Plan Approval.
Yes-6 No-0 Motion Carried*

The EPB reviewed the short form SEQR. Gregory Merkle made a motion to check box #2 on the SEQR, the motion was seconded by Michael Cleary. Yes-6 No-0 Motion Carried

*A motion was made by Charles Putzbach and Seconded by Gregory Merkle to give Final Site Plan Approval
Yes-6- No-0*

V. Other Business

Mr. Huber spoke to the EPB to consider working with the town board and making changes to the code regarding Commercial C-1 zoning. He stated that it is "financially prohibiting." He said the C-1 zone has paralyzing constraints that prevent anyone from making any investments in the area without seeking a bunch of variances. He had to apply for many variances to remodel old buildings in the area because the old buildings do not comply with the new constraints. He would like to see the area changed to a C-2 zoning. He would like to see the town promote good growth and help businesses succeed.

Mr. Millard stated that making changes to the town code is a big undertaking. It would have to be done by the town board.

Mr. Putzbach said he has worked on a possible agenda for a joint meeting with the Elma Zoning Board. This meeting has not been scheduled yet.

Mr. Millard asked members to think about possible individuals to fill the vacant planning board member position. Anyone with names was asked to submit them to the Chairman Cirocco or the Elma Town Board. Several members said that had some names in mind.

VI. Adjourn Motion to adjourn at 8:17 pm by unanimous consent.

Respectfully submitted,

Barbara Blair

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Elma Planning Board Secretary