

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING –June 15, 2010

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, June 15, 2010 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member David Baker
Member Anne Fanelli
Member James Millard
Alternate Gregory Kalinowski

ABSENT

Member Michael Cirocco
Member Gregory Merkle
Member Robert Waver

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to Amend and Approve Minutes of May 18, 2010 made by James Millard and second by Gregory Kalinowski.

Ayes: 5. Nays: 0. Motion Carried.

II CALVARY CHAPEL OF NIAGARA FRONTIER - 2090 BOWEN RD

Pastor Mark Siena and owner David Derkovitz appeared before the EPB to request Final Site Plan Approval. All requirements of the EPB as of the May 18, 2010 meeting had been met with the exception of an accurate survey. Submitted was a GIS map with the survey superimposed as provided by Deborah A. Naybor, Surveyor. (Survey with architect's seal to be provided by Pastor Siena.)

Town Attorney Phyllis Todoro provided a copy of her June 11, 2010 letter to Gary M. Schaff, Attorney representing the Calvary Chapel of Niagara Frontier. The letter stated in part:

"After further research, the Town of Elma considers "Old Bowen Road" to be a Town highway. Please see the enclosed Section 189 of the NYS Highway Law."

EPB -2- (6/15/10)

Section 189 NYS Highway Law: Highway by use. *All lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway, and the town superintendent shall open all such highways to the width of at least three rods.*

"The Town has used this road continuously as a highway for over a ten year period."
"Mr. Derkovitz shall donate that portion (203.98 feet of frontage) of his property to the Town." Therefore the Town can assume maintenance of "Old Bowen Road" as a Town road. This will also provide access to the Church property. (Copies of letter and Section 189 attached as a part of the Minutes.)

In addition, the letter stated: "As a result road's dimensions, there will be no parking along the highway by the Church, instead all of their parking will be in the back of the structure." The EPB reviewed the Parking Plan as submitted at the April 20, 2010 meeting. It was revised to add eleven more parking spaces, to be located in either the back or on the side of the property - this to be determined by the Church. The revisions will be reflected in a revised drawing completed by the Church and submitted to the EPB for final approval at the July 20th meeting.

Motion to grant Final Site Plan Approval as outlined below, made by Chairman Reid and second by Anne Fanelli:

1. Site Plan (4/20/10) approved as revised on the drawing including no parking in the front of the building and adding eleven parking spaces re-located to the side or rear. This is subject to review by the EPB at the July 20, 2010 meeting.
2. Contingent upon "Old Bowen Road" being declared by the Elma Town Board as a Town Road under NYS Highway Law Section 189 as a "highway by use".
3. Contingent upon any other applicable approvals by the Elma Town Board.

Ayes: 5. Nays: 0. Motion Carried.

III DRAFT - CHECKLIST FOR SITE PLAN REVIEW & APPROVAL

The EPB reviewed the changes made to the draft as suggested at the May 18th meeting. There was a discussion regarding how the final document is to be used. The EPB basically concurred that it would have several applications: (1) To maintain a record and be a part of the file of any applicant coming before the EPB; (2) To be used by the Building Department as needed; (3) To be given to the applicant upon initial requests to the Building Department, such checklist to be marked by the Building

EPB -3- (6/15/10)

The following revisions were made and another draft will be prepared for the July EPB meeting.

DOCUMENTS

Delete: "Approval letter from EC Dept of E&P"

DRAINAGE

Delete: "Approval letter from Army Corps of Engineers".

Add: "Grading and drainage plans including elevations."

WATER SERVICE 7 SEPTICS/SANITATION

Delete: "Details of sanitation (bathrooms) and daily water usage."

OTHER

Expand to three lines with a space at beginning of each line to place check mark.

Move the following to the top of the first page. Add the second sentence:
"The above checklist is to be used as a guide. All items may not be required.
Additional information may be requested by the Elma Planning Board."

IV FYI

Planning & Zoning Summer Schools Agenda - July 2010

Bldg Inspector's Report - May 2010 not available

ECB Minutes - Town Web Site

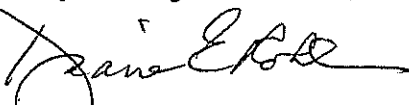
ZBA Minutes - Town Web Site

DGC Minutes - May 27, 2010

Town Board Minutes - Town Web Site

V Motion to adjourn at 9:00 PM unanimous.

Respectfully submitted,



Diane Rohl,
EPB SEcretary