

## **04/19/11 Planning Board Minutes**

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

MINUTES OF REGULAR MEETING –April 19, 2011

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, April 19, 2011 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

### **PRESENT:**

Deputy Chairman James Millard  
Member David Baker  
Member Anne Fanelli  
Member Robert Waver  
Alternate Gregory Kalinowski

### **TOWN REPRESENTATIVES:**

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

### **ABSENT:**

Chairman Thomas Reid  
Member Michael Cirocco  
Member Gregory Merkle

### **I APPROVAL OF MINUTES**

Motion to approve the Minutes of March 15, 2011 as amended made by Anne Fanelli and second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

### **II WIRELESS TELECOMMUNICATIONS FACILITY - (100' Monopole Tower)**

Adjacent to Blossom Fire Company @ 1000 North Blossom Road  
Representing Upstate Cellular Network (Verizon Wireless) were Jared C. Lusk, Attorney of Nixon Peabody LLP and Brett Morgan, Site Acquisition Specialist, Airosmith

Development. Three blueprints were submitted: CA100 - Zoning Site Plan, CA110 - Detailed Zoning Site Plan and CA 500- Zoning Details. Also provided were Exhibits A - R. An index of Exhibit Titles is attached and made a part of the official Minutes.

Mr. Lusk stated there is a need to build a second tower to cover calls for two reasons: (1) To increase capacity due to an overloading from areas adjacent to Elma and (2) To increase the area of coverage where currently there is none or coverage is inadequate. Areas specifically cited were Aurora Street and Gardenville. He said that an increase in the number of users decreases the area of coverage: consequently the need for additional towers. (Refer to Exhibit F)

Deputy Chairman Millard asked how the proposed location was chosen in view of the criteria within the Town Code. Mr. Morgan explained that once the coverage area is identified, then Verizon looks for a site within the "search ring" that meets technical needs and is in line with zoning and land use. Twelve sites were identified but only four were within the search ring. (Refer to Exhibit G.) They were Floyd Maltbie, DeLacy Ford, Family Fun Center and Blossom Fire Company. Two of the major criteria were parcel size and setbacks. Mr. Lusk said part of the process is "finding a willing landowner, meeting the setbacks and meeting our requirements". He then reviewed how the Blossom Fire Company was chosen, stating that in all, a total of 55 parcels were reviewed. He said that although the property was not municipally owned, it was considered a quasi-municipality; also that an added benefit to the fire company is the possibility of consolidating its needs with Verizon in the future. Elma Code 59A-5 A. Siting Preferences specifies Town of Elma owned property as choice (1) and any other municipal or government owned property as choice (2). (Refer to Exhibit D.) In response to a question from Mr. Baker, asking if the Town can deny a request for a cell tower, Mr. Lusk said that "as long as you don't deny the right to have coverage".

Various questions were asked by EPB members regarding coverage area, frequencies, determination of tower heights, locations of other towers (Refer to Exhibit K. map), room on Verizon tower for other carriers (Response: "Yes"), complying with FAA requirements (Response: "N/a - Not in flight path").

Included are photosimulations of the area around the proposed site and a map of the terrain with Mr. Morgan noting that there is a lot of natural screening. (Refer to Exhibit

H.) The tower will be enclosed within a six foot barbed wire fence, no voltage in the fence. Mr. Lusk said there is no drawing of the tower because it has not been approved or let out to bid. He said it will be grey galvanized steel. Mercy Flight has requested that a light be placed on the top of the tower. It will be a solid red light - no flashing. The tower will have three frequencies at 800 and two at 1,900. An equipment shelter measuring 11'7"x 30' will be on site. A copy of the land lease agreement with the Blossom Benevolent Association of Blossom Erie County was stated as being in place and that "it was common not to have it signed". (Refer to Exhibit J.)

According to Code 59A-9.A. (4): The applicant appears at the Planning Board for site plan and review, for a recommendation to the Town Board. According to Code 59A-9.B. regarding "construction of towers on non-municipal owned property" item (3): Applicant shall appear at the Planning Board for full site plan and review for a recommendation to the Town Board. Notice to surrounding property owners within 500 feet of the proposed tower is required and should be supplied by the applicant. The public hearing is to be held by the Planning Board.

Deputy Chairman Millard set Tuesday, May 17 at 8:00 PM for the Public Hearing. He also said that the EPB could do a site plan review afterward.

Mr. Lusk asked if it would be possible to have just one public hearing to which Deputy Chairman Millard responded that Verizon would have to proceed with each board individually. The next step would be with the Zoning Board of Appeals for a height variance. Mr. Lusk asked if the EPB would like Verizon to mail the letters of notification for a public hearing to the property owners within a 500' radius. Diane Rohl was instructed to seek clarification of the procedure from the Town Clerk and get back to Mr. Lusk with an answer.

### III EPB TRAINING WORKSHOPS

(A) Due to the fact that there seems to be some confusion regarding certain provisions of the Town Commercial Codes; and the fact that the Code Review Committee is meeting once again at the request of the Town Board to revise the Town Sign Codes, it was suggested that it might be beneficial to have an in-house training/refresher course on both items. Also included would be the newly developed Design Guidelines. The program will be interactive, allowing the EPB to ask questions.

Diane Rohl will be responsible for developing the course outline. Expected to be part of the program will be Joseph Colern, Building Inspector and Drew Reilly, consultant from Wendel Duchscherer. It will also be necessary for the Town Board to approve the course for two hours of credit towards meeting the EPB's annual four hour training requirements by New York State. A date will be set subsequent to the Town Board adopting new sign codes.

(B) The Erie County Department of Environment & Planning will once again be offering training beginning in July to local planning and zoning boards. Topics will be comprehensive plans, smart growth and SEQR. The EPB expressed a desire to once again host a program for area boards and instructed Diane Rohl to notify the Department to request a date. Courses offer two hours of credit.

#### IV FYI

Landscaping Estimate - Sylvia's Place (3/15/11 EPB Meeting)

Bldg Inspector's Reports – February & March 2011

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

Town Board Minutes - Town Web Site

#### V ADJOURN

Meeting was adjourned by unanimous consent at 9:45 PM.

Respectfully submitted,

Diane Rohl,  
EPB Secretary