

06/21/11 Planning Board Minutes

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

MINUTES OF REGULAR MEETING –June 21, 2011

A Public Hearing for Upstate Cellular Network (Verizon) was held at 8:00 PM followed by the Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, on Tuesday, June 21, 2011 in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member James Millard
Member David Baker
Member Michael Cirocco
Member Anne Fanelli
Member Robert Waver
Alternate Gregory Kalinowski

TOWN REPRESENTATIVES:

Phyllis Todoro, Town Attorney
Joseph Colern, Bldg. Inspector
James Wyzykiewicz, Town Engineer (arrived at 8:15 PM)

ABSENT:

Member Gregory Merkle

I PUBLIC HEARING - TOWN CODE 59A-9(A) - (3) & (4)

WIRELESS TELECOMMUNICATIONS FACILITY - (100' Cell Tower)

Adjacent to Blossom Fire Company @ 1000 North Blossom Road

The Public Hearing was opened by Chairman Reid at 8:00 PM. Representing Upstate Cellular Network (Verizon Wireless) were: Brett Morgan and Christopher Mancini. Gregory Nearpass from Nixon Peabody was legal counsel.

Mr. Nearpass spoke to data presented at the April 19th meeting. He provided an Affidavit of Mailing to property owners within 500 feet of said tower. He said that Verizon was at the beginning stage and is looking for a recommendation from the EPB to the Town Board. He then referred to the search ring, the need to prevent gaps in coverage, over-lapping coverage, hand-offs to existing cell towers and planning for future growth. Asked about co-locating on an existing tower, he said there were no towers of sufficient height. Asked about choosing a site, he said that the priority order according to the Town Code was municipal property, industrial, commercial and then residential. Asked about filtering interference from the Blossom Fire Company, Mr. Mancini replied that it is taken care of.

Chairman Reid decided to allow the public to ask questions during the presentation by Verizon rather than waiting until the end. He told the audience that the Federal Government precludes the Town from denying a cell tower request . A petition signed by twenty-six property owners on North Blossom and Main Street, opposing the proposed site at the Blossom Fire Company, was given to the EPB. The following people spoke (in order) during the Hearing:

Jeffrey Punt, 1070 North Blossom Road
Thomas Feneziani, 1050 North Blossom Road
Gary Bluman, 1041 North Blossom Road
Leo Karr, 1080 North Blossom Rad
Dale Kling, 381 Main Street
Fran Schaub, 991 North Blossom Road
Elaine Willard Bluman, 1011 North Blossom Road
Gail O'Reilly, 1011 North Blossom Road

Concerns raised were:

- Present potential health risks, especially for children.
- Will depreciate property values.
- The number of cell towers already in the area.
- Increased traffic will present a safety issue on this narrow road.
- Increased traffic will require more road maintenance.
- Affect the historical value - "the oldest area in Elma".
- Proposed site is a poor location - an "eye sore".

- May interfere with the Fire Company and Mercy Flight.
- Will affect desirability for visitors to enjoy Buffalo Creek and Main Street.

In response, Verizon representatives explained:

- According to the Federal Government, Verizon has to provide coverage.
- DeLacy Ford not interested in leasing now; possibly after remodeling.
- Bank of America site too small - no room except in parking lot.
- Standards require testing of emissions, typically inspected 1-3 weeks.
- Require Variance from ZBA for height.

Chairman Reid declared the Public Hearing closed at 9:08 PM.

II A. APPROVAL OF MINUTES

Motion to approve the Minutes of May 17, 2011 made by James Millard and second by Anne Fanelli. Ayes: 7. Nays: 0. Motion Carried.

II B. APPROVAL OF MINUTES Special Meeting - June 14, 2011

Minutes not available.

III WIRELESS TELECOMMUNICATIONS - VERIZON WIRELESS (100' Cell Tower)

Chairman Reid referred to the Town Codes §59A-9 A. (6); §59 B.(3),(5),(6). EPB Members Cirocco and Kalinowski questioned Verizon about their choice of this residential area of historic nature over numerous commercial sites in the area as well as their lack of supporting detail for the proposed site.

Motion made by Michael Cirocco and second by Anne Fanelli to table the decision until the EPB has an opportunity to further review Verizon's proposal based upon the historical nature of the District and the proposed site; and recommend to the Town Board that Verizon review the top five sites it considered. This Motion was amended by Michael Cirocco and Gregory Kalinowski to request that Verizon provide to the EPB comparisons of the top five sites and reasons for the current decision prior to their going to the Town Board.

Ayes: 4. Nays: 3. (Baker, Millard and Reid). Motion Carried.

IV MOOG CORPORATE OFFICE BLDG #20 - 400 Jamison Road

Architect Donald Aubrecht of Fontanese, Folts, Aubrecht et al and Richard Crantz, Facilities Operations Manager of Moog appeared before the EPB requesting Final Site Plan Approval subsequent to their appearance at the May 17th meeting. Plans presented at that meeting were reviewed, noting there were no changes.

The two story building will be approximately 67,707 square feet. All exterior lights will be LED. With this new building, there will now be five driveways off of Jamison Road. Mr. Aubrecht said Moog expects to have a traffic study done after its completion in 2012. " He said that he received a letter from the EC Department of Public Works, Michael Asklar, on March 31, 2011, stating that he "had no concerns and was satisfied".

According to a letter dated June 13, 2011 from Engineers Nussbaumer & Clarke, Inc., the Sewage Treatment Plant reduced its usage from 45,000/gallons per day (gpd) in 2009 to 36,000/gpd in 2010. The allowable SPEDES permit maximum monthly flow is rated for 100,000/gpd. It is expected that Building #20 will add about 6,000/gpd. (Based upon employee usage and waste water used in manufacturing operations.) A letter from CCRG dated June 15, 2011 stated that a Phase 1B field study "failed to identify any evidence of any archaeological sites and will not impact any culturally important resources". A letter was also received from the Springbrook Fire Department requesting another fire hydrant. Chairman Reid said that the EPB will not require this. Mr. Aubrecht also reviewed the SWPP parameters regarding bio-swales in the parking lot. (see EPB Minutes 5/17/11)

Motion to grant Final Site Plan Approval for Corporate Office Building #20 as submitted by Chairman Reid and second by James Millard.

Ayes: 7. Nays: 0. Motion Carried.

V MOOG BLDG #15b - PUMP ROOM/TOILET ADDN - 621 Conley Road

A letter dated June 6, 2011 was submitted from James Brooks indicating that Moog is authorized to act as his agent "regarding all matters of remodeling and renovation".

The current location is used for product development for the Airbus C-350. It needs both hot and cold water (currently does not have hot water). A sprinkler system will also be installed. It has about 20 people at the facility - technicians and engineers. The plan is for 30-32 people on site. The building is a pre-engineered metal sided structure. The entrance

will not change. The addition will be 2,300 square feet, made of concrete block with a split faced exterior - "probably grey color". A letter dated June 16,2011 was received from the Erie County Health Department, granting approval to connect an additional restroom facility to the existing septic system.

The parking lot is not striped now but there are about 50 spaces. Two handicapped parking spaces will be provided. Nitrogen tanks will be on site and enclosed according to OSHA regulations.

Motion to approve the Type I Short Form SEQR indicating that the proposed action will not result in any significant adverse environmental impacts made by Chairman Reid and second by Robert Waver. Ayes: 7. Nays: 0. Motion Carried.

Motion to grant Final Site Plan Approval for Moog Building 15b - Pump Room/Toilet Addition contingent upon two handicapped parking spaces being located facing the Pump Room and bollards being installed enclosing the nitrogen tanks made by Chairman Reid and second by James Millard.
Ayes: 7. Nays: 0. Motion Carried.

WORKSHOPS @ ELMA TOWN HALL - NYS ANNUAL TRAINING

VI A. Smart Growth Workshop Confirmed by EC Dept Environment & Planning
September 20th from 6-8PM (prior to EPB Meeting) Open to other Towns

VI B. Elma Commercial Code, Design Guidelines & Sign Code
by Drew Reilly, Wendel Duchscherer & Elma staff

October 18th from 6-8 PM (prior to EPB Meeting)

*In-house program for EPB & ZBA (needs Town Board approval for credit The plan is for 30-32 people on site.)

VII FYI

Bldg Inspector's Report - May 2011

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

Town Board Minutes - Town Web Site

VIII ADJOURN

Meeting adjourned at 10:40 PM by unanimous consent.

Respectfully submitted,

Diane Rohl,
EPB Secretary