

## **07/17/07 Planning Board Minutes**

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

MINUTES OF REGULAR MEETING July 17, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board or EPB, was held Tuesday, July 17, 2007 at 8:00 p.m. in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

### **PRESENT:**

Michael Cirocco Acting Chairman  
Member David Baker  
Member Anne Fanelli  
Member Gregory Merkle  
Member James Millard  
Member Robert Waver  
Alternate Gregory Kalinowski (Substitute for Reid)

### **ABSENT:**

Chairman Thomas Reid

### **OTHERS PRESENT:**

Joseph Colern, Building Inspector  
James Wyzykiewicz, Town Engineer  
Phyllis Todoro, Town Attorney  
Eugene Stevenson, Water Superintendent

### **I APPROVAL OF MINUTES**

Motion to Approve Minutes of June 19, 2007, Made by Gregory Merkle and Second by Robert Waver.

Ayes: 7. Nays: 0. Motion Carried.

### **II ROBERT A. BALDUCCI CONSTRUCTION CO. û Pound Road**

Mr. Balducci was not in attendance.

### III JJS REAL ESTATE DEVELOPMENT LLC û 717 Jamison Road

Owner Michael Jagodzinski and Architect Philip Snyder were present for a Site Plan Review. Mr. Jagodzinski was granted a Business Use Permit for the building as previously submitted but has returned to the Planning Board to request a change in the garage doors for the eight bays from ten feet to twelve feet in height. He stated that since there is no outside storage, he decided he needed to make the doors higher to accommodate larger trucks or pieces of equipment to be stored inside by future tenants. In response to a question regarding whether there is adequate parking, Mr. Jagodzinski said that he would have to return to the Town Board to seek Business Use Permits for any new tenants; and that the need would be assessed then. He also said there would be no retail uses, only light commercial use involving no traffic. The EPB commended him on adding the cupola on the roof to improve the style. Mr. Merkle asked if there were any windows to which Mr. Jagodzinski replied: "only in the garage doors."

Acting Chairman Cirocco asked Building Inspector Joseph Colern if there were any concerns from the Building Department. Mr. Colern responded: "No, not at this point."

Motion to Approve the Site Plan as Amended Made by David Baker and Second by Gregory Merkle.

Ayes: 7. Nays: 0. Motion Carried.

### IV OMNIPOINT COMMUNICATIONS INC. û 881 Schultz Road

Representing Omnipoint Communications Inc. for a Site Plan Review were: Attorney James Whitcomb, Project Manager Gregory Burkhalter, Site Acquisition Manager Jerry Brophy and Radio Frequency Engineer Dan Ford. An Application Letter, forms and detailed specifications and drawings included in Exhibits A-L as well as the Type I SEQR (Exhibit I) were submitted for review and are on file in the Building Department.

Prior to selecting the Schultz Road site Mr. Whitcomb indicated that Omnipoint Communications Inc. (OCI) had considered a total of six sites:

(1) Girdle Road property owned by the Elma Fire Department, (2) Elma Town Park on Bullis Road, (3) Elma Town Water Treatment Plant on Seneca Street, (4) Elma Town Park on Creek Road, (5) Elma Town Transfer Station on Creek Road and (6) Elma Meadows Golf Course. Reasons for rejection cited were: visibility by surrounding

property owners, inadequate area for fall down zone, distance from existing OCI sites and terrain requiring higher towers for communication coverage.

The proposed site is currently being farmed by owner Ronald Luders. There are a number of mature trees as screening from other properties. A telecommunications tower (monopole) of 170 feet would be located 2200 feet back from Schultz Road, situated basically in the middle of the property between Rice, Schultz and Girdle Roads. There will be three antenna clusters consisting of three sectors. Three cabinets (about the size of a refrigerator) will be located on a concrete pad 10 feet x 15 feet. There will be a chain link fence six feet high with an additional two feet of barbed wire on top and a double swing gate enclosing a 50 feet x 50 feet area. A road leading off of Schultz Road that includes a turn around, will be constructed to allow access to the equipment. It is expected that one vehicle per month will use the road to determine whether any maintenance of equipment is required.

According to Mr. Whitcomb, FAA regulations do not require any lighting on the monopole. On the other hand, the Town requires a red light at the top of the tower, to be on only at night; and over 200 feet, it has to have a strobe light and be on at all times. Anne Fanelli raised a concern regarding low flying traffic, especially that from the Clinton Street Airport. Gregory Kalinowski said there are a number of serious car accidents at Rice and Girdle Roads where Mercy Flight planes need to land. James Millard suggested to Mr. Whitcomb that he contact Mercy Flight regarding the tower and the lighting. Anne Fanelli suggested that Omnipoint inform the Clinton Street Airport.

Mr. Whitcomb responded that the FAA takes flight patterns into account but that (we will do what the Town wants). As for ground lighting, Jerry Ford said there will be one single 300 watt bulb, encased and mounted about seven feet high, shining down towards the equipment. In response to questions, he said it would not be motion activated or on all of the time. Gregory Kalinowski suggested reflective tape on the fencing to alert snow mobilers. Mr. Whitcomb also stated that OCI would be willing to lease space to other companies provided they complied with their terms.

Joseph Colern advised the EPB that the firm of W.M. Schutt Associates had been approved by the Town Board at the July 25th Meeting to perform the review of the Type I SEQR submitted by Omnipoint. He said that if the Type I SEQR is approved and the Zoning Variance is granted, neighbors within 500 feet would be notified of a Public

Hearing for OCIÆs request to construct their tower. Mr. Whitcomb reminded the EPB that in New York State cellular telephone companies are afforded the status of public utilities. This gives them wider latitude when applying for rezoning as interpreted by the courts.

#### V VELOCITEL INC û Jamison Road (Town Water Tank Site)

Chris Bevans, Leasing and Zoning Manager of VelociTel and Tim Connelly of at&t were present for a Site Plan Review. Mr. Bevans said that VelociTel, on behalf of the new at&t, would like to build a 160 foot telecommunications tower (monopole) on property currently owned by the Town of Elma on the site of Elma Water Tank for the purpose of improving telecommunications. He stated that they were working with the Town Attorney on leasing the property from the Town for an initial five year lease at \$1200/month with four subsequent five-year renewable option terms.

Six new antennas would be placed on the tower. A 60 x 60 foot fence would enclose the tower and a 12 x 20 foot shelter would house equipment and computers. Eugene Stevenson said that homes were within 3-400 feet. Mr. Bevans stated that they would be willing to plant some trees in the area. In response to a question from David Baker, Mr. Bevans stated that the 160 feet is within the fall down radius. He told the EPB that VelociTel will be required to complete a Type I SEQR.

Eugene Stevenson told the EPB that it is very important that the Town keep land for the future, to be able to put in a new water tank to replace the current one. He indicated that the new one would have to be erected before the old one was taken out, and that the new water tank would be larger but no taller than the existing one. He said he is waiting for an official land survey. James Millard said that Eugene Stevenson will need to be a part of the Site Plan Approval process. Joseph Colern said they may need to look at set backs required by the Town.

#### VI UPDATE ON DRIVEWAY SIGN FOR STEUBEN FOODS

On April 23, 2007 a letter was submitted to Mr. Michael Asklar of the Erie County Department of Public Works and Highways by the EPB requesting that a caution signed be placed on Jamison Road near the proposed site of the newly approved driveway. According to Thomas Taggart, Vice President of Engineering for Steuben Foods, the driveway installation has been postponed until the summer of 2008. Mr. Taggart emailed a drawing of the proposed driveway. Recording Secretary Diane Rohl will write a letter

to Erie County advising them of the change and enclosing the drawing.

**VII UPDATE ON SCHEDULED COURSES BY TVGA**

Arrangements have been made with TVGA Engineering, Maple Road, Elma to conduct the four hours of coursework mandated annually by NYS for Planning and Zoning Board Members effective January 2007. The program will offer Stormwater Pollution and Conducting a Needs Assessment on September 10th and Understanding SEQR and Site Plan Review on October 8th at the Elma Town Hall. Diane Rohl will send invitations to the Towns of Marilla, Wales, Aurora and the Village of East Aurora.

**VIII FYI**

The following were distributed to the EPB:

Conservation Board Minutes û June 26, 2007

Town Board Minutes û June 20, 2007 ([www.elmanewyork.com](http://www.elmanewyork.com))

Respectfully submitted,

Diane Rohl,  
Recording Secretary