

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

MINUTES OF REGULAR MEETING September 18, 2007

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the Board, was held Tuesday, September 18, 2007 at 8:00 p.m. in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Acting Chairman James Millard
Member David Baker
Member Anne Fanelli
Member Gregory Merkle
Alternate Gregory Kalinowski (Cirocco)

ABSENT:

Chairman Thomas Reid
Member Michael Cirocco
Member Robert Waver

OTHERS PRESENT:

Thomas Stynes, Asst. Building Inspector
James Wzykiewicz, Town Engineer
Phyllis Todoro, Town Attorney

I APPROVAL OF MINUTES

Motion to Approve Minutes of August 21, 2007 as amended Made by Gregory Merkle and Second by Anne Fanelli.
Ayes: 5. Nays: 0. Motion Carried.

II ROBERT A. BALDUCCI CONSTRUCTION CO. – Pound Road, Elma
Property Tax ID: 144200.136.00-4-24.1

Robert Balducci, owner and John Schenne, Consulting Engineer, appeared before the EPB. Mr. Schenne reviewed the enlarged proposed site plan showing an office building 30' x 40' for one or two full time employees and an adjoining storage building 60' x 100'. The building would be set back approximately 170' from the road, located on the front portion of the fourteen acre parcel zoned Industrial and screened by trees and shrubbery. A 160' buffer zone of trees and shrubs will be left to the south for the residential property.

Acting Chairman Millard reviewed the action for Preliminary Site Plan Approval at the August 21, 2007 Meeting and the seven contingencies:

1. Approval by Erie County Health Department of bathrooms and septic system.

Mr. Schenne responded that they have approval for a two hundred gallon/day sand filter system but that the Erie County Department of Health is behind in sending out approval letters.

2. Completion of a SEQR - Unlisted Action.

The EPB determined there was no significant environmental impact.

3. Change to the front exterior design of the building as suggested.

Mr. Balducci revised the site plan to include rows of bricks extending part of the way up the front of the Morton building

4. A blow-up of the proposed site plan drawing for EPB review.

There will be one 100 Watt metal halide wall pack at the office entry and three at the side above the garage doors. Mr. Balducci indicated that a buffer of trees and shrubs will be left between the road and the building and also between the driveway and the neighbor on the side. He also said that he had determined that the driveway was not directly across from the neighbor's house and that the neighbor was not concerned with its proposed location.

5. Letter of "no concern for access" from the Springbrook Fire Co. for a fuel tank.

Mr. Balducci said he had attended the meeting of the Springbrook Fire Company and that they would be issuing a letter indicating compliance with fire code regulations regarding access to the site.

6. Detail of sign size and location.

There will be 3 x 4 foot interior lighted sign located near the beginning of the driveway.

7. Approval of drainage plan by Town Engineer.

The drainage plan was approved by James Wzykiewicz, Town Engineer.

Motion to Approve the Unlisted SEQR indicating there is no significant environmental impact Made by David Baker and Second by Anne Fanelli. Ayes: 5. Nays: 0. Motion Carried.

Motion for Final Site Plan Approval contingent upon receipt of letters of satisfaction from the Erie County Department of Health and the Springbrook Fire Company Made by David Baker and Second by Anne Fanelli. Ayes: 5. Nays: 0. Motion Carried.

In response to Mr. Balducci's questions, Mr. Stynes said that in view of the upcoming weather, Mr. Balducci could begin the driveway with stone base, etc. without a building permit - but that prior to the building foundation, a building permit will be required; and in order for the Building Department to issue a building permit, letters must be received from the Erie County Health Department and the Springbrook Fire Company.

III VELOCITEL/AT&T

At the request of Chris Bevans (VelociTel) and Tim Connelly (AT&T), the EPB met at 7:00 PM at the proposed site of the monopole. The purpose of the meeting was to clarify the exact location of the tower being proposed to be built on the Town of Elma Water Tank site at Jamison and Seneca. Town Officials had the same meeting earlier in the day with VelociTel and AT&T.

Eugene Stevenson, Water Department Superintendent, said he agreed with the location; that the Town has been working with VelociTel/AT&T for some time on this proposal; and that he believes the location will not interfere with any plans the Town may have to build a new water tank in the future.

The 160 feet tower will be steel grey, enclosed with a 60x60 foot fence, an 11x20 foot shelter, a 12 foot gate and room for one parking space and a turn around. The fall zone is all on the existing property to be leased from the Town. Although no lights are required according to FAA regulations, VelociTel/AT&T agreed to the request of the EPB to install a blinking red light at the top of the tower. There will be a motion detector above the entry door to the shelter. This will have to be added to the final drawing. In response to a question by the EPB, there will be no generator at the site except in the case of a power failure. Then one could be brought in.

In reviewing some of the Lease conditions between VelociTel/AT&T and the Town of Elma, the EPB suggested including the Water Department, Highway Department and 911. It was explained that a \$50,000 Demolition Bond will be required of VelociTel/AT&T should removal of the tower be necessary. It was also suggested that language from the Town Code be added in reference to sufficiency of the Bond and the need to have the Lease reviewed every five years before automatic renewal.

The adjacent landowners have been notified according to Mr. Bevans. The buffer area is going to remain. (It is also used by the Water Department for vehicles, gravel, etc.) A Public Hearing has been scheduled by the Town Board for October 3, 2007.

Motion to recommend to the Town Board the Final Site Plan Approval for the VelociTel/AT&T Tower based upon the fact that (1) the site is viable and necessary and (2) that any conditions agreed to between VelociTel/AT&T and the EPB will be adhered to, Made by James Millard, Acting Chairman and Second by Anne Fanelli.

Ayes: 5. Nays: 0. Motion Carried.

IV ARTHUR COURT DEVELOPMENT – Off of Gaylord Court, Elma
Mr. Craig Fargo of 40 Briggswood Drive, owner and developer, appeared before the EPB to request that he be allowed to install a finished road leading from Gaylord Court to the four proposed 280A lots as laid out in his site plans. (Currently this is a driveway.) He stated that he had been referred to the Planning Board for consideration of his installing the proposed road subsequently to be taken over by the Town; that it had been approved in 1962 by the Town as indicated on his original plan, but that it was never installed nor the land developed and that the proposed road was approved as 56 feet wide. The current regulations covering subdivisions require a 60 feet Right-of-Way. Mr. Fargo said he was aware of that but that he was seeking approval to proceed with the development process based upon the fact that the proposed road had prior approval and therefore did not have to meet current regulations to become a public road.

He also said that he had talked to adjoining neighbors with a request to purchase additional frontage to increase the width of the proposed road. According to Mr. Fargo, some were willing, others were not and that one of the properties was in bankruptcy and that his attorney advised him that it could be a long time before anything was resolved. (Note that Mr. Fargo appeared before the Planning Board on March 21, 2006 for a Sketch Plan Review at which time he was requested to "submit paperwork to the Town Attorney and the Building Department showing that this R.O.W. was approved when Gaylord Court was installed". See Official EPB Minutes)

James Wzykiewicz, Town Engineer, stated that according to NYS Code: "If the improvement is not completed within a two year period of approval, the process has to start all over again." He continued to state that the road would not fall under subdivision regulations because the lots will not pass the Perc Test criteria which is the draining of one inch of water in the soil test hole in thirty minutes or less. He also stated that "he had never had anyone come and say they wanted to build a Town road that was not a subdivision". He suggested that the Town Attorney needed to research it.

A suggestion was made that if Mr. Fargo modified his plan to include three instead of four lots, he would have sufficient frontage to construct a road that would meet current codes. Mr. Fargo responded that in a now developed section of Briggswood, the road with improvements cost him \$300,000, and that he was not certain this idea would be feasible.

Subsequently Acting Chairman Millard suggested that Mr. Fargo be referred to the Town Board wherein he could present his situation and if necessary, the Town Attorney could research the circumstances. The EPB concurred.

V CORRESPONDENCE

Acting Chairman Millard requested that a copy of the letter received from the Springbrook Fire Company Attorney to Building Solutions, Todd Huber, 6091 Seneca Street, be added to the Agenda. It identifies certain requirements related to the proposed building addition regarding fire protection to the property and general safety issues. This project is scheduled for a Public Hearing by the Town Board on September 19th and no action is required by the EPB at this time.

VI MEETINGS

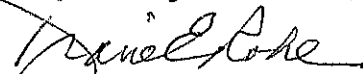
EPB Members were urged by Mr. Wyzykiewicz to attend the meeting to be conducted by the DEC and Erie County Department of Environment and Planning on October 2nd in Lancaster. Covered will be the new Storm Water Pollution Regulations that will take effect on January 1, 2008 and apply to portions of the Town of Elma.

VII FYI

Photo ID Cards – Elma Planning Board Members
Building Inspector's Report – August 2007
Elma Conservation Board Minutes – August 28, 2007
Code Review Committee – List of Members
Code Review Minutes – August 30, 2007
Elma Town Board Minutes - September 5, 2007

Motion to Adjourn at 9:40 PM Made by David Baker and Second by Gregory Merkle. Unanimous.

Respectfully Submitted,



Diane Rohl,
Recording Secretary