

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING –April 20, 2010

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, April 20, 2010 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Member Michael Cirocco
Member Anne Fanelli
Member James Millard
Alternate Gregory Kalinowski

ABSENT:

Chairman Thomas Reid
Member David Baker
Member Gregory Merkle
Member Robert Waver

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to Approve Minutes of March 16, 2010 made by Anne Fanelli and second by Gregory Kalinowski.

Ayes: 4. Nays: 0. Motion Carried.

CALVARY CHAPEL OF NIAGARA FRONTIER – 2090 BOWEN RD

Appearing before the EPB were: Pastor Mark Sienna, 5575 Broadway, Lancaster; Thomas Caley, Architect of Caley & Company, 5575 Vermont Hill Road, South Wales; and David Derkovitz. A letter dated April 12, 2010 from Pastor Sienna accompanied the documentation, stating that "2090 Bowen Road has been purchased by Dave and Cindy Derkovitz. We will be leasing the building from them for use as a church." Attached was a copy of the NYS Fire Code, Section 903.2.1.3 Group A-3, citing that churches are exempted from the automatic sprinkler system requirement. Pastor Sienna contacted the EC Sheriff's Traffic Division in regard to traffic accidents at the intersection, indicating only three had occurred since 2001, with "none of them due to traffic from the Lodge". He also wrote that "we are very interested in working with the town to make the intersection as safe as possible". Mr Cirocco said that using common sense, as they grew, they should use police to direct traffic

It was determined at the April 21, 2009 meeting when Calvary Chapel last appeared before the EPB, that the following will be required before final site plan approval could be granted. Those items satisfied since then are so noted:

1. An accurate survey of the site including any easements. *Land Survey dated 5/2/1992 showing building and property measurements. Frontage in question. ***
2. Exterior building and site plan. *Revision #1 Site Plan 4/12/10.*
3. Plan for use of interior space. *Detailed Revised Floor Plan (4/12/10).*
4. Detail of exterior lighting, attached to the building and in the lot areas. *According to Mr. Caley, there will be no change to the existing lighting which does comply with current requirements..*
4. Detail of applicable parking spaces including location, size and lines. *Site Plan (Survey 10/19/2001) showing building, existing landscaping and delineation of parking spaces. The number of spaces proposed are 57 based upon 259 adults and occupancy of four classrooms. Mr. Derkovitz said they were planning on paving around the doors and the rear. Town Engineer Wyzykiewicz suggested that with the new MS-4 Stormwater Regulations, he would need to get an engineer involved and actually might be better off not paving it.*
5. Landscaping plan. *According to Pastor Siena, everything "will remain pretty much the same - with the possibility of the removal of some dead trees on Luder's property. Existing trees on the back of the property will remain and the existing beds around the building will be refreshed".*
6. Clarification of location of federal wetlands. *Letter of August 4, 2009 from the NYS DEC stated: "...there is no state-regulated freshwater wetlands jurisdiction with the 2090 Bowen Road property."*
7. Design, location and size of any signs. *In response to Pastor Siena's statement that there are no plans for any new signs except a temporary wooden one, Assistant Building Inspector Balcerzak stated that any temporary sign would require a building permit from the Building Department.*
8. Letter from Erie County Health Department for septic system. *Pastor Siena stated that they are working with the Erie County Health Department now. ***
9. Letter from Fire Department regarding access and safety. *There has been no contact with the Fire Department. Pastor Siena will need to find out first which Fire Department covers the property - Elma or Jamison Road? ***

10. Plan to allow for future growth. *Letter of April 12, 2010 from Pastor Siena said that the proposed sanctuary will hold double their current members (about 100 now), and the coffee area could be used for overflow. "If we reach the point where we need to modify the building or increase parking spaces, we would involve Mr. Caley and draw up plans to propose before your board."* Mr. Cirocco asked if there are plans for outdoor services. If so, he said they may need to get Town Board approval. Deputy Chairman Millard stated that they could also approach the neighbors.

There still remains a question of where the front of the property line is and who owns the road. Mr. Caley and Pastor Siena submitted copies of old surveys and recounted conversations with the neighbors regarding past history. Pastor Siena said there was nothing brought up at closing of the property about the road. The two biggest concerns are: parking and maintenance of the road. Assistant Building Inspector Balcerzak said that the Right-of-Way is thirty feet as measured somewhere in the bank along Bowen Road. Attorney Todoro said that based upon her research, there will have to be some kind of easement; that there needs to be agreement between the respective attorneys; and that if there is no frontage, the Church will have to go before the ZBA.

** Items 1, 8, and 9 need to be satisfied before Final Site Plan Approval.

III REVIEW DRAFT - CHECKLIST FOR SITE PLAN REVIEW & APPROVAL

Two checklist drafts were given to the EPB for their consideration - one from Diane Rohl, the other from Michael Cirocco. The first was a list of items; the second was the list broken down by category. The EPB chose the second, making a few suggestions for additional data to be added. Diane Rohl will prepare a revised draft, formatting it to fit on one sheet of paper using both sides.

IV TRAINING SEMINARS

Information given to EPB: Stormwater in NY, 4/23 @ West Harrison, NY.

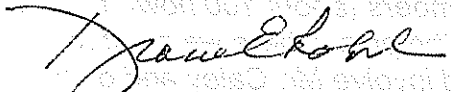
V FYI

Bldg Inspector's Report – March not available
ECB Minutes - Town Web Site
ZBA Minutes – Town Web Site
DGC Minutes - March 25, 2010
Town Board Minutes - Town Web Site

VI ADJOURN

*Motion to adjourn at 9:25 PM made by Anne Fanelli and second by Gregory Kalinowski.
Unanimous consent.*

Respectfully Submitted,



Diane Rohl,
EPB Secretary

There still remains a question of where the front of the property line is and who owns the road. Mr. Casey and Pastor Diana submitted copies of old surveys and reconstructions with the neighbors regarding past history. Pastor Diana said there was nothing wrong up at the front of the property about the road. The two biggest concerns were parking and maintenance of the road. Assistant Building Inspector Balderston said that the right-of-way is thirty feet as measured somewhere in the back along Box Road. Attorney Tators said that based upon her research, there will have to be some kind of agreement that there needs to be agreement between the respective attorneys and that there is no easement, the Church will have to go before the ZBA.

Items 1, 2, and 3 need to be settled before Final Site Plan Approval.

REVIEW DRAFT - CHECKLIST FOR SITE PLAN REVIEW & APPROVAL

Two checklist drafts were given to the EPB for their consideration - one from Diane Rohl, the other from Michael Crocco. The first was a list of items, the second was a list broken down by category. The EPB chose the second, making a few suggestions for additional data to be added. Diane Rohl will prepare a revised draft, contacting all on one sheet of paper using both sides.

TRAINING SEMINARS

Information given to EPB: www.waterinny.com © West Hamden, NY

- EPB
- Big Inspector's Report - March not available
- EOB Minutes - Town Web Site
- ZBA Minutes - Town Web Site
- DDC Minutes - March 25, 2010
- Town Board Minutes - Town Web Site

ADJOURN

Action to adjourn at 9:00 PM unless for any reason the Board shall see fit to reconvene. Thank you.