

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF REGULAR MEETING –July 19, 2011

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

PRESENT:

Member Michael Cirocco, Acting Chairman
Member David Baker
Member Anne Fanelli
Member Robert Waver
Alternate Gregory Kalinowski

TOWN REPRESENTATIVES:

Phyllis Todoro, Town Attorney
Raymond Balcerzak, Asst. Bldg. Inspector
James Wzykiewicz, Town Engineer (arrived at 8:15 PM)

ABSENT:

Chairman Thomas Reid
Member James Millard
Member Gregory Merkle

I APPROVAL OF MINUTES

Motion to approve the Minutes of Special Meeting on June 14, 2011 made by Anne Fanelli and second by Robert Waver. Ayes: 5. Nays: 0. Motion Carried.

Motion to approve the Minutes of Regular Meeting on June 21, 2011 made by Anne Fanelli and second by David Baker. Ayes: 5. Nays: 0. Motion Carried.

II WIRELESS TELECOMMUNICATIONS FACILITY - VERIZON WIRELESS

The following were in attendance and representing Verizon's interests:
Brett Morgan, Site Acquisition Manager Verizon
John Engelbert, Real Estate Manager Verizon
Christopher Mancini, RF Design Engineer
Gregory Nearpass, Attorney Nixon Peabody
Robert Brenner, Summer Assistant, Nixon Peabody

Attorney Nearpass explained why Verizon chose the Blossom Fire District site, indicating that the EPB asked them at the June 21st meeting to return and review the criteria used to make their final choice of that site.

Under a cover letter of July 1st, signed by Attorney Jared Lusk of Nixon Peabody, the following items were listed with supporting statements and Exhibits S - W.

1. *Provide Additional Information Regarding the Need for Wireless Coverage*
2. *Provide lost Call Data for Blossom South Coverage Area*
3. *Provide Additional Review of Potential Alternate Sites (five workable options)*
4. *Assess the Project's Potential Impact on Traffic*
5. *Demonstrate the Project's Compliance with Applicable FCC Regulations*
6. *Public Response to the Project*

An additional letter dated July 14th with Exhibit X showing the wireless coverage ring, provided details on the results of having contacted the following five property owners within that ring: (analysis by Airosmith Development)

1. *Delacy Ford Dealership Parcels (Transit Road)*
2. *Delacy Ford Residential Parcel (North Blossom Road)*
3. *Floyd Maltbie Parcel (now Online Auto Connection)*
4. *Family Fun Center Parcel*
5. *King Brothers Construction Parcel*

Acting Chairman Cirocco questioned whether Verizon had done their "due diligence" in choosing the Blossom Fire District area. He said he felt he had an obligation to protect the residents of Elma by choosing the site with the least amount of visual impact.

He said he had just visited both sites on Blossom Road - Blossom Fire District and Delacy Ford. He showed pictures on the screen of the areas. He observed that if the tower were on the Blossom Fire District site, it would be 400' from the road but that there was little screening on the property and even fewer trees on the surrounding residential properties. On the other hand, if the tower were on the Delacy site, it would be 200' from the road but there were a greater number of trees on the site and on the surrounding properties to shield them from the view.

Acting Chairman Cirocco said he had spoken to Mr. Delacy about whether he would be interested in talking to Verizon about leasing the residential parcel to them. Attorney Nearpass said that there once was a lease between Verizon and Delacy Ford but that only Mr. Delacy had signed it - not Verizon. Attorney Nearpass agreed to approach him again regarding a lease agreement.

Motion made by Acting Chairman Cirocco and second by Anne Fanelli to recommend that the ZBA grant a variance for the height of the 100' tower; and that the ZBA also consider a variance on the setback requirements, as necessary, to locate the tower as close to either of the two Blossom Road property lines (Blossom Fire District and Delacy Ford Residential parcel), the choice resulting in the least amount of visual impact and the preservation of the trees.

Ayes: 5. Nays: 0. Motion Carried.

Motion made by Acting Chairman Cirocco and second by Anne Fanelli to recommend to the Town Board that they consider the Delacy Ford Residential site as a preferred site, based upon visual screening and the least amount of visual impact on the area residents; and, that if the Applicant (Verizon Wireless) cannot come to terms with Delacy Ford then, the EPB recommends the Blossom Fire District as the acceptable site.

Ayes: 4. Nays: 1. (David Baker)

Motion to the Town Board to obtain a Removal Bond from the Applicant (Verizon Wireless) in an amount equal to one and one-half times the cost of tower removal, this to be reviewed by the Town every five years for any necessary adjustment to the amount, as provided in the Code.

Ayes: 5. Nays: 0. Motion Carried.

WORKSHOPS @ ELMA TOWN HALL - NYS ANNUAL TRAINING

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

The EPB was informed that email invitations have been sent to the planning and zoning boards of twenty area towns and villages. Diane Rohl advised that she was already getting requests to attend. She also said that a budgetary request has been submitted to the Town Board for coverage of necessary expenses.

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)

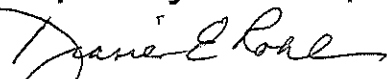
The in-house program for EPB & ZBA has been confirmed by Drew Reilly. A budgetary request for Mr. Reilly's standard fee of \$500 has been submitted to the Town Board for approval.

IV FYI
Bldg Inspector's Report - June 2011
ECB Minutes - Town Web Site
ZBA Minutes - Town Web Site
Town Board Minutes - Town Web Site

VIII ADJOURN

Meeting adjourned at 9:35 PM by unanimous consent.

Respectfully submitted,



Diane Rohl, EPB Secretary