

A regular meeting of the Elma Town Board was held on Wednesday, August 20, 2014 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Dennis Powers
Councilman	Thomas Fallon
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

Also:	Building Inspector	Joseph Colern
	Highway Superintendent	Wayne Clark
	Water Superintendent	Eugene Stevenson
	Town Attorney	Phyllis Todoro
	Town Engineer	James Wyzykiewicz

Approximately 77 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the SEQR for Tim Horton's at 2157 Transit Road. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for the rezoning of Tim Horton's at 2157 Transit Road from Commercial to Commercial 2; Supervisor Powers opened the Public Hearing at 7:10pm. Speaking against the rezone M. Gliss no one spoke in favor of the rezone. Supervisor Powers closed the Public Hearing at 7:14pm.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the rezoning Tim Horton's at 2157 Transit Road from Commercial to Commercial 2 as stated in the Public Hearing notice. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for the rezoning of 6820 Seneca Street for Jim Brooks from Residential C to Industrial; Supervisor Powers opened the Public Hearing at 7:15pm. Speaking for J. Brook and D. Rohl no one spoke against. Supervisor Powers closed the Public Hearing at 7:17pm.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the rezoning of 6820 Seneca Street for Jim Brooks from Residential C to Industrial as stated in the Public Hearing notice. Ayes-5. Noes-0. Carried.

Making the legal notice part of the minutes for the second (6) six month extension of Local Law #3-2014 Six Month extension on the Moratorium for 1 year on Multi-Family Dwellings/projects in the Town of Elma which will become Local Law #4-2014 upon completion of final draft. Supervisor Powers opened the Public Hearing at 7:30pm. Drew Reilly from Wendel Duchscherer presented a overview of the Local Law regarding Multi-Family Dwellings in the Town of Elma. Speaking in favor was P. Pennington, C Larson and D. Rohl. Questions from C. Offhause D, Filipski and R. Offhause were heard. No one spoke against. Supervisor Powers closed the Public Hearing at 7:58pm. The Multi-Family Dwelling Committee and Town Board will review the comments and recommendations for final the approval.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the July 16, 2014 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the July monthly report with 32 permits issued, \$12,682.94 in fees collected and \$1,517,400 as the estimated value of construction.

Water Superintendent Eugene Stevenson noted that 100' of water main was replaced on Bullis Road near June Road, it has been pressure tested, sampled and will be in service. A leak on Finnegan and Bowen has been repaired. Mandated lead and copper samples (30 residents) results were good. Mr. Stevenson would like an item from Clark Patterson Lee added to the Agenda.

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Councilman Fallon made the motion and Councilman Malczewski seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Fallon seconded the motion to approve the resolution regarding the Electrical Pump Station Improvements Recommendation for Rejection of All Bids from Clark Patterson Lee opened on July 23, 2014 as follows: "Rejecting all bids received for the July 23, 2014 bid opening of the Electrical Contract for the Town of Elma Water Distribution System Pump Station Improvements" The contract documents will be re-bid in late-August. Ayes-5. Noes-0. Carried.

Highway Superintendent Wayne Clark noted that the Stream Bank Stabilization Grant on Northrup Road should be completed next week. Town Attorney Phyllis Todoro is working on the revised easements for Spring Water Estates on North Davis Road.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve a negative declaration on a short form SEQR for The Bottle & Can Return at 8351 Clinton Street. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for The Bottle & Can Return at 8351 Clinton Street for a bottle /can return center. Building Inspector notes a fire inspection after occupancy and sign permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the contracts with Eastern States Sentinel Alarm Service Inc for Creek Road Park, Town Hall, Museum, Sawmill, Senior Center and Highway for five (5) years at an annual cost of \$1221. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the following two (2) budget amendments; WHEREAS, the Town wishes to repair and improve its road infrastructure, and WHEREAS, the Town wishes to allocate additional sales tax revenue to fund such road improvements, and WHEREAS, the Town wishes to proceed with the road repair and improvements NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2014 adopted budget to recognize the additional sales tax to be received by the Highway Fund and to authorize additional appropriations to provide for cost of road improvements, as follows: Increase Estimated Revenues: DA1120--Non-Property Tax Distribution by County \$166,918.06; Increase Appropriations: DA5110.400--Materials and Supplies \$166,918.06. And WHEREAS, as the year has progressed the Town's actual spending has exceeded the 2014 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total 2014 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2014 budget: Decrease Appropriations: SS1 8121.405--Reserve for Repair \$300.00; SS4 8124.405--Reserve for Repair \$ 480.00; SS5 8125.405--Reserve for Repair \$1,260.00; SS7 8127.405--Reserve for Repair \$960.00, Total of \$3,000.00. Increase Appropriations: SS1 8121.403--Mileage \$300.00; SS4 8124.403 Mileage--\$480.00; SS5 8125.403--Mileage \$1,260.00; SS7 8127.403--Mileage \$960.00, Total of \$3,000.00. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the Ford Credit Lease Agreement for five (5) payments of \$5,996.77 for the Iroquois School Resource Officer. Ayes-4. Noes-1. Councilman Malczewski voted no. Carried.

Councilman Nolan made a motion and Councilman Malczewski seconded the motion to add an item to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the following Town Resolution; New York State Town Law 280A as follows: Whereas; The Town of Elma New York is located in the heart of Erie County, New York with a population of over 11,000 residents,

Wednesday, August 20, 2014.

Whereas; The residents of Elma have always had deep concern to keep the rural character of our town, this has been displayed through surveys and continuously voicing concerns at open meetings of the town Whereas; The State of New York in regards to Town Law 280-A authorizes a town through resolution to adopt an open space policy concerning open space development and creating exceptions to non conforming road frontage. Whereas; This development has created houses being constructed behind other houses and affecting the towns rural character and quality of life for our residents; Whereas; the 280a lots are entirely located deep off the public roadway creating long distances from fire hydrants and difficult circumstances for first responders to respond to alarms causing safety concerns for them and the general public. Whereas; The Town has from time to time through resolution altered the requirements for more desirable development of non conforming lots which is clearly not appropriate today; Therefore be it Resolved; The Town Board of the Town of Elma rescind any prior resolution concerning 280-A (flag lots) and no longer recognize them as build able lots. This resolution shall take affect immediately. Submitted by Councilman Michael Nolan. Ayes-4. Noes-1. Supervisor Powers voted no. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve Warrant #8 claim #902 thru #1052 as follows: General Fund \$107,701.22; Highway Fund \$198,676.18; Water District \$147,017.03 and Special District \$7,901.14. Ayes-5. Noes-0. Carried.

Supervisor Powers set a Public Hearing date of September 3rd, 2014 for Drainage District #197 for McDonnell at 121 Woodside Dr and Local Law #5-2014 Establishment of a Town Police Department.

All have received the Planning, Zoning, Conservation Board and Multiply Dwelling Code Committee agenda and minutes that apply.

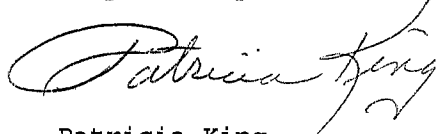
Under correspondence the Town Clerk read a letter from Michael Savage opposing a Banquet Grove on Seneca Street near Streif Road. Letters from Anne H. Stradtman and William H Stradtman; Wayne and Lynn Schifffhauer are also on file opposing the Banquet Grove.

Gunnar Haberl, President of the Student Government Class along with approximately 30 students from the Iroquois Central School District thanked the Town Board for allowing the class to attend the Town Board meeting and invited the Town Board to attend a Student Government Class hoping to keep an open door policy with the Town Board.

The next Town Board meeting will be September 3rd, 2014 at 7:00PM. Work Session will be September 10, 2014 at 6:00PM.

Meeting Adjourned at 8:40pm. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk

Legal Notice
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Elma, County of Erie, will meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 20th day of August, 2014, at 7:00 pm for the purpose of conducting a public hearing to consider and discuss and if need be act upon the proposed local law titled Local Law #3-2014 Second Six Month extension on the Moratorium for 1 Year on Multi-Family Dwellings/ projects in the Town of Elma. The moratorium should include 3 or more family structures, senior housing, townhouses, condos and all apartment complexes. This moratorium would not include two (2) family residences. This will be the final draft making Local Law #4-2014 Multi-Family Dwellings. By order of the Town Board of the Town of Elma, Erie County, New York.

NOTICE IS HEREBY GIV-
EN that the Town Board of the
Town of Elma, Erie County,
New York will meet at the
Elma Town Hall, 1600 Bowen
Road, Elma, New York on the
20th day of August, 2014, at
7:00 p.m. for the purpose of
conducting a public hearing for
amending the Elma Zoning
Ordinance and Zoning
Map of the said Town of Elma
by rezoning the property from
Residential C to Industrial as
herein described at which time
and place said Town Board will
consider such proposal and hear
all persons interested in the
subject thereof concerning the
same. The description of the
boundaries for the proposed
area to be rezoned as follows:
All that tract or parcel of
land situate in the Town of
Elma, Erie County, State of
New York, being part of Lot
97, Township 10, Range 6, of
the Buffalo Creek Reserva-
tion, bounded and described
as follows:
On the north by the northline
of the lot on the east by lands
owned by William Hunt and
on the west by the west line of
the lot, on the south by a line
drawn east and west across
said lot parallel with the north
line of the lot, thereof and at
such a distance therefrom as
to include just forty (40) acres
of land in this description, said
6.65 acres herein described
are to be bounded on the west
by a line drawn parallel to
said lot of No. 77. Said premises
herein described being the same
premises as deeded to Guy S.
Rowell and Carrie Rowell, his
wife by deeded April 1, 1921
and recorded in Liber 1560 of
Deeds at page 624. Also to have
a 100 foot buffer from the West
Street remain Residential B
ORDERED, that the Town
Clerk of the Town of Elma is
to publish a certified copy of
this order in the Elma Review
and to post a copy of same on
the sign board of the Town of
Elma in the time and manner
required by law.

Elma Town Clerk
Patricia King
New York
Board of the Town of Elma
By Order of the Town
required by law.

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Map of the said Town of Elma
by rezoning the property from
Commercial 2 to Commercial 2
as herein described at which
time and place said Town Board
will consider such proposal and
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subject thereof concerning the
same. The description of the
boundaries for the proposed
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All that tract or parcel of
land situate in the Town of
Elma, Erie County, State of
New York, being part of Lot
97, Township 10, Range 6, of
the Buffalo Creek Reserva-
tion, bounded and described
as follows:
Commencing at a point in
the east line of Transit Road
(100' wide), distant 670.99 feet
southly of its intersection with
the south line of Seneca Street
(66' wide), thence southerly
along the easterly line of Transit
Road 100.0 feet to the northwest
corner of lands now or formerly
conveyed to William Hunt, be-
deed recorded in the Erie
County Clerk's Office under
Liber 378 of deeds at page 302,
thence easterly at right angles
to Transit Road along the north
line of said lands, conveyed to
John, a distance of 300.0 feet
to the POINT OF BEGINNING,
thence continuing along the
aforementioned line a distance
of 282.0 feet to the east line of
lands now or formerly conveyed
to Hugh D. Stevenson and One
as recorded in the Erie County
Clerk's Office under Liber
2847 of deeds at page 454,
thence northerly along the east
line of said lands, conveyed to
Stevenson and parallel with
the east line of Transit Road a
distance of 100.0 feet, thence
westerly along a line parallel
with the north line of said lands
conveyed to John a distance of
82.0 feet, thence southerly along a
line parallel with the east line of
Transit Road a distance of 100.0
feet to the POINT OF BEGINNING,
containing 282.0 square feet.
ORDERED, that the Town
Clerk of the Town of Elma is
to publish a certified copy of
this order in the Elma Review
and to post a copy of same on
the sign board of the Town of
Elma in the time and manner
required by law.

Elma Town Clerk
Patricia King
New York
Board of the Town of Elma
By Order of the Town
required by law.