

## **06/20/07 Town Board Minutes**

A regular meeting of the Elma Town Board was held on Wednesday, June 20, 2007, at 8:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Michael Nolan  
Councilwoman Susan Glownia  
Councilman David Polak  
Councilman Dennis Powers  
Councilman Dean Puleo

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

Approximately 98 people attended the meeting.

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

Making the Legal Notice for the Public Hearing on the demolition of 900 Aurora Street part of the minutes Supervisor Nolan opened the Public Hearing at 8:01PM. No one spoke against, speaking for were two residents of Aurora Street Horvatis and Vansplunder. Supervisor Nolan closed the Public Hearing at 8:05PM.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve the demolition order for 900 Aurora Street.  
Ayes-5. Noes-0. Carried.

Making the Legal Notice for the Public Hearing on the variance for Rite Aid part of the minutes Supervisor Nolan opened the Public Hearing at 8:06PM. Attorney for Rite-Aid Ralph Lorgio and E.Orwat spoke in favor of the variance. Speaking against the variance were H Markowski-Smith, M Fanelli, J Newton, D Vienne, J Glair, B Heckman, M Natras with numerous residents from Pond Brook Townhouses, J Ronin. Supervisor

Nolan closed the Public Hearing at 8:30PM.

Councilman Polak made the motion and Councilman Puleo seconded the motion to deny Rite-Aid a variance under the moratorium.

Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glownia seconded the motion to approve the minutes from the June 6, 2007 meeting.

Ayes-5. Noes-0. Carried.

#### Department Reports

Building Inspector Joseph Colern requested permission to solicit an independent review of the type one SEQR for Omni Point on Schultz Road.

Water Superintendent Eugene Stevenson noted a break was repaired on Bullis Road between June Road and Pearl Terrace. Fire Hydrants are being painted and valve testing program is in progress. Also pump #1 at Jamison Rd pump house is being rebuilt.

Highway Superintendent Wayne Clark noted that the paving at the Senior Center is complete and the landscaping will be finished. Chairfactory Road will be started in July.

Councilman Puleo made the motion and Councilman Powers seconded the motion to add the independent review of the SEQR for Omni Point to the Agenda. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Powers seconded the motion to approve the independent review of the SEQR for Omni Point on Schultz Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to issue a negative declaration on a short form SEQR for Carstar Northeast Collision at 900 Maple Road. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to issue a Business Use Permit for Carstar Northeast Collision at 900 Maple Road. Building Inspector notes a fire inspection within 30 days of occupancy and a permit is required for any advertising signs. Also no outside storage of junk automobiles or junk auto parts. Ayes-5. Noes-0. Carried.

Councilman Puleo made the motion and Councilman Polak seconded the motion to issue a negative declaration on a short form SEQR for CYÆs Elma Village Pharmacy at 2317 Bowen Road. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to issue a Business Use Permit for CYÆs Elma Village Pharmacy at 2317 Bowen Road. Building Inspector notes a fire inspection within 30 days of occupancy and a permit is required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Polak seconded the motion to issue a Preliminary Business Use Permit for Balducci Construction Co Inc on Pound. Building Inspector notes are Planning Board approval required as per 144-87 of the Elma Town code. Drainage District formation required. \*\*No junk vehicles or junk parts/equipment to be on site. No stock piling of concrete, blacktop of like materials. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilman Powers seconded the motion to approve to bid out the refuse contract with the Town of Marilla. Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glownia seconded the motion to approve the re appointment of Fred Streif to the County Environmental Management Council. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilman Puleo seconded the motion to approve the following authorizing resolution:

I, Patricia King, the duly qualified and acting Clerk of the Town of Elma of Elma, New York do hereby certify that the following resolution was adopted at a regular meeting of the Elma Town Board held on June 20, 2007 and is [incorporated in the original minutes of said meeting] OR [on file and of record], and that said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved: That Michael P. Nolan, as Supervisor of the Town of Elma, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water

Conservation Fund Act of 1965, in an amount not to exceed \$50,000 with a Town match not to exceed \$50,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Elma for the Elma Town Park at Creek Road

Rehabilitation and Development Project, and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property. Specifically, the following is a list of the proposed improvements:

Handicapped Accessible Fishing Pier/Dock; 1,625 linear foot 8-foot wide paved multi-use trail;

Handicapped-accessible playground equipment; and One Picnic Pavilion

Ayes-5. Noes-0. Carried.

Councilman Polak made the motion and Councilwoman Glowonia seconded the motion to approve the following:

**RESOLVED: WHEREAS** an Advisory Committee was formed in September 1994 and in June 2002 to review the Town's parks and recreation existing amenities and areas of deficiency, and **WHEREAS** the Advisory Committee developed a five-year Parks and Recreation Master Plan in 1994, which was updated in 2002 whereby the Town seeks to expand the variety and types of parks and recreational amenities within the Town of Elma for citizens of all ages; **WHEREAS** the Parks and Recreation Master Plan specifies the need for expanding recreational improvements, including, but not limited to waterfront access at the Elma Town Park on Creek Road and the rehabilitation of existing recreational amenities at the Elma Town Park on Creek Road. **NOW, THEREFORE, BE IT RESOLVED:** That the Town Board of the Town of Elma does hereby reaffirm the contents of the five-year Town of Elma Parks and Recreation Master Plan, and **BE IT FURTHER RESOLVED:** The Town of Elma Town Board will review said Parks and Recreation Master Plan on an annual basis, beginning one year from the date of this resolution. Ayes-5. Noes-0. Carried.

Councilman Powers made the motion and Councilwoman Glowonia seconded the motion to approve Warrant #6 as follows: #538 thru #679 with noted exceptions: General Fund \$124,897.01 Water District \$265,421.72

Highway Fund \$ 37,513.53 Special District \$ 70,482.86

Capital Project \$3240.55. Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning and Conservation Board Agenda and Minutes

that apply.

Supervisor Nolan noted that no Town Board meeting will be held on Wednesday July 4, 2007. The next Town Board meeting will be on July 25, 2007 due to Sesquicentennial Celebrations the week of July 14th to the 21st, 2007. The next Work Session will be on July 25th, 2007 at 6:00PM before the regular Town Board meeting.

Adjourned at 9:11PM.

Respectfully submitted,

Patricia King  
Town Clerk

Notice is hereby given that the Town Board of the Town of Elma, Erie County, New York, shall meet at the Elma Town Hall, 1600 Bowen Road, Elma, New York on the 20th day of June, 2007 at 8:00PM for the purpose of conducting a Public Hearing on 900 Aurora Street, for the purpose of demolishing and securing said property. Failure for said owner to appear will result in demolition and that the person served has the right to be represented by Legal Counsel at said hearing. Copy of the written notice ordered pursuant to Elma Town Code §56-7 hearing findings and §56-5 served as provided in §56-6 shall be filed in the Office of the Town Clerk of the Town of Elma. The filing of said notice shall have the same effect as the filing of a notice of pendency as provided in subdivision 16 of §130 of the Town Law.

NOTICE IS HEREBY GIVEN 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 June, 2007, at 8:00 p.m. for the purpose of conducting a public hearing for Rite-Aid/1093 Group, LLC Bowen/Bullis Road for a variance under Local Law #1-2007. The Town Board will consider such proposal and hear all persons interested in the subject thereof concerning the same. Anyone needing accommodations to assist their attendance

to the public meeting pursuant the Americans with Disabilities Act should contact the  
Town Clerk 48 hours prior to the meeting at 652-3260 so that arrangements can be made.