

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING –December 16, 2008

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, December 16, 2008 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Chairman Thomas Reid
Member Michael Cirocco
Member Anne Fanelli
Member Gregory Merkle
Member James Millard
Member Robert Waver
Alternate Gregory Kalinowski (Baker)

TOWN REPRESENTATIVES:

Raymond Balcerzak, Asst. Building Inspector
James Wzykiewicz, Town Engineer
Phyllis Todoro, Town Attorney

ABSENT:

Member David Baker
Joseph Colern, Building Inspector

I APPROVAL OF MINUTES

Motion to Approve Minutes of November 18, 2008, requesting EPB members to correct their copies to indicate absence of Anne Fanelli, (correction already made in official Minutes posted on Web Site), Made by Gregory Kalinowski and Gregory Merkle..
Ayes: 7. Nays: 0. Motion Carried.

II MATTRESS WAREHOUSE – 3211 TRANSIT RD – (Adams Martial Arts)

A request was made by Chairman Reid to place this item on the Agenda. There were no objections by members of the EPB.

Mr. William Adams, owner and leaser of the space proposed for Mattress Warehouse, appeared before the EPB to plead his case – saying that the application fee has been paid to the Building Department; and that he had last appeared at the October 21st meeting requesting approval. There was some question as to whether a Type I Short Form SEQR was necessary since there will be no modifications to the existing facility or to the parking area.

The EPB ultimately decided that if it was deemed necessary by the Building Inspector, then Mr. Adams will be required to sign the Type I Short Form SEQR in the morning at the Building Department subsequent to notification from Joseph Colern.

Mr. Adams explained that his facility would be for a showroom and sales only; that there is another Mattress Warehouse location from where the merchandise will be shipped. It will occupy approximately 2700 square feet. There will be two employees. He also said that there will be two or three customers at a time. Mr. Cirocco questioned the difference between Mr. Adams' statement and the Application for Use Permit that stated six customers. Mr. Adams replied: "He (meaning Mr. Costello, owner) does not need that many."

Asked whether there would be a need for a sign, Mr. Adams said that any sign would be located on the building; and that the responsibility for obtaining the permit would be that of Mattress Warehouse.

Motion to grant Final Site Plan Approval for layout and parking was made by Michael Cirocco and Second by Gregory Merkle.

Ayes: 7. Nays: 0. Motion Carried.

III EPB MOTIONS – ALTERNATE POSITION

A. Acceptance of letter from Chairman

Motion to accept the letter from Chairman Reid that outlines the requirements for the alternate position; that recommends mandatory attendance at all regularly scheduled meetings; and that recommends compensation for attendance in the same manner as the regular members Made by Anne Fanelli and Second by Michael Cirocco.

Ayes: 6. Nays: 0. Abstain: 1 (Gregory Kalinowski) Motion Carried.

B. Motion to leave Second Alternate position vacant

Recommend to the Town Board that the Second Alternate position remain vacant; and that the requirement for the First Alternate position is to be in attendance at every scheduled meeting of the Elma Planning Board Made by James Millard and Second by Anne Fanelli.

Ayes: 6. Nays: 0. Abstain: 1 (Gregory Kalinowski) Motion Carried.

C. Motion to request compensation for Alternate position eff. 2008

Recommend to the Town Board that the First Alternate to the Elma Planning Board be compensated at the same rate as the regular members for his required attendance at every scheduled meeting of the Planning Board effective with the 2008 calendar year;

and that the Town Board be reminded that a resolution to this effect was originally passed in March 2007 Made by Michael Cirocco and Second by James Millard.

Ayes: 6. Nays: 0. Abstain: 1. (Gregory Kalinowski) Motion Carried.

IV DISCUSSION - DESIGN GUIDELINES for COMMERCIAL CODES

Since both David Baker and Joseph Colern were absent from the meeting, and that they are to be members of the new Design Guidelines Committee (DGC), it was decided to table this discussion until the January meeting. Diane Rohl indicated to the EPB that the DGC will be meeting the fourth Thursdays of the month beginning January 22, 2009.

V INDIVIDUAL EPB MEMBER REPORTS

A. Attendance Record for 2008

As required by the Town, individual attendance sheets were submitted to the Town Clerk. EPB Members were given their copy and requested to sign a voucher in order to be compensated for meeting attendance in 2008.

B. Educational Credits Record for 2008

As required by New York State effective with the 2007 year, individual attendance sheets were submitted to the Town Clerk as proof of meeting the annual minimum four hour training requirements. EPB Members were given their copy and requested to sign the course attendance sheet for verification. During the course of the year, all members turned in proof of attendance to Diane Rohl, Recording Secretary, for inclusion in their education files.

Gregory Kalinowski cited a decision he read in the November 25, 2008 issue of the Quinlan Zoning Bulletin. It involved the definition of "stored". He asked if the Town had a specific definition, and if not, suggested that it be considered as an addition to the building code. He also requested that copies of the court decision (People v. Pethick, 864 NYS 2d 901) be made for members of the EPB and Building Department.

VI FYI

Schedule of Meetings 2009

Recap of training topic choices requested by Erie County

Building Inspector's Report – October 2008

ECB Minutes - 11/25/08 Town Web Site

EPB Minutes – 11/18/08 Town Web Site

ZBA Minutes – 11/11/08 Town Web Site

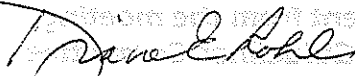
Town Board Minutes - 11/19/08 & 12/03/08 Town Web Site

VI ADJOURN

Motion to adjourn at 8:40 PM made by James Millard and Second by Gregory Merkle.

Ayes: 7. Nays: 0. Motion Carried.

Respectfully Submitted,



**Diane Rohl,
Recording Secretary**

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Gregory Kainowski filed a decision he read in the November 25, 2008 issue of the Outland Evening Bulletin. It involved the definition of "sewer". He asked if the Town had a specific definition, and if not suggested that it be considered as an addition to the building code. He also requested that copies of the court decision (People v Patrick, 204 NY2d 901) be made for members of the EPB and Building Department.

VI

- Town Board Minutes - 11/19/08 & 12/09/08 Town Web Site
- 23A Minutes - 1/1/09 Town Web Site
- EPB Minutes - 1/18/09 Town Web Site
- 602 Minutes - 1/25/09 Town Web Site
- Building Inspector's Report - October 2008
- Record of training topic choices requested by the County
- Schedule of Meetings 2009