

TOWN of ELMA PLANNING BOARD

1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING - May 18, 2010

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, May 18, 2010 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

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

ABSENT: NONE

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to Approve Minutes of April 20, 2010 made by Anne Fanelli and second by Gregory Kalinowski.

Ayes: 7. Nays: 0. Motion Carried.

II MOOG INC - SENECA ST

At the request of Pastor Sienna, the agenda was changed to review Moog's request first. Richard Krantz of Moog Inc. and Donald Aubrecht of Fontanese, Folts et al., presented plans showing the proposed relocation of the existing main driveway exiting from Moog onto Jamison Road. The major reasons for relocation are safety - within the parking lot for those crossing lanes when trucks are backing up and for those exiting the driveway onto Jamison Road. The intent is to relocate it to the far end of the Moog property, across from the Sahlen's Park. There will be three lanes: one exiting to the left, one exiting to the right and one entrance lane. Trucks will enter south of Jamison. There will be a net gain of 77 parking spaces in the lot as a result of switching their direction. The standard size will be 20' x 9'. Lanes will be re-striped and additional paving will be necessary.

Moog is proposing a traffic light be installed at the intersection of the driveway and Jamison. They are working with the DOT and will have to submit drawings for their approval. A traffic study by the DOT will also be required.

Motion to accept the revised location of the driveway contingent upon the appropriate approval by Erie County was made by Chairman Reid and second by Anne Fanelli.

Ayes: 7. Nays: 0. Motion Carried.

III CALVARY CHAPEL OF NIAGARA FRONTIER – 2090 BOWEN RD

Appearing before the EPB were Pastor Mark Sienna, 5575 Broadway, Lancaster; and David Derkovitz, (wife Cindy), 555 Erie Street, Lancaster, prospective purchasers of the property. As of the April 20th meeting, there were three items pending: (1) Accurate survey; (2) Approval letter from the Elma Fire Department; (3) Approval letter from Erie County Department of Health & Environment.

(2) David Derkovitz said that he had met three times with the Elma Fire Department and they refused to issue a letter, stating that "they don't want to be liable". Chairman Reid said that "if they are no longer going to put it in writing, we are not going to require it of any applicant". No action was taken regarding this matter.

(3) Copy of Unoccupied Home or Commercial Property Application for a Property Transfer Exception approved by the EC Health Department (5/7/10), agreeing to "allow inspection of private sewage or water well within 30 - 75 days after occupancy and to correct any deficiencies",

(1) According to research of Town documents by Town Attorney Phyllis Todoro, the "old Bowen Road" is not a road but private property, part of which belongs to Ronald Luders of 2060 Bowen Road and part of which belongs to Harvey Schoenthal of 2070 Bowen Road. Although the Church claimed access by "prescriptive easement", Attorney Todoro said that legally there is no road frontage for 2090 Bowen Road - a requirement of the Town Code. Also the Church cannot access its property without having to cross what is now deemed to be private property. Several options were discussed including the Church purchasing the properties from the neighbors which would allow access; also obtaining easements from neighbors and themselves for various purposes. Chairman Reid stated that if the road frontage problem is resolved, and the road is made available to the Town at no charge, then the EPB would recommend that the Town take over the maintenance of the road once again.

Motion recommending that if the Town is given the option of taking over the road at no charge, that the Town accept the road and agree to maintain it, made by Chairman Reid and second by David Baker.

Ayes: 7. Nays: 0. Motion Carried.

Attorney Todoro suggested sending a letter to the interested parties and having them meet in an attempt to find a solution. She said she would be willing to attend as a representative of the Town and assist if possible.

Motion to table Final Site Plan Approval, and to hold an emergency meeting if necessary to enable the Church to close on the property, made by Gregory Merkle and second by James Millard.

Ayes: 6. Nays: 1. (Anne Fanelli) Motion Carried.

IV REVIEW DRAFT - CHECKLIST FOR SITE PLAN REVIEW & APPROVAL

Diane Rohl prepared a revised draft, formatting it to fit on one sheet of paper using both sides. After reviewing it, two additional suggestions were made:

1. Add at the end: "The above checklist is to be used as a guide. The EPB may request additional information at its discretion."
2. Expand language under DOCUMENTS - Survey to request use of GIS and picture of proposed building on site if possible.

The EPB requested that the Checklist for Site Plan Review or Approval as revised be included with the application form given out by the Building Department. The Checklist will be amended as needed, by the EPB.

V TRAINING SEMINARS

1. *Elma Office of Emergency Management (3 credit hrs)
Hazard Analysis Workshop - June 9th (9-12AM) @ Elma Town Hall*

2. *NYS DOS - Training for Planning & Zoning Boards (4 credit hrs)
June 16th (5 - 9:30PM) @ NCCC, Sanborn, NY*

VI FYI

Bldg Inspector's Report – March and April 2010

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

DGC Minutes - None (April Work Session)

Town Board Minutes - Town Web Site

VII ADJOURN

Motion to adjourn at 9:20 PM made by unanimous consent.

Respectfully Submitted,



Diane Rohl,
EPB Secretary