

10/19/10 Planning Board Minutes

TOWN of ELMA PLANNING BOARD
1600 Bowen Road Elma, NY 14059

MINUTES OF REGULAR MEETING –October 19, 2010

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, October 19, 2010 at 8:00 PM in the Elma Town Hall, 1600 Bowen Road, Elma, New York.

PRESENT:

Deputy Chairman James Millard
Member David Baker
Member Anne Fanelli
Member Gregory Merkle
Member Robert Waver
Alternate Gregory Kalinowski

ABSENT

Chairman Thomas Reid
Member Michael Cirocco

TOWN REPRESENTATIVES:

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

I APPROVAL OF MINUTES

Motion to amend and approve Minutes of September 21, 2010 made by Anne Fanelli and second by Robert Waver.

Ayes: 6. Nays: 0. Motion Carried.

II ELMA TOWN GRILLE - 6650 Clinton Street/Bowen Road

As requested by the EPB at the September 21, 2010 meeting, Mr. James Zimmer submitted a current survey of the property as prepared by Thomas P. Ryan, Licensed Land Surveyor and dated October 8, 2010. Mr. Zimmer also staked out on the parking

lot, the area that will be taken up by the proposed 24'x24' garage, so that EPB members could visit the site and determine if there was enough room for emergency access. He stated that although he did not have a letter, the Elma Fire Department had given its approval for access. The EPB also reviewed the survey which showed the proposed garage as being 11' from the existing restaurant. The parking was deemed adequate and delineated as requested.

Motion to declare the project as a Type I Short Form SEQR and that the proposed action will not result in any significant adverse environmental impact, made by Deputy Chairman Millard and second by Anne Fanelli.

Ayes: 6. Nays: 0. Motion Carried.

Motion to grant Final Site Plan Approval, accepting an oral approval from the Elma Fire Department, made by Gregory Kalinowski and second by Robert Waver.

Ayes: 6. Nays: 0. Motion Carried.

III ARTHUR COURT (GAYLORD COURT AREA)

Owner Craig Fargo and Attorney Peter Sorgi appeared before the EPB. Submitted was a site plan showing four proposed building lots off of a private road running off of Gaylord Court. Mr. Fargo told the EPB that they had gone to the Town Board on August 18, 2010 with a request for a public roadway but that the Town Board had denied it. Mr. Sorgi also submitted to the EPB a letter dated October 13, 2010 in which he stated that the plans were being submitted "for your review and recommendation. The precedent in the Town for this type of development with private infrastructure is Springbrook Shores..."

There was a brief discussion regarding the history behind the approval for Springbrook Shores and the question as to the process and what building code was applied. Deputy Chairman Millard suggested to Mr. Sorgi that he meet with the Building Inspector and the Town Attorney for clarification regarding how he should specifically proceed with his request for consideration by the EPB. Deputy Chairman Millard also asked Diane Rohl to investigate and report back to the EPB, details about what building code was used to approve the development.

IV OPEN MEETINGS LAW - Emails

As a follow up to questions raised at the September EPB meeting, Diane Rohl provided a copy of her summary memo (August 18, 2009) of the NYS Association of Towns -

Summer School 2009 Conference. She also attached two different articles from the Talk of the Towns publications on the Open Meetings Law. Regarding emails and conversations on-line:

"There is nothing in the Open Meetings Law that would preclude members of a public body from conferring individually, by telephone, via mail or email. However, a series of communications between individual members or telephone calls among the members that results in a collective decision, a meeting or vote held by means of a telephone conference, by mail or email would be inconsistent with the Open Meetings Law. Board members cannot convene a meeting via telephone or email."

V REQUEST APPROVAL FOR CONFERENCE ATTENDANCE

Diane Rohl requested approval to attend the all day workshop Municipal Dollars and Sense on October 22nd in Hamburg. This will be co-sponsored by the Erie County Department of Environment and Planning and TVGA at a cost of \$35.

Motion to approve attendance at Municipal Dollars & Sense Workshop for Diane Rohl made by Deputy James Millard and second by David Baker.

Ayes: 6. Nays: 0. Motion Carried.

VI CONFERENCES/TRAINING SEMINARS

Diane Rohl also informed the EPB that plans are proceeding well for the Erie County Workshop on NIMBYs and Windpower. It will fulfill two hours of annual education credit requirements and will be given prior to the November 16th EPB meeting from 6:00-8:00 PM. Invitations have been issued to the ZBA and boards in surrounding towns.

VII FYI

Bldg Inspector's Report –September 2010

ECB Minutes - Town Web Site

ZBA Minutes – Town Web Site

Town Board Minutes - Town Web Site

VIII ADJOURN

Motion to adjourn at 8:55 PM made by Gregory Merkle and second by Deputy James Millard.

Ayes: 6. Nays: 0. Motion Carries.

Respectfully submitted,

Diane Rohl,
EPB Secretary