

## **09/20/11 Planning Board Minutes**

TOWN of ELMA PLANNING BOARD  
1600 Bowen Road Elma, NY 14059  
Phone: 716-652-3260

MINUTES OF REGULAR MEETING –September 20, 2011

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, September 20, 2011 in the Elma Town Hall at 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

### TOWN REPRESENTATIVES:

Phyllis Todoro, Town Attorney  
Raymond Balcerzak, Asst. Bldg. Inspector  
James Wzykiewicz, Town Engineer (arrived at 8:15 PM)

### I PUBLIC HEARING - VERIZON WIRELESS TELECOMMUNICATIONS

100' Cell Tower for Blossom Road (Delacy Site)  
Developer: Upstate Cellular Network (Verizon Wireless)

The Public Hearing was opened by EPB Chairman Reid at 8:00PM. At the request of the Chairman, Mr. Gregory Nearpass, representing Verizon Wireless, gave a brief overview of the site selection process involving the EPB. He finished by saying that: "The Blossom Fire Department site provides a little bit better coverage but the Delacy site works." Mr. Reid concluded the remarks by saying that the Delacy site was an EPB recommendation not originally chosen by Verizon.

Seven residents from the general area living on Blossom Road, North Blossom Road and Bullis Road requested to speak. While the majority either preferred or were neutral to the Delacy site vs. the Blossom Fire Department site, concerns were expressed regarding:

- Health issues regarding location near a cell tower: Chairman Reid stated that studies have shown there are no ill health effects.
- Truck traffic from Verizon: Mr. Nearpass responded that once the construction is completed, routine maintenance checks will be monthly.
- Screening and vegetation: Verizon responded by saying that with the placement of the tower, all trees and vegetation will be preserved as much as possible and that they will only be leasing about 1/4 AC .

Having heard all members of the audience who wished to speak, Chairman Reid declared the Public Hearing closed at 8:22 PM.

REGULAR PLANNING BOARD MEETING - SEPTEMBER 20, 2011 - 8:25 pm

## II APPROVAL OF MINUTES

Motion made by Anne Fanelli and second by Robert Waver to approve the Minutes of Regular Meeting on July 19, 2011.

Ayes: 5. Nays: 0. Motion Carried. (Note: August 16, 2011 meeting cancelled.)

## III WIRELESS TELECOMMUNICATIONS FACILITY - (100' Cell Tower) Blossom Road (Residential owned by James, Peter & James II DeLacy)

Michael Cirocco gave a summary of his review of both proposed sites prior to the July meeting and his rationale for recommending the Delacy site to the EPB. (Details available in Minutes of 7/19/11.)

Gregory Nearpass said that Verizon now has a signed lease with the owners of the Delacy property. Attorney Todoro has reviewed a copy and said that it is fine if the Delacy site is chosen by the Town Board. Also submitted was a stamped copy of the Survey. He then said the 100' tower will have a setback of 200' which may require a Variance. The tower will be galvanized steel, either grey or white at the top with a 4' lightning rod. Asked

about adjacent properties, he said there is a farm on the east side and nothing on the other sides. The building will be the same as originally proposed for the Blossom Fire Department site. The only lighting will be a motion sensor over the door. The property will be enclosed by a chain link fence and with a gate, if the EPB so desires said Mr. Nearpass.

The access road (driveway) will be gravel. Bryant Zilke, who lives across the street, submitted a letter to the EPB requesting that the existing driveway be used and that natural vegetation be preserved for screening. He also asked that the remaining acreage of the residential lot be required to have a Conservation Easement Agreement. Mr. Nearpass responded by saying that the driveway will be 12' wide, gravel, with 10' on either side (30' easement) to be used if needed to install it. Clearing will only be as wide as to allow installation.

Motion made by James Millard and second by Robert Waver to recommend to the Town Board that the 100' cell tower be located on the residential Delacy site.

Ayes: 6. Nay: Baker Motion Carried.

Motion made by David Baker and second by Anne Fanelli to approve the Type I SEQR with a negative declaration on impact to the area.

Ayes: 7. Nays: 0. Motion Carried.

Motion made by James Millard and second by Michael Cirocco to recommend to the Town Board to approve the Delacy site plan contingent upon:

1. Verizon providing a Visual Impact Analysis with photo simulation of site.
2. Locate any structures within 500' of property line.
3. Access driveway be moved within 2' of north edge of property line; maximum area of 30' to be disturbed.

Ayes: 7. Nays: 0. Motion Carried.

Motion made by Michael Cirocco and second by Anne Fanelli to recommend to the Town Board that they pursue some form of easement agreement or guarantee with the owners of the residential Delacy site, to protect the vegetation on the remaining property not under lease to Verizon.

Ayes: 3. Nays: Reid, Baker, Millard, Waver. Motion defeated.

Note: Agreed upon amount of \$45,000 proposed by Verizon tonight for Removal Bond Motion passed at 7/19/11 EPB meeting.

IV SEASONAL NURSERY - 1120 BULLIS RD (Zoned C-2 and Industrial)  
MAIN BLDG - 21,770 SQ FT AND OTHER ANCILLARY STRUCTURES

A Sketch Plan submitted by developer/owner Brian Young was reviewed. The site is 12.6 AC, the front portion zoned C-2 (Intermediate Commercial) and the rear portion Industrial. (A Preliminary Business Use Permit was granted by the Town Board as specified in Code 144-91. Purpose and Applicability of Industrial Performance Standards, Section B. Uses not specified.) The size of the building is 21,770 square feet, requiring a Variance from the ZBA for exceeding the 7,000 square feet maximum. Mr. Young stated that this operation will be similar to his current business on Southwestern Boulevard, with the building in front at the road and maintenance vehicles and loading in the rear along with top soil and crushed stone for sale. He said he has created berms on both sides of the property as screening. Chairman Reid said the following information will need to be submitted before Final Site Plan Approval may be granted by the EPB:

- Elevations - all sides including colors, types of materials.
- Exterior Lighting - site and building.
- Parking Plan with total number of spaces, size, marked on specs.
- Landscaping - Plan, Estimated Value and two-year Maintenance Bond.
- Any necessary ZBA Variances.

Approximately 25-30 people were in attendance. Chairman Reid then recognized from the audience, those residents from the surrounding area of 1120 Bullis Road who wished to speak. The following concerns were expressed by them:

1. Paving regulations will be followed.
2. Driveway exits immediately across from residents' driveways.
3. Above ground fuel storage tanks.
4. Housing for migrant workers.
5. Narrow road with small shoulders creates safety hazards for left hand turners and passing by other vehicles.
6. Location of truck storage on property.
7. Number, noise and arrival/departure times of construction vehicles.
8. Operating hours of business, particularly on Sundays.

9. Potential flooding on properties and adverse effects on stream due to berms and paved areas.
10. Storage of pesticides and other chemicals.

While several points were addressed by Mr. Young, he also said he would schedule a meeting at a mutually agreeable place with any residents that had questions. It is expected that answers, solutions and/or suggestions regarding these specific items above will be provided by Mr. Young prior to Final Site Plan Approval.

#### V OUTLINE FOR WORKSHOP BY REILLY (WENDEL) - NYS TRAINING

10/18/11 6-8PM - Commercial Codes, Design Guidelines, Sign Code

A preliminary agenda received from Mr. Reilly for this workshop was sent to all EPB members for comments or suggestions. Due to the lateness of the hour, the EPB requested that Diane Rohl work with Consultant Drew Reilly on finalizing the content. Invitations to the Workshop were given to the Town Board and the ZBA.

#### VI LOCAL GOV'T WORKSHOPS

1. Erie County announcing two regional workshops:
  - A. Finger Lakes Trails & Greenway Conference on 9/23 & 9/24.
  - B. Fall Regional Workshops in Batavia on 11/17/11.
2. TVGA Consultants, Buffalo, NY 14202:  
Municipal Dollars Training Workshop in Hamburg on October 21, 2011.
3. TOWN OF MARILLA  
Stream Conservation & Farmland Protection: WNY Land Conserv on 9/28

#### VII FYI

Update to Code Book (Land fill requirements)  
Bldg Inspector's Reports - July and August 2011  
ECB Minutes - Town Web Site  
ZBA Minutes - Town Web Site  
Town Board Minutes - Town Web Site

VIII ADJOURN

Meeting was adjourned by unanimous consent at 10:55 PM.

Respectfully submitted,

Diane E. Rohl,  
EPB Secretary