

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

**MINUTES OF REGULAR MEETING –March 17, 2009**

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held Tuesday, March 17, 2009 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

**TOWN REPRESENTATIVES:**

Joseph Colern, Building Inspector  
James Wyzykiewicz, Town Engineer  
Phyllis Todoro, Town Attorney

**I APPROVAL OF MINUTES**

*Motion to Approve Minutes of January 20, 2009 made by Gregory Merkle and Second by Robert Waver. (Note – February meeting was cancelled.)  
Ayes: 7. Nays: 0. Motion Carried.*

**II ARTHUR COURT DEVELOPMENT – Briggswood/Gaylord Court**

Craig Fargo, owner of the land referred to as "Arthur Court", had appeared before the EPB on March 21, 2006 and September 18, 2007. He had also appeared before the Town Board on several occasions. At each of these meetings he requested that the Town Board designate Arthur Court as a town road and take over the maintenance. The responses essentially were that Mr. Fargo did not have the proper frontage and road width to meet current Town specifications.

Mr. Fargo informed the EPB that he has now purchased an additional 60 feet from his neighbor at a cost of \$11,000 and believes there is enough road width to qualify as a road. He said he was referred to the EPB by the Town Board; and that he was also scheduled to be on the Town Board Agenda tomorrow night ((March 18, 2009).

Subsequently there was discussion regarding the number of lots (three vs. four) that would meet building lot codes and possible 280A development; drainage problems that may require remediation; fire department access.

Asked by Chairman Reid as to what action he wished the EPB to take, Mr. Fargo responded: "I want you to vote that eventually you will accept this as a Town road when it is finished." Chairman Reid responded that while it is the role of the EPB to make a recommendation to the Town Board, the EPB cannot do anything until it receives a negative declaration from the Town Board on a SEQR study that you have completed and submitted for review by the appropriate agencies. No action was taken by the EPB.

### **III RESOLUTION – ANNUAL TRAINING REQUIREMENT**

Concern was expressed at the last EPB meeting by members who fulfilled their annual training requirements through on-line tutorials. Members wanted to be certain that these were included in the Town Board Resolution passed by the Town Board on September 5, 2007. The Resolution states in part: *“AND LET IT FURTHER BE RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member;”*

*Motion made by Chairman Thomas Reid and Second by Deputy Chairman James Millard, to amend/add the following language to the original Resolution: (4) The County of Erie and all other counties located in New York State, to include on-line tutorials sanctioned by New York State as meeting the State Requirements for training of planning board, zoning board of appeals and alternate members.*

*Ayes: 7. Nays: 0. Motion Carried.*

### **IV LAND USE CONFERENCE – Law Seminars International**

A copy of the agenda was distributed for a two day conference in May to be held in West Harrison NY on land use, various land use regulations, development and zoning, and court cases.

### **V DRAFT – EPB CHECKLIST**

Diane Rohl is working on a checklist that could be used at regular EPB meetings to assist the Board when reviewing site plans. It would incorporate the new commercial code regulations. Chairman Reid noted that Michael Cirocco had once started to do this and that possibly they could collaborate. A draft may be ready for the April meeting.

### **VI DISCUSS PROCEDURES FOR COMMERCIAL CODE CHANGES**

As a result of earlier discussions regarding the periodic need for changes and/or clarifications to current codes, Diane Rohl volunteered to investigate how this is handled in other town. She reported that while some towns have code review committees that meet either periodically or as needed, others address the issues at regular planning board meetings. An informal poll of the EPB indicated that they felt having a committee involved "too many layers"; and that they have the expertise to resolve and/or initiate the process for possible code changes.

**VII FYI**

**Erie Co. Proposal – Establish Erie County Planning Board  
(Complete report to be distributed in April.)**

**Building Inspector's Reports – January & February 2009**

**ECB Minutes - 1/27/09 & 2/24/09 Town Web Site**

**ZBA Minutes – 1/13/09 & 2/10/09 Town Web Site**

**DGC Minutes - 1/29/09**

**Town Board Minutes - January, February & March Town Web Site**

**INFORMATION – MOOG STORAGE BUILDING**

Chairman Reid informed the Board that he and Supervisor Nolan had met with Moog Inc. to review modifications to the exterior of the already proposed metal storage building. Chairman Reid reported that: "Moog said that these changes would add \$125,000 to the cost and this would be too costly. They said they wanted to keep the basic look but with a change in materials. They requested being placed on the April agenda for a reconsideration of the approved site plan."

**VIII ADJOURN**

Meeting was adjourned at 9:00 PM by unanimous consent.

Respectfully submitted,



**Diane Rohl,  
EPB Secretary**