

PRESENT: David Stringfellow Chairman
Paul Ziarnowski Vice Chairman
Dave Bowen
James Liegl
Mary Ann Rood

ABSENT: Jennifer Lucachik Secretary
Mitch Martin

ALSO Michael Kobiolka Town attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
Sarah desJardins Planning Consultant
Tracy Hirsch Applicant – 7346 Boston State Road LLC

Chairman Stringfellow called the meeting to order at 7:30 PM. and asked if there were any additions or corrections to the draft minutes of June 9, 2015.

Two corrections were made to the ‘draft minutes’ of June 9, with those corrections Dr. Ziarnowski made a motion to accept the minutes, seconded by Mrs. Rood and carried.

CORRESPONDENCE

Secretary Faulring reported:

- Planning Board letter dated May 27, 2015 to Town Board with recommendation for approval of site plan submitted by Hamburg Overhead Door
- Town Clerk letter dated June 16, 2015 advising that the Town Board approved site plan of Hamburg Overhead Door
- Planning Board letter dated June 10, 2015 with recommendation to Town Board for approval of site plan submitted by Boston Self Storage be approved as a permanent structure and with the addition of 3 White Pines and 3 River Birches not less than 2 ½ inch calipers
- Town Clerk letter dated June 19, 2015 advising of approval by the Town Board of Boston Self Storage site plan with recommendations made by the Planning Board
- 2015 Planning and Zoning Summer Schools schedule – sent to all members.

- At point Correspondence in Folders
 - 7346 Boston State Road LLC

SITE PLAN REVIEW – 7346 BOSTON STATE ROAD – TRASON DEVELOPMENT

- At point Correspondence in members folders and copies given to applicant
 - 7346 Boston State Road LLC
 - Town Planner review
 - Town Engineer Review

Mr. Stringfellow: The critical issue in Mr. Hannon’s letter is:
‘the owner should secure an easement if he intends to bury a storm drain across the adjacent property.

Mr. Stringfellow: The Town Planner stated:
‘we saw this plan a few months ago before the variances were obtained, I have no additional comments regarding this project other than to ask why additional trees are not proposed on the north side of the new building. It may be that the swale on the north side of the building encompasses the entire area between the new building and the north property line.

For these minutes:

- Planning Board member
 - Applicant

A lengthy discussion followed; some minor points discussed:

- Trees cannot be planted on west side of building as they would be in the swale which is not a good idea
- Site does not appear to be correctly situated on the Location Map
- Drainage does not seem to be sufficient, but will have to trust the Town Engineer's calculations
- Variances received
 - Rear yard setback approved at 10 feet (30 feet required by Code)
 - Height approved at 27.5 feet (18 feet allowed by Code)
 - Storage of commercial equipment approved in this C-1 Zoning District
- Dumpster
 - There will be no dumpster on the property
 - Nothing is brought back from site work location
- Setback of sign not shown
 - Is already existing
 - Same posts, same location, only thing different is the name on the sign
- Equipment parking
 - All equipment will be parked inside the new building
- Snow removal
 - Can be pushed to the back
 - Front works well
 - Just need a path back there

Major concerns of the Planning Board that need to be included on the site plan and easement agreement

- Proposed pavement
 - Applicants description included 'concrete here, millings here, grass here,' while pointing to submitted site plan
 - Milling have to come up and all that is going to be paved
- Want to see existing and proposed paving on site plan
- Lighting – Need to have a light plan submittal and description of fixtures
 - There are lights on the existing building
 - Proposed new lighting at man door on new building
- Elevations
- proposed building is higher and wider than existing building
- Front elevations from front of property

Mr. Hirsch asked why he wasn't told this before by the Planning Board.

Mr. Stringfellow explained that the Planning Board is here to review site plans and that Site Plan Review is covered in Chapter 97 of the Town of Boston Code Book. Review of that chapter is the applicants', his engineer or architect's responsibility to review and proceed according.

Mr. Hirsh asked what Code Section that was in regarding elevation

Mr. Stringfellow read from Town Code Section 97-7 item f

- Easement with Mr. Webber

Mr. Kobiolka: There are two different types of easement that you can get. One is recordable which runs with the land, the other one which non-recordable still runs with the land but it would not put any subsequent purchaser of the property on notice that there is an easement across the property. So we would require a formal easement in a recordable form and notarized with the subsequent people and has to be filed down in Erie County Clerk's office and paying the fees to record it so that if Mr. Webber sells the land, passes away, or something happens that that easement still runs with the land.

Mr. Stringfellow: One more thing Mr. Hirsch there are machines parked beside your building now and a trailer; that is not allowed in a C-1 Zone and when we approve this we will include a restriction that no construction

Vehicles or materials are to be parked outside the building. Just so that doesn't come as a surprise when it comes. Is there anything else?

Mr. Stringfellow: I will introduce a motion then that we table this pending the submittal of the things that we have already discussed; you have notes on all of them Mr. Hirsch, so you know where we're going...

Mr. Hirsch: Yes.

Mr. Stringfellow: Is there a second?

Dr. Ziarnowski: I second.

Mr. Stringfellow: Any discussion? Being none, all in favor?

All were in favor of the motion.

Mr. Stringfellow: This is not a lot Mr. Hirsch, my guess is that you can get it done by the next meeting July 7th.

Mr. Hirsch: July 7. Get these to Thelma by a week prior. The elevation I can get that done, the light fixtures submittal I can get that, the blacktop; I don't know how quick they can do the easement, recording and all that from me.

Mr. Kobiolka: A recordable document and if you could present for the Board to approve it based upon your getting a signature from Mr. Webber.

Mr. Hirsch: I might be able to get a signature from him, put probably will have to get the attorney involved to record all that; so that might not happen,,,

Mr. Kobiolka: As long you get the signature.

Mr. Stringfellow: If that is the only thing that is left we could recommend that the Town Board approve it contingent on the actual document.

Mr. Hirsch: Okay, I need to get that. So the blacktop to be shown on the drawing, the easement from Webber, the light fixture submittal and we've got the front elevation of the building, those four items.

Mr. Stringfellow: I would like to see a front elevation of essentially the property so that it shows this building and how much the building shows behind the old one.

Mr. Hirsch: I understand.

Mr. Bowen: If you don't make July 7 the next meeting is August 11.

LIAISON – COUNCILMAN BOARDWAY

Councilman Boardway was not in attendance and no report was forwarded from him

TOWN ATTORNEY KOBIOŁKA

Mr. Kobiolka reported from the Town Board meeting of June 17:

- Beverly Kent, Chairman of the ZBA submitted her resignation as the Chairman of ZBA; Councilman Boardway recommended not to accept that resignation that he is going to discuss internal workings of the ZBA with her, and perhaps she'll be able to stay on
- The Town Board had accepted the Planning Board's recommendation for the Boston Self Storage at 7849 Boston State Road and approved it as a permanent structure as opposed to a temporary structure
- The Mill Street project storm drain was awarded to Northrup Construction Company at the cost of \$289,416.00. This was the project which picks up from the original Phase I which went from Back Creek up Boston State Road and now it goes from Boston State Road across up towards St. John's, which is a major thing because you've got to go underneath Boston State Road and have to do it in phases and stuff; I understand there are a lot of mechanics underneath there, sewage and drainage and everything else
- Town Board also approved the agreement between the Town Board and Highway Department for the highway workers; it's a three year agreement and it's effective as of January 1st of this year; the Board didn't get it negotiated until this past month or so
- When the Town had set up the State Police barracks there was a lot of topsoil and dirt which was scraped off the top in order to out the building in; there were two gigantic mounds of dirt; one is just regular fill and the other is topsoil; the Town had put it out to bid and advertised it and Russo Development gave the highest bid for the topsoil at \$2,200.00 and Russ Goldberg had submitted the only bid for the dirt fill at \$477.00

Mr. Stringfellow: I noticed back in the March 10th minutes we had talked about getting a Zoning Map for Sarah, and you had said that you would get her one; I just wanted to follow-up...

Mr. Kobiolka: I thought somebody else was going to get one too, so I didn't follow-up on that, I apologize Sarah. But I thought somebody else was going to get one, but I will follow-up on that.

Mr. Kobiolka: Several months ago we had discussed about this Town Board being able to take a look at projects, this would have been very valuable, to have the Town Board take a look at this actual physical site where he's putting this building in so you know what's down there, if there's millings down there, if there's concrete down there, if there's dirt down there, you know what the drainage is, you know what the flow is, you would see what the height of the would be. I'm in favor of this Board either as a Board or as an individually, with the consent of the owner or applicant, going down and actually taking a look at the site. I've touched base with the Association of Towns and it is permissible for this Board as a whole or individually, whether there's a majority or not to actually go down and take a look at the site. You cannot make a decision, you probably really shouldn't discuss it but can go down and take a look at it and the secretary should put a notice on the website as far in advance as possible, we have a meeting every two weeks, if should be pretty simple put a notice on the website, put a notice up on the town board saying that 'The Town Board on such and such a date, or within a certain parameter will be taking a view at the site plan so that you have an idea. It's difficult to sit here, I mean 300 feet off the road, I mean I don't know what's back there and I'm sure nobody here unless they have personal knowledge knows what's back there. If you take a look at it you have a better idea, maybe there's something you missed, maybe there is something additional he should have. We can do it and it just makes sense.

Mr. Bowen: As members can we call the owners or do we have to go through a more formal channel through the Board? I've done it before but I just contacted the owner. I fully agree with you it's very valuable.

Mr. Kobiolka: I think it's best to do it here at a Board session and then everything is out in the open, everybody knows what's going on, all the Board members, the Chairman, the secretary.

Mr. Bowen: Personally I would like to visit the site, because I totally agree.

Mr. Kobiolka: When I was on the Planning Board fifteen years ago we always visited the site, we didn't make a decision we just...

Mr. Stringfellow: So you're suggesting at some time between our regular meetings arrange for a site review for instance with this coming up tonight would maybe meet at the site and then come here later for our meeting?

Mr. Kobiolka: You can do that, absolutely if you want and the secretary has to put a notice out on the website and post it upstairs, you don't have to publish it.

Secretary Faulring: Are you sure? In the past, it wasn't done too often but I know that the couple of times they did a site visit it had to be published.

Mr. Kobiolka: If you're going to have a meeting on site and you're going to start the discussion and make decisions, yes, then you have to publish it; but just to go to take a look at it, you got your plans you pull them out look, there is no real decision being made, there is no governmental function which is being exercised, these individuals are gaining knowledge in terms of when they come back down here at a public meeting they have the information personal knowledge themselves – alright the building's so far back, there's no millings here this that and everything else. There is no violation of any public law.

Discussion of property (at 7346 Boston State Road) layout followed.

TRAINING

Mr. Stringfellow: In our mailing was a notice for the Association of Towns Training Session. This year one is being held in Ellicottville on Friday, August 7, it's close and convenient; it gets you five hours of credit which takes care of this years and an hour to carry over to next year. I believe that Sarah is also qualified to run meetings like that.

Mrs. desJardins: Most of our people are going to that one.

Following discussion it was decided to return the registration form to Secretary Faulring by July 7, she will in turn provide those forms to Bookkeeper Selby who can send payment to the Association of Towns in one check. Secretary Faulring will also set this deadline for the Zoning Board of Appeals members.

Dr. Ziarnowski: Is there any activity on the cider mill?

Secretary Faulring: Bill got a call on it just recently, I'm not sure, start clearing or planting, but I'm not sure.

Dr. Ziarnowski: They put their entrance into the property, they put a pipe underneath, gravel and they cut the bank, so now they can get in.

Discussion followed.

Dr. Ziarnowski: It's still on then that's good.

Mr. Stringfellow: Does anyone remember when it was that we approved that?

Secretary Faulring: I just looked at a paper this afternoon it was July of 2014.

Mr. Stringfellow: I'm wondering if putting a driveway in constitutes beginning the project because it has to begin within a year.

Mr. Kobiolka: I will check that out. Just off the top of my head I don't think putting a driveway in constitutes construction, it's just access to the property, it's not development.

Mr. Stringfellow: I'll make a motion to adjourn (8:30 PM).

Dr. Ziarnowski: I'll second.

All were in favor of the motion to adjourn.

Respectfully submitted,

Thelma Faulring
Secretary to Boards & Committees