

Planning Board Minutes April 11, 2006

BOSTON PLANNING BOARD APRIL 11, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Robert Chelus

Jeff Mendola

EXCUSED: J. David Early

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Robert Telaak Highway Superintendent

Richard Brox Planning Consultant

Andrew Gow Engineer ? Nussbaumer & Clarke for Tanglewood Acres

Chairman Hacker called the meeting to order at 7:38 PM.

Mrs. Hacker apologized for the late start. She explained that she was attending a meeting regarding Code Book changes. Also in attendance at that meeting was Code Enforcement Officer Ferguson, Deputy Code Enforcement Officers Frank Lisowski and David Juda, Town Attorney Downey, Councilman Hopkins, Zoning Board of Appeals Chairman Ralph Gibson and Deputy Supervisor Sherrie Pluta.

MINUTES

Chairman Hacker asked if there were any corrections or changes to the minutes of March 28, 2006.

Mr. Stringfellow: On Page 2, line 5, Mr. Brox was the speaker; his name was omitted.

With that correction Mr. Chelus made a motion to accept the minutes, seconded by Mr. Bernas and carried.

CORRESPONDENCE

None at this point.

LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins reported:

- The Town Board will be meeting again with Mr. Eckis, the purchaser's lawyers and Town legal counsel regarding the ?T? turnaround at Deer Run.
- Reviewing Code Book for changes that need to be made and updated. We will meet again on April 25, 2006. We should only need to meet about two more times so that we can submit the changes.

Mrs. Hacker asked that everyone do their own review so that all ideas can be discussed at the next Planning Board meeting.

TANGLEWOOD ACRES SUBDIVISION

Secretary Kirst read the following correspondence:

- Public Notice that will be printed in the ?Hamburg Sun? on April 13, 2006
- Planning Board letter dated April 4, 2006 to Mr. Telaak requesting his review of the site plan
- Planning Board letter dated April 6, 2006 to Nussbaumer & Clarke requesting a representative be present at tonight's meeting for discussion.

Mr. Telaak: I would really rather not see the corrugated metal drainage pipes. I said once before that I prefer to see HDPE.

Mr. Gow: We have made that change

Mr. Stringfellow: The last page of what we received, was labeled as the Map Cover, which requires signatures, there are no lines provided for the Town Supervisor and the Highway Superintendent. Also, is there going to be a streetlight?

Mr. Hopkins: The Town Board will want one.

Mr. Gow: We're trying to maintain the rural character, it's a cul-de-sac in the woods.

Multiple discussions followed.

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All members present agreed that there will be one street light at the throat of the cul-de-sac entrance.

Mr. Stringfellow: This dead-end street will be more than 400' long, according to the Code Book, it requires a special review and Planning Board approval.

Mr. Brox: By approving the plat, you have authorized the length of the street, it doesn't require a whole discussion.

Mr. Stringfellow referred to Section A 127-2.

Mr. Brox: That is strictly for highway use, it doesn't have anything to do with the issue that we're talking about.

Mr. Stringfellow: I don't think that we want to require a 66-foot right-of-way but we should address the fact that we decided not to require it.

Mrs. Hacker: So noted.

Mr. Stringfellow: Are we in preliminary plat or final?

Mr. Brox: Final.

Mr. Stringfellow: The final gets approved after it has been submitted to the Town Board and the Town Board has acted on it.

Mr. Brox: That is one of the things that is going to be?The Town Board has no authority to approve a plat, that?s strictly Planning Board, anything that you read anywhere else is superceded by Section 30-3. The Town Board has given you sole authority to approve subdivisions.

Chairman Hacker asked the members for any further questions or comments. There were no further comments or questions.

Mr. Gow: Where do you want the light?

Mr. Brox: On the existing pole, a standard cobra head light.

Mrs. Hacker made a motion to have one cobra head light on the existing pole at the entrance to the cul-de-sac, seconded by Mr. Mendola and unanimously carried.

Mr. Telaak: Just something to think about ? I would like to see concrete gutters in the new subdivisions and get away from these open ditches and sidewalks, and the Darling Subdivision would be a good place to start.

SUBDIVISION CHECK-OFF LIST

Mrs. Hacker: What comments are there?

There were no comments from Planning Board members.

Mr. Brox: It?s a good start; there may be changes as a result of Code Book changes. If you hand this to a prospective subdivision developer, they?re going to know ?this is what I?ve got to do.? This is an excellent start.

Mr. Downey: The rules are all changing on storm water management, so there may be some changes that need to be made in relation to that.

Mr. Brox: Erie County is constantly updating their storm water management and so does D.E.C. but the items in here aren't going to change, it's how they arrive at some of these items.

CODE BOOK CHANGES ? CHAPTER 104 ? SUBDIVISION OF LAND

Code Book update committee: Deputy Supervisor Sherrie Pluta; David Juda - Deputy Code Enforcement Officer; Bill Ferguson ? Code Enforcement Officer; Butch Lisowski ? Deputy Code Enforcement Officer; Brian Downey; Brien Hopkins; Planning Board Chairman Patricia Hacker and Zoning Board Chairman Ralph Gibson.

Mrs. Hacker: The next meeting is scheduled prior to the Planning Board meeting on April 25, 2006. Please go through your books and fax your suggestions to me so that I have a list to take to the next meeting.

Mr. Brox made the following recommendations for change/update:

- Section 30 ? which creates the Planning Board and its authority
- Section 60 ? flood damage
- Section 70 ? mobile home courts
- Section 95 ? signs
- Section 97 ? site plan review
- Section 101 ? soil removal
- Section 104 ? subdivision of land
- Section 123 ? zoning
- Section A127 ? highways

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OLD BUSINESS

7346 Boston State Road ? Kids Country Child Care ? Nothing received.

Boston Hills Subdivision

Mrs. Hacker recapped some of the issues:

- Situation of the turnaround ?T? or ?t?
- Mr. Eckis sold property under the impression that the ?small t? was accepted, therefore giving the purchaser enough road frontage for a single family dwelling
- Multiple discussions have been held with Mr. Eckis
- This lot is not a part of the original subdivision, and, not an amendment to the subdivision
- The purchaser?s attorney is aware that this is not a buildable lot
- Code Enforcement Officer(s) are the only people who can issue a building permit

Mrs. Hacker: I would like to see something in writing, and sent to the appropriate people, that the lot in question is a non-buildable lot and nothing will proceed until the investigation is completed.

Mr. Stringfellow: I believe that is clear that the ?t? turnaround is intended to be a temporary turnaround, and it says on the drawing the ?t? turnaround that the part of the ?t? that is going off the road reverts to the existing property owner when the road is extended and the ?t? is no longer being used. So you have got to have legal frontage when you take the wings off of that ?t?.

Discussion followed.

Mr. Downey: When you go to buy a piece of property, you get a title search, which has the description on it from the prior deed. If that description does not say it?s part of, for example ?map cover 2730 and sub-lot 37? on it, you don?t have a subdivision, and so what you have is a meets and bounds description, which is basically from one point to another to another to another. Unless it says in there that it is part of a subdivision, then it?s not and the attorney looking at it is not going to assume that it is. In looking at a description like that you would not know that?s in a subdivision. In the future, we want to stamp the maps, put in deed restrictions on property around it, especially when it?s owned by the same person; so that we don?t get into this type of situation again. The description does have a ?t? in it. The implication was that it was a little ?t?, and I will have to look at that, the description of what the Town accepted.

Mr. Brox: To clarify the discussion, the filed subdivision map cover shows 3 winged ?t? turnaround ? a lower case ?t?.

Several lengthy discussions followed:

- filed map cover
- regarding previous meeting minutes
- discussions held with this Board
- discussions with Mr. Eckis
- lot 11
- requiring the owner to pave the ?t? as shown on the map cover

NON-AGENDA ITEM

Mrs. Hacker: We have received another referral from the Town Board for appointment to the Planning Board. Letter of request and resume? will be distributed. We will schedule an interview with the applicant for 7:15 PM. on April 25, 2006, and after that meeting we will make a recommendation to the Town Board for alternate appointments. Mrs. Hacker asked that a letter be sent to the applicant advising him of the interview.

Chairman Hacker: Is there any further business for this Board.

Being none, Mr. Mendola made a motion to adjourn at 9:14 PM., seconded by Mrs. Hacker and carried.

Respectfully submitted,

Tim Kirst

TK:tf Recording Secretary