

## Planning Board Minutes April 12, 2005

BOSTON PLANNING BOARD APRIL 12, 2005

PRESENT: David Stringfellow Vice Chairman

Michael Pohl Secretary

Margaret Andrzejewski

David Bernas

J. David Early

Jeff Mendola

EXCUSED: Patricia Hacker Chairman

ALSO Kelly Vacco Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Dennis Kramer Code Enforcement Officer

Richard Brox Planning Consultant

Vice Chairman Stringfellow called the meeting to order at 7:30 PM.

### MINUTES

Being no corrections or additions to the minutes of March 22, 2005 Mr. Bernas made a motion to accept the minutes, seconded by Mr. Early. All were in favor.

### CORRESPONDENCE

Mr. Pohl reported the correspondence:

- Planning Board letter of March 23, 2005 to Town Board requesting appointment of David Bernas as a regular member
- Town Board letter of April 7, 2005 advising of David Bernas appointment
- Town Clerk Shenk memo of April 7, 2005 advising of Tim Kirst request for Planning Board appointment ? with resume
- ?Discovering Downtown? pamphlet
- Code Enforcement Officer Kramer?s March End of Month report
- Deputy Code Enforcement Officer Lisowski?s March End of Month report
- Town Board minutes of the regular meeting of March 16, 2005
- Other correspondence at point in agenda

LIAISON ? COUNCILMAN HOPKINS

Will report at CVS point in agenda

DISCUSSION ? 7336 BOSTON STATE ROAD ? HODGSON AGENCY

Mr. Pohl reported the correspondence:

- Planning Board letter of March 22, 2005 to Richard Brox requesting review and response
- Planning Board letter of March 22, 2005 to Foit-Albert requesting review and response
- Updated Site Plan received from Mark Alianello
- Richard Brox response of April 12, 2005
- Foit-Albert response of April 12, 2005

Each member stated his or her concerns regarding the site plan. Discussion followed.

Mrs. Andrzejewski made a motion to table discussion until an updated site plan is received with the following modifications:

- Town Code Section 97-7 B ? show dimensions and setback of front covered entryway

- Town Code Section 97-7 G ? show proposed utility lines
- Town Code Section 97-9 E ? show location of exterior refuse containers, if applicable, or so note that none will exist
- Code requirement exceptions to be addressed as stated in the Foit-Albert review of April 12, 2005 and include copy
- Show twenty-five feet minimum dimension and 10 feet minimum dimension to the west and east side of the driveway
- Consider the addition of a buffer on each side of each of the handicapped parking spaces as was discussed at the November meeting

Seconded by Mr. Early. All in favor.

#### DISCUSSION ? REZONE REQUEST BOSTON STATE ROAD

A brief review of the plans submitted and discussion followed.

Mr. Kramer expressed a concern that rezoning the entire parcel could allow an undesirable business going into that parcel.

Discussion followed.

Mr. Brox asked if this use ?small animal hospitals? could be added to the C-1 District Zoning?

Discussion followed.

Mr. Early made a motion to forward a letter to the Town Board requesting an amendment to C-1 Zoning to include Small Animal Hospitals, and forward a copy of this proposal to Dr. Fornes. Seconded by Mr. Mendola. All were in favor.

#### CVS UPDATE

Councilman Hopkins: the main issue now is that the 1-Hour Photo was supposed to say Food Shoppe. Now that they've spent \$750,000 on a one-hour photo this made it a new hardship. They were advised that the 1-Hour Photo sign had to come down, which they have done. Now they will have to reapply to the Zoning Board for the new hardship. Other signs will have to be done through an application to the Town Board: directional signs, which include exit, entrance and traffic control signs.

Mrs. Vacco: I was not code knowledgeable enough to realize that these signs had to be applied for through the Town Board. This was my first major site plan review, that entails this many signs, and did not realize that the Town Board had jurisdiction over the entrance and exit signs. They never made application to the Town Board. They were requested to put that application in writing, and they have a couple of weeks to see if the signs that are there, are really needed. Part of the Temporary Certificate of Occupancy is that they reapply to the ZBA to address the change in request for the sign verbiage; and too, to make sure that they are in compliance with any recommendations that the ZBA hands down. And similarly, that they are to apply to the Town Board for their exit, entrance and control signs, and once the decision is made by the Town Board, all signs must be made code complaint immediately, or they would be termed in non-compliance and the temporary C/O would be negate. They have take down one sign on the west side of the building.

Discussion followed.

Mr. Mendola: If the ZBA approved signs that should not have been approved, are they allowed, again, to change their decision and issue another, yet repeating the same mistake again.

Mrs. Vacco: Technically they should not. Technically they should go by the Code and Mr. Metzger (Deputy Town Attorney) is aware of that. But they had to go through this process for them, so food shoppe is probably going to go up there, but that's the Zoning Board of Appeals jurisdiction and they will be instructed how to efficiently and effectively enforce that section of the Code, by the Deputy Town Attorney. They are basically arguing a 1st Amendment issue.

Discussion followed.

Mrs. Vacco added: Mrs. Hacker was strong advocate for the Planning Board and the Planning Board's stance on this issue.

Discussion followed about the window signs.

Mrs. Vacco commented that if those signs are questioned, the CVS lawyers could come back and make all businesses in town, ex. "North Boston Market" and "On-The-Run" remove all of their signs.

Mr. Kramer: As they stand now, they are pretty much in compliance.

## OLD BUSINESS

Charlap's ? Nothing received as of yet. Mrs. Vacco will send a letter requesting a response from Mr. Charlap, within 10 days of receipt of letter; if not received in that time period, Code Enforcement Officer

will be directed to issue a court appearance summons. She will include the letters of request previously sent by the Planning Board.

Darling Subdivision ? Scoping Meeting, with Muffet Mauche George, on April 20, 2005 at 6:30 PM.

Vice-Chairman Stringfellow asked if there were any more business for this evening?

Being none Mr. Mendola made a motion to adjourn at 8:43 PM, seconded by Mr. Pohl. All were in favor.

Respectfully submitted,

Michael Pohl

Secretary

MJP:tjf