

## Planning Board Minutes April 22, 2008

BOSTON PLANNING BOARD APRIL 22, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Mark Coppola

Jonathan King

Bill McGirr

ALSO Brian Downey Town Attorney

PRESENT: Cathy Maghran Councilwoman ? Town Board Liaison

Ken Manista North Boston Fire Company ? New Building Chairman

Donald O?Bryant North Boston Fire Company ? President

Tim Kirst North Boston Fire Company ? Contractor

Chairman Hacker called the meeting to order at 7:32 PM

### MINUTES

Chairman Hacker asked if there were any corrections or additions to the minutes of the regular meeting of February 26, 2008, the Special Meeting of March 4, 2008, the regular informal meeting of March 11, 2008, and the regular informal meeting of April 8, 2008.

Mr. Stringfellow: I would like to clarify Mr. Brox?s last statement in the March 11, 2008 minutes. The Planning Board only reviewed as far as Section 123-65, we did not review the rest of those?

Mr. Downey: Just to let you know that is not what he is saying. What he is saying is that we were given a mandate that we had to have them completed by that evening. We were now done. We were at the end of our time.

Mr. Stringfellow: Then let the minutes show that we did not review the whole Code, only through 123-65. Just so that it is clear that we did not complete the review.

Mr. Stringfellow: With that I will make a motion to accept all of those minutes.

Mr. King: Second. All were in favor.

#### CORRESPONDENCE

Secretary Faulring reported but did not read in their entirety, the following:

? Notice of 15th Annual Southern Tier Local Government Conference on Wednesday, May 7, 2008 at Houghton College in Houghton, NY from 9:00 AM ? 4:00 PM

? March End of Month Reports from

o Code Enforcement Officer Ferguson

o Deputy Code Enforcement Officers Lisowski and Juda

? Traffic Impact Study from Ken Kloeber dated March 19, 2008, received March 20, 2008, for Boston Valley Square Retail Center

? New York State Department of Transportation letter dated March 19, 2008, received March 29, 2008 regarding the Traffic Impact Study for Boston Valley Square

? Planning Board letter dated March 25, 2008 to D.C.E.O. Lisowski with Code revisions as an enclosure, also e-mailed and U.S.P.S., the same, to Mrs. Pluta

? Jeff Mendola letter dated April 7, 2008 stating that he would not be seeking reappointment to the Planning Board

Mrs. Hacker welcomed Mr. Coppola as the newest appointee to the Planning Board.

#### NORTH BOSTON FIRE COMPANY

Mrs. Hacker asked Mr. Bernas to exclude himself from the Planning Board, as he is the Chief of the North Boston Fire Company.

Mrs. Hacker: On your plan I do not see the buildings within 200 feet of the project.

Mr. Kirst: I'll be aware of that. Does that have to do with acreage size?

Mrs. Hacker: No, within 200 feet of your property line ? the bank, the house on the adjoining property ? both sides.

The next thing is under (code section) 97-7 F your building elevations and the material that you're using. The only plan I can come up with for building elevations has a handwritten note ?August 1 meeting,? but it doesn't have anything noted for dimensions ? peak height?

Mr. Kirst: Yes, that's it. It is to scale.

Mrs. Hacker: I don't see a scale on it.

Mr. Stringfellow: The height of the building is usually listed on the building permit, is it listed there?

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Mrs. Hacker: There are multiple heights.

Mr. Kirst: That's a progress drawing so the look isn't going to change; that's the final elevation; that's just part of a progress; the elevation isn't going to change, possibly with the exception of the tower, is that shown?

Mrs. Hacker: The tower is shown but it doesn't show any sizes or dimensions and that's required for final site plan. We wouldn't approve a progress drawing for a final site plan.

Mr. Kirst: Okay, it requires elevations, okay. How do I find this out, this is what we've been sending the men for since February?

Mrs. Hacker: This is our first time discussing final site plan. This was in a package in August for our conceptual discussion; nothing was there after that, nothing that I can find. With this elevation plan, I need the materials that are used on this ? I've got split-faced, dryvit, metal roof, dryvit, and face brick. Has any of that changed?

Mr. Kirst: None of that has changed, not to my knowledge.

Mrs. Hacker: Under (code section) 97-13 J ? what kind of fencing is around the garbage dumpster?

Mr. Kirst: It's shown on the site plan, I believe it's a wood slat. There may be a detail page.

Mr. Kirst looked at the plans ? located dumpster information on page 2, upper left.

Mrs. Hacker: Is there going to be a siren located at the fire hall, if so where would that be? I don't see that shown. Do you have to have an auxiliary antenna of any sort on the building that we don't have any particulars on?

Mr. Kirst: I'm not aware of.

Mr. Manista: Right now our antennas are on a new paging system and the antennas are located internally. We've got them on our sideboard. The siren is three phase now, and will cost us extra so if anything we're maybe going to have a horn, which will be self-contained probably within the tower. It's not going to be an additional structure. That siren more than likely will not come with the new building. It's a different power supply.

Mrs. Hacker: So the siren that we're dealing with now is going to stay where it is and we'll have a different set-up, so we don't have to show that on the plan.

Mr. O'Bryant: The siren that's on the current building will probably be disposed of.

Mrs. Hacker: Part of the parking that is with the old building, stays with the new building. Do you know the inside dimension for the hall, only? I'm coming up with approximately 33.2 by 24 foot. That doesn't have to be on here because we more than have enough parking, but I would just like to have everybody know the size of it, so it can't be said that we didn't address it in regard to the size of the hall, because you will be having banquets there.

Mrs. Hacker: Signage will be addressed at a different time and will need its own permit.

Mrs. Hacker: Are we going to be putting a temporary sign out front? Under construction?

Mr. Kirst: Like future home of??

Mrs. Hacker: That sign will need a permit.

Mr. Kirst: Okay, if we decide to do that, I'll do that.

Discussion followed regarding sign permits.

Mr. Stringfellow: There are two landscape plans that are similar, but there are definitely differences between them, they both have the same original date and the same revision date on them, the grading plan, sheet 2 shows a revision March 11; and that revision has been carried over to almost all the other pages, but it's not listed on any of them. For a final site plan we need a set of drawings with consistent dates on them, because by the time we get done with something like this we have so many sets of drawings, if we don't have current and accurate dates on them, we can't tell what we're approving.

Mrs. Hacker: The latest date is March 24, it was mailed to us.

Mr. Stringfellow: What we have here has a lot of problems with it yet. There are things that aren't addressed ? the elevation views are not in here, the materials, the dates are not accurate.

Mr. Kirst: What other materials?

Mrs. Hacker: Marking it on a plan with the real legend, with the real date. This is incomplete. So noting that this is the material, because whatever we approve, if you change and do cinderblock versus split face?

Mr. Kirst: That is cinderblock.

Mrs. Hacker: Okay, if you change it to a different kind of block and we approve the split face, this drawing [the ?August 1 meeting?s elevation view] doesn't have any dates on it; any accurate measurements and I just want it to clearly state what the material is. If our Town Attorney tells us this is an acceptable drawing that?

Mr. Downey: If the Code requires things on there, it's got to be on there.

Mr. Kirst: This is the first we're hearing about this.

Mrs. Hacker: This was submitted with the original package back in August.

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Secretary Faulring: In the plan that was stamped on March 11, that was accepted as the revised conceptual, there was no elevation page in that package.

Mrs. Hacker: That's what we work off of for final. We normally get a new final, that's why this wasn't addressed last week, normally we get a preliminary? a discussion in August, a preliminary in February that we worked off together, and then we have a final that we approve, signed, filed. I went so far as to try to make this work as a final and it's got big holes in it in my opinion. This being the most important and of course we want everything addressed on it.

Mr. Stringfellow: With what you covered, and the couple things I mentioned basically we're at a point where we are technically through all the hurdles. But you need to put together a complete package that has everything. Essentially get the code, go through the final site plan, line by line, item by item and make sure everything is in the package when submitted.

Mrs. Hacker: There are no lighting or parking issues. 97-7 E and F are the big ones. I believe parking issues are more than completely met; fencing material has now been met; siren location ? nobody believes to be an issue?

Mr. Stringfellow: Apparently they are going to get rid of the siren they have?

Mrs. Hacker: The antenna location will be considered internal.

Mr. Downey: I would assume then that the siren or horn system that you will use will be internal, just to make sure I understand what you're saying, right?

Mr. Kirst: Are you asking if there is going to be a separate structure?

Mr. Downey: I think what they want to know is if there is going to be something external, something mounted on the roof.

Mr. Kirst: There may be but you probably won't see it through the parapet up there, it would be behind that.

Mrs. Hacker: Put it on the plan, the size and dimensions, so there are no questions.

Mr. Kirst: It's really something that has to be thought out yet. Specs and the like, we're just not sure.

Mr. O'Bryant: It depends on the county. That's how the siren goes off, the county hits the tones, that goes to the radio, that's how the siren is tripped, turned on.

Mr. Kirst: The antenna is going to be inside the tower.

Mrs. Hacker: What makes the noise? The siren?

Mr. O'Bryant: The current one is the siren.

Mrs. Hacker: The current one. The new one won't even have one?

Mr. O'Bryant: It may not, it may be a horn like Hamburg's got, because those require single phased power and lower consumption, we're on special power just to operate that siren, only because it's an old Civil Defense siren.

Mrs. Hacker: So we've discussed the siren issue, that doesn't fall under anything in the Code Book that I could find. It sounds to me like it's regulated by others.

Mr. Downey: Basically it sounds like it is going to be hidden, on the roof somewhere, external and hidden.

Mr. Stringfellow: I think it would be safe to say that the siren or horn, whatever alarm device will be put in will essentially belong to Erie County and they will determine where it goes.

Mr. O'Bryant: No, not the siren, the radio system. The County owns the radio system; they have FCC license and whatever their technology is. They're working on 800 megahertz, we've all heard; now they're on 400, it's whatever they come out with and whatever we need to operate that system will have to be installed. And it will be every fire company in the Erie County will be operated the same way.

Mr. Downey: Just to clarify. You've got the antenna, which is going to be for your own internal calls that you'll probably have inside, it that what you're saying?

Mr. O'Bryant: The issue on the antenna: Within the station there is a radio system; when the signal from dispatch comes it trips that box which activates the siren through relay; it's all done through tones. So if the county changes that system, which they're replacing older technology, if they come out with something new. Right now we carry digital pagers versus the old voice style, they're in a transition phase. If this (digital) system works then this (voice style system) will be phased out. So whatever the system requires

would be installed?it's not going to be a tower, a cell tower.

Mr. Downey: do you have clues to how tall it's going to be?

Mr. Manista: The antennas that we have right now inside our building are on a message board, when Hamburg sends the information that we need, and the antenna's probably 6 to 8 inches high. They're not that high at all. They're attached right to the message board inside the building.

Mr. Coppola: I can verify that, we have the same set-up inside our fire hall.

Mr. Downey: We just want to make sure that later on it's not a six-foot antenna and someone complains; so we're asking questions so that we can say that we addressed that and they were in the parameters.

Mr. Stringfellow: I think that we need a final site plan package that addresses everything required by the Code for final site plan. The elevation views are one thing, buildings within 200 feet are another; there is approximately a little more than a page in the code that addresses final site plan and we need one site plan that meets all the requirements.

The number of copies needed was discussed.

Mr. Kirst said that he would deliver 10 copies to the secretary no later than May 8, for distribution.

Mr. Kirst: Would a satellite picture show that?

Mrs. Hacker: It has to be a "to scale" the distance, the location of the buildings from your property lines.

Mr. Downey: Something we can take a ruler to and determine the distance of the buildings from the property lines, which has to be to scale.

Discussion followed regarding what is to be included within the 200 feet.

Mr. Stringfellow: Mr. Kirst, you drew a line around the project site, could you draw a line 200 feet from that?

Mr. Kirst: On that same picture (vicinity map)?

Discussion followed.

It was agreed that on the vicinity map, a dashed line, with a legend explaining the dashed line, around the proposed building site would meet the requirement of 97-7 E.

Mrs. Hacker recapped:

- ? Adjoining property owners are noted
- ? 200 feet legend
- ? Elevations
- ? Dashed line with legend explaining dashed line
- ? Siren/antenna issue addressed

Mr. King: Code Section 97-7 A. says that the scale is one inch is to equal one hundred feet.

Mr. Kirst said he would have that dimension corrected on the picture.

KIDS COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Mr. Bernas came back to the meeting as a member of the Planning Board.

Mrs. Hacker read the correspondence:

? Town Attorney Downey letter dated March 11, 2008 to Donna Hartnett, attorney representing Kids Country Child Care

? Response letter from Donna Hartnett dated March 20, 2008

Discussion followed regarding the lack of a dumpster and health regulations for rubbish removal at a day care center.

Mrs. Maghran: If this is being transported to her private home, is that in violation of a code for the neighborhood of private residences?

Mr. Downey: Because this is a commercial facility, the requirements of disposal of that kind of rubbish...there is nothing in the file, we checked about that.

Mrs. Maghran: I'm going to make a couple of phone calls, is that alright?

Mr. Downey: That would be fine. I will do the same.

Mrs. Hacker: I believe we should table this issue until we get some answers on the waste.

Mr. Downey: There's a second issue and that is, what do we tell her?

Mrs. Hacker: Let's wait until we get some answers on this issue.

LIAISON ? COUNCILWOMAN MAGHRAN

Mrs. Maghran said that she was not in attendance at the last Town Board meeting but did report:

? Appointed Mark Coppola to the Planning Board ? ?Welcome to Mark?

? The Hamburg Sun, Springville Journal and the Southtowns Citizen were asked to advertise for members for the Planning Board, Zoning Board of Appeals and the Conservation Advisory Council

TOWN ATTORNEY DOWNEY

Mr. Downey: I was asked to do some research as to whether we can do preliminary approval on site plan at the same time.

Q: Can we do a preliminary site plan and landscape plan at the same time?

A: After checking with Mr. Brox, and he agreed, that we can do preliminary and landscape at the same time.

Secretary Faulring: Final and landscape?

Mr. Downey: I believe we can do preliminary at the same time, with the?

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Mrs. Hacker: The question doesn't include preliminary.

Mr. Downey: Right, well we can do landscape and the other at the same time; I know that.

Mr. Coppola: Final and landscape, that's the way it's worded here.

Mr. Downey: I believe we can do preliminary if we wanted to at this... I know the landscape we can, that's interesting on preliminary; there is technically, you will see a final site plan within a certain period of time. I'll have to?landscape ? my understanding is that you can.

Q: What is a quorum?

A: My understanding is this Board is 7 seats to be filled, plus two alternates. Our Code doesn't speak to it. New York

State Law says that Planning Boards either have to be 5 or 7 and you have to make a decision and then do it by Local Law. It also says that if you have 7, that means you need to have 4 present, whether or not the seats are filled.

Q: What needs to be done to call a special meeting?

A: My understanding is that it has to be in writing. The chairperson has the right in law to call a special meeting. My

understanding is that it's 24 hours notice, but I have to double check something on that. We've usually tried to do it more than that because we usually mail it and we tried to call ahead and said that we are sending a special meeting notice. But I have to confirm that.

Mrs. Hacker asked if there was any further business for tonight's meeting.

Being none Mrs. Hacker made a motion to adjourn at 8:40 PM, seconded by Mr. McGirr and all were in favor.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees