

Planning Board Minutes April 25, 2006

BOSTON PLANNING BOARD APRIL 25, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Timothy Kirst, Secretary

David Bernas

Robert Chelus

Jeffrey Mendola

EXCUSED: J. David Early

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

William Ferguson Code Enforcement Officer

Frank Lisowski Deputy Code Enforcement Officer

Rich Hawkins Councilman

Richard Brox Planning Consultant

Santo Tricarico 8879 Pearl Street ? prospective member

Andrew Gow Nussbaumer & Clarke ? Engineer for Tanglewood Acres

Karen Schiffmacher 5493 Tanglewood Drive

Jim McCarthy 5501 Tanglewood Drive

Michael Franco 5535 George Drive

Wayne Smolinski 5494 Tanglewood Drive

Paul Donlon 5450 Allen Drive

William Sauer 5473 Tanglewood Drive

Chairman Hacker called the meeting to order at 7:35 PM.

MINUTES

Mr. Stringfellow: Under Tanglewood Acres, I believe Mr. Telaak said he "did not want to see the corrugated metal pipes," there seems to be a word or two missing from his statement.

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

LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins reported:

- Town Board referral of Valley Flooring addition site plan to Planning Board
- Advised Tim Kirst that he cannot actively participate in any way on the Valley Floor discussions, as a Planning Board member, as he is also the contractor.

OLD BUSINESS

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

Boston Hills Subdivision ? No new correspondence received.

TOWN BOARD REFERRALS

Valley Flooring Inc. ? 8909 Boston State Road ? proposed addition

Mr. Kirst reported the following correspondence:

- Foit-Albert review stating some discrepancies on the application
- Richard Brox review advising recommendation with modifications

Mr. Brox: I noticed similarities as stated by Foit-Albert, but were too insignificant, I felt, to comment on. I do feel that a parcel that small doesn't need three driveways.

Mrs. Hacker: Is this the property that is next door to the proposed duplex? Is there going to be problems with the lots lines. This is all going to be in very close proximity. We need to look into that.

PUBLIC HEARING FOLLOWS

BOSTON PLANNING BOARD APRIL 25, 2006

PUBLIC HEARING ? PROPOSED TANGLEWOOD ACRES SUBDIVISION

Chairman Hacker opened the Public Hearing at 7:45 PM.

Secretary Kirst read the Public Notice and noted received:

- Foit-Albert Engineering report
- Richard Brox's review

Mrs. Hacker asked if there were anyone present to speak in favor of the application.

Andrew Gow: Nussbaumer and Clarke, we're the Consulting Engineers that were hired by the property owner to represent this project. We're here tonight seeking approval for the four-lot subdivision at the end of Tanglewood Drive in the Town of Boston.

- We will be creating three building lots

- Lot #3 has an existing home that would remain
- All lots that we will be creating are zoning compliant
- All will be served by public utilities
- We will also be servicing the lot with a proposed, paved cul-de-sac at the end of Tanglewood Drive

Mrs. Hacker: Is there anyone in the audience that would like to speak in opposition to this petition?
Please come forward give your name, address and state what your concerns are.

William Sauer ? 5473 Tanglewood Drive

- I believe that the lot is good enough for one home, I don't think we need four homes or possibly more
- Our road is not wide enough to accommodate two-way traffic
- We purchased that house on Tanglewood because of the dead-end, quiet, and peaceful. My son is learning how to ride his bike. We have pets that use the road ? it's a dead-end road down there
- We don't want to see four more sets of vehicles rushing in and out of there on a road that really can't accommodate two-way traffic
- I'm not opposed to having new neighbors, I'm just fearful of the pets and kids that play in that area
- I think the traffic is a big issue

Jim McCarthy ? 5501 Tanglewood Drive

- I don't think we've gotten enough information
- What we're going to do with the street ? if it goes through are you going to take part of my property

Michael Franco ? 5535 George Drive

- My property abuts the back of this property

· I would like to have more information on how it would or could affect my property

Chairman Hacker: Now the Board members will address the developer, we ask that there not be any audience participation.

Mrs. Hacker: I received a memo this evening about a phone call from Eugene Smolinski who has a concern about larger lots being subdivided again. We've spoken to Mr. Brox about this; my understanding is that we feel comfortable with the road frontage being allowed on said lot that it could not then be divided after the fact.

Mr. Brox: There isn't adequate frontage to split any of those lots, so 4 lots is it.

Mr. Mendola: The subdivision plan that we looked at only addressed the property that's being developed, so is it or is it not taking property from any adjacent landowner?

Mr. Gow: No it is not. We're extending the Tanglewood Drive right-of-way, but the Town wouldn't be taking any additional right-of-way width away from?

Mrs. Hacker: They're using the land that exists there to create the cul-de-sac.

Mr. Gow: (referring to drawing) down on the bottom we're creating an additional town area, this is all Town road, but it's all in the parcel. Our plans right now, the plows come down they turn around on Mrs. Jablonski's property right now. We're creating this cul-de-sac so that the lots within our subdivision had enough frontages and so vehicles can turn around.

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Karen Schiffmacher ? 5439 Tanglewood Drive

· There is an existing house now with a barn; I think that's very close to where the dirt road ends to where the house is. How close is that going to come, closer to that house?

Mr. Gow: No, actually the cul-de-sac is further back. There's a 50-foot setback in this zoning and all the buildings, existing and proposed would have to meet that 50-foot requirement, and they do.

Mr. Mendola: We looked at the road width only as far as the subdivision, do we know if the road coming up to that is the same width, and if not what are we going to do with a road that is one width and then another width?

Mr. Brox: The Town Highway Superintendent, if there are any plans to adjust Tanglewood Drive, if necessary, it hasn't been an issue up to this point for the residents that are there, four more houses are not a significant number of houses, it's a concern yes, but it would be up to the Highway Superintendent if he feels the road has to be widened. It may already be 24, 28 feet wide.

Mrs. Hacker: We have already addressed this with Mr. Telaak, not this issue but we will look into it.

Mr. Mendola: In the past we have insisted that the development be developed exactly as per plans, and if it's not going to be the exact same width, then the plans need to reflect that so that we don't try to hold you to something that doesn't make sense.

Mr. Bernas: What about a fire hydrant, fire suppression?

Mr. Gow: There will be a new fire hydrant installed at the end of line, within the cul-de-sac.

Mrs. Hacker asked Mr. Kirst to read the report from Foit-Albert Engineer Scott Kinsman; dealing mainly with the street lighting.

Mrs. Hacker: The Board feels that it is very important to have a streetlight for safety purposes.

Mr. Kirst read the Foit-Albert letter dated April 21, 2006, which recommended two-pole lights with luminaries.

Mrs. Hacker: We will discuss this further.

Karen Schiffmacher ? 5493 Tanglewood Drive

I have noticed (on the tax map supplied) that the Eden School District and the Hamburg School District have been moved. It was never that close to Tanglewood Drive, it was over closer towards Maplegrove, and those kids went to Eden. I went to Hamburg, the end of the street went to Hamburg, three houses down is where the Eden line started. Now the Eden line, on the paper that we got goes right down the middle of my street; when was that line changed?

Mr. Brox: The school boards can adjust their districts between themselves, and the Town has no jurisdiction whatsoever over school board boundaries.

Mrs. Schiffmacher: If it was going to be changed again, because if there is going to be four houses?

Mrs. Hacker: It's not something that we can change, or the developer, it's something that the school boards change.

Mr. Downey: As it was noted by the Chairperson, the school lines are only controlled by the school districts and they are continually swapping and changing depending on situations, and this Board as well as the Town Board has no control over those at all.

Discussion followed regarding school districts and boundaries.

Mr. Brox: Madam Chairman, as long as we have three Tanglewood residents, or possibly more in the audience, I think it might be appropriate to ask them if they feel they want streetlights or not.

Mr. Hopkins: This is a new subdivision, the Town Planning Board and the Town Board feel that in any new subdivision we are going to require street lighting. We've had some subdivisions go in, get the residents in, and then the Town has to pay. This way the developer has to pay for the street lighting instead of a lighting district. Being that this is a new subdivision, this is where we can require lighting to go into just that area, into that cul-de-sac.

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The neighbors did not object to a streetlight in the cul-de-sac, but do not want streetlights on their road.

Mr. Gow: There is an existing pole on one of the parcels, so it will be down in front of those homes.

Mrs. Hacker: We have to think about fire trucks, emergency vehicles needing to find a house.

Mr. Mendola: We've also heard from residents of other subdivisions that have been built without street lighting and questioning it, and now they want them, so they or the Town have to pay for it.

Paul Donlon ? 5490 Allen Drive

- How far back on the property can they build their houses?
- Will they be cutting down trees and all that?

Mr. Gow: That is not something that we can design. Typically the homeowner?

Mr. Donlon: So the homeowner can say build it all the back, a thousand?

Mr. Gow: The homeowner has to comply with the zoning.

Mr. Lisowski: Minimum rear yard setback is 30 feet; side yard setback is minimum 10 feet.

Mrs. Hacker: The shape of these lots will dictate placement of a house, and it's not for this Board to tell the property owner what trees can or cannot be taken down. The Town (Code) says how far you have to place that home from that actual lot line.

Mr. Hopkins: We can't tell them what they can and can't cut down.

Mr. Mendola: It's very expensive to have a house farther away from the street.

Mr. Downey: The ability to cut trees is already there. If you own the property you basically have that right anyway, so whether or not they build a house there, that right is there. My experience is that people don't want to move it farther back because cost for bringing utilities back, as well as the driveway, goes up tremendously.

Mrs. Hacker: What is the depth of these lots?

Mr. Gow: The side line of lot #1 is 600 feet on one side, 685 on the other; between lot 3 and 2 you're probably about 800 feet; and the lot line between lot 4 and lot 3 is about 510 feet

Jim McCarthy: They put the sewers right up the side there, how far away from my property would the building possibility be?

Mr. Gow: There's a 10-foot side yard minimum, however you're buffered that there is a sewer line right through there, and I believe the easement is 20 feet wide. The sewer is fully on our parcel, so you have 20 feet inside our lot line, obviously you can't build on top of the sewer.

William Sauer ? 5473 Tanglewood Drive

· The Board isn't only voting on subdividing lots, are they single-family homes or don't you know.

Mr. Brox: This is a single-family subdivision in the zoning district, that's all that can go there.

Mr. Sauer: About the road, it's not a question if, the road is just not wide enough, so?

Mrs. Hacker: We'll certainly look into it, but it's not for us to decide the size of the road.

Mr. Sauer: But it should make a difference in your decision, obviously.

Mr. Hopkins: We'll refer that portion of it for our highway superintendent to take a look at.

Mrs. Hacker: Are there any further questions?

Being none Mr. Stringfellow made a motion to table discussion, seconded by Mr. Chelus and carried.

Mrs. Hacker closed the Public Hearing at 8:12 PM.

Mrs. Hacker advised those in attendance that Planning Board meetings are held the second and fourth Tuesday's of the month, in the Planning Board at 7:30 PM

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REGULAR BUSINESS MEETING RESUMED AT 8:15 PM.

CODE BOOK CHANGES

Mrs. Hacker asked for any additional referrals from the Planning Board members.

Mr. Downey announced that the next Code Book Change meeting is scheduled for May 9, 2006 at 6:30 PM.

Mrs. Hacker asked that copies of all referrals be forwarded to Planning Board members, Councilman Hopkins, Town Attorney Downey and Richard Brox.

Mr. Hopkins: At the next meeting we will be fine-tuning the smaller sections of the Code Book. We will continue to work on major sections, such as 123 and 104 and refer any changes in those sections at a later date. They are more in-depth and will take more time. I wanted to mention that Mr. Stringfellow was at the last agenda meeting, he gave us a layout of a "turnaround; a lot of work went into that. Years ago, we probably could have given that to a developer and asked, "which makes more sense, just doing the cul-de-sac like it should be done or doing that "turnaround. I was really impressed with what Dave brought to us. I have it available if anyone would like to see it.

Mr. Stringfellow: The idea, which I may not have expressed well enough, if we get into a legal situation is going to cost money and we should look at the cost of that versus the cost of building a cul-de-sac.

Mr. Brox: I agree with that observation and, I didn't make the drawing, but I clarified the language, which will probably go along with Mr. Stringfellow's sketch.

Mr. Downey: I would like to mention a couple of other changes: the possibility of underground utilities, that's not clearly in the Code, it implies that is up to the utility companies. Also we discussed street lighting: in one section of the Code it says it's a Planning Board decision and in another it says it's a

Town Board decision. We also talked about, as Mr. Telaak suggested, putting in concrete curb gutters. We also talked about signage.

Mr. Hawkins: It wasn't brought up during the Public Hearing, has anything been brought up to the developer about the possibility of paved ditches?

Mr. Brox: Their engineering plans have, I don't believe they have any roadside ditches, it's all underground drainage coming back out towards the swales that it has to go too.

Discussion continued on if it's in Code, it pertains to all subdivisions.

Mrs. Hacker: if it isn't in Code can we require it now?

Mr. Brox: The Code as written, and some of the revisions, and some of the revisions suggested, leaves the door open for the Planning Board to require any and all appurtenances as they see fit.

Discussion followed on the drainage of the proposed Tanglewood Acres.

Mr. Stringfellow: Last week I talked with the Town Clerk about streetlight districts:

- There is street light district in the Town of Boston. It is basically the valley.
- There is supposed to be a map of it, but the map couldn't be found
- I was told that it goes up the east hill to the power line, and west as far as Back Creek Road and it stops somewhere short of Boston Valley School going north. I have not been able to see a map.
- The point is any subdivision that is built within the street light district, street lights are required to be put in and those people pay street light tax
- Outside the street light district, there are street lights only on the main roads only at intersections or curves, and those street lights, the electric bill for them is paid for out of the General Fund, on the grounds that everybody in Town uses the main roads
- Tanglewood Acres is not a main road, we are probably right in saying that we want street lights at the end of Tanglewood, but when we do that, it is not in a street light district so the tax for that is paid for by the general public, everybody in Town, and it's certainly not a street that everybody or a lot of people use, and there are many streets in Town that are in the same situation as Tanglewood, they are small residential streets that do not, now, have street lights. There is nothing to stop any of those people to come in here and say "Tanglewood has street lights, why don't we?"

· My point is: we need to have a policy and know exactly what it is and be able to defend it, so we don't get blind-sided.

Mr. Hawkins was attempting to speak, however due to several side conversations, was not able to be heard or understood.

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Mr. Downey: We discussed that when you are doing these subdivisions, each time you have something new you are going to be adding to it what we didn't do before. I don't believe that the Town is under requirement that first of all we're making the developer put these in, this is not the Town putting these in; and second of all, as you're doing this you're going to have areas where people have had houses there for 50, 100 years, this isn't brand new. Back then it wasn't required, now we have to update the whole Town? It just doesn't work that way.

Discussion followed.

Mr. Stringfellow made a motion to adjourn at 8:31 PM, seconded by Mr. Chelus. All in favor.

Following the meeting the Planning Board members discussed the appointment of alternate members to the Planning Board.

By consensus it was decided to forward a letter to the Town Board recommending the appointment of Santo Tricarico and William McGirr as Alternate members.

Respectfully submitted,

Timothy Kirst

Secretary

TK:tf