

PRESENT: Patricia Hacker, Chairman
 David Stringfellow, Vice Chairman
 Michael Pohl, Secretary
 Margaret Andrzejewski
 David Bernas
 J. David Early
 Richard Hody
 Jeffrey Mendola

ALSO:	Dennis Kramer	Code Enforcement Officer
PRESENT:	Kelly Vacco	Town Attorney
	Brien Hopkins	Town Board Liaison
	Paul Speich	CAC Liaison
	Gray Eckis	Boston Hill Subdivision
	Martin Barrett	8032 Boston State Road
	Joe Gerken	8032 Boston State Road
	Pat Barrett	8032 Boston State Road
	Nick Charlap	7264 Boston State Road
	Paul and Anne Tuttle	Perspective buyers in Boston Hill Subdivision

Chairman Hacker called the meeting to order at 7:31 PM.

MINUTES

Mrs. Hacker asked if there were any corrections or additions to the minutes of April 13, 2004. Being none, Mr. Stringfellow made a motion to accept the minutes, seconded by Mr. Pohl. All in favor.

CORRESPONDENCE

Secretary Pohl reported the following correspondence received:

- Received flyer from Erie County advising of Household Hazardous Waste Drop Off day scheduled for Saturday, May 8, 2004 at Erie Community College – North. Also for Electronics Recycling Day scheduled for Saturday, May 15, 2004 at the same location.

LIAISON – BRIEN HOPKINS

Councilman Hopkins reported from the Town Board meeting of April 21, 2004:

- Town Board members are starting to show a concern for CVS

7170 BOSTON STATE ROAD – CVS PHARMACY

Chairman Hacker reported that everything required by our engineers have been met. The issues on the lighting and the awning have been answered.

The only issues being raised this evening were:

- Amount of room required for backing out of parking spaces
 - Mr. Brox’s letter stated parking requirements were all met
- The paving material depths at the rear exit
 - Resolved through discussion

Being no further discussion Mrs. Hacker made a motion to approve the CVS Pharmacy site plan submitted, with the revised date of April 19, 2004, which included the following:

The signs that this Board approved are:

- On the front elevation – the CVS/Pharmacy sign above the main entry
- On the left elevation – the CVS/Pharmacy sign above the entry
- On Boston State Road – the street sign

The additional two signs requested by CVS representatives for the drive-thru area, must be approved by a variance at the Zoning Board of Appeals; and, that the Planning Board did not act on any right-of-way issues on Boston State Road or on Zimmerman Road. Mr. Mendola seconded the motion. All in favor.

BOSTON HILL SUBDIVISION – GARY ECKIS

Mrs. Hacker distributed the following:

- Tax map of subdivision area
- Signed final approved plat filed with the Town
- Her hand drawn configuration
 - To qualify the dimensions of the 't' turnaround
 - The driveway to the left, which is 40 feet from the 't' turnaround, is the driveway that former Highway Superintendent Kreitzbender approved. It does cross the National Fuel Right-of-Way.
 - The driveway on the pond side is 46 feet from the 't' turnaround.

Another lengthy discussion followed regarding the placement of driveways off of the 't' turnaround.

Discussion continued regarding the driveway situation; the 't' turnaround versus cul-de-sac; and, the 50 feet distance from the 't' turnaround.

Mrs. Hacker: there is one proposed driveway and two existing driveways. The one at the number one 't' is an approved driveway.

Mr. Eckis: there is a letter on file from a meeting in 2001, that the location of the driveway for Ted Liarios was approved. It wasn't until a month before Mr. Kreitzbender left that the issue of the 50 feet was not part of any Code, but Mr. Kreitzbender's requirement.

Mrs. Hacker: We have been advised that the Highway Superintendent has all say in driveway placement. But we also have been advised that this new driveway would have to be 50 feet from the 't' turnaround.

Mr. Eckis: Using Mrs. Hacker's drawing – the Liarios driveway already exists; the Dinse driveway for the 7-acre parcel would be on the other side of the 't' keeping the ends free, which is Mr. Kreitzbender's original suggestion, too avoid what happened when the LaTonas built their home. The issue before this Board tonight is whether you want to increase this 5-acre+ parcel to a 25-acre+ parcel.

Mrs. Hacker: That isn't the only issue here tonight. As it was mentioned to me – as there is all this right-of-way belonging to the Town, the Highway Department could go in and put a guardrail in all the way around their property on the right-of-way, and that driveway of Liarios would never be able to go past it.

Mr. Eckis: Why would you do that?

Mrs. Hacker: Town liability, safety on that road, that's the way it was given to me and I was told that we should look into that.

Mr. Eckis: I was requested, by Chairman Jusko in 2001, to meet with Wayne Kreitzbender on site to make sure that we avoided the situation where anyone put a driveway directly off the end of the 't', and we did. He put two letters in writing in 2001 in that regards, but; since 2001 there has been a concerted effort to lever a cul-de-sac,

Mrs. Hacker: So before this Board, this driveway of Liarios isn't the issue. Before us now is the adjoining of the two lots and placement of that driveway. Which would have to be moved four foot.

Mrs. Hacker: Does anyone on the Board have a question on the adjoining of the two properties, to become one, maintaining the pond as is for the water safety and the water hydrant,

Mr. Stringfellow: Mr. Eckis, while you still own the 26 acres, could you deed enough land to Ted Liarios that he could put his driveway 50 feet past the 't' turnaround?

Mr. Eckis: He has spent a considerable amount of money on that driveway, it goes back probably 1000 feet.

Mr. Stringfellow: He spent that kind of money building off the 't' turnaround.

Mr. Eckis: It was right where Mr. Kreitzbender said it should be, so it wasn't off the end of the 't'. If it went off the end of the 't', we'd be back to the situation.....

Mrs. Hacker: He's fifteen foot from the 't', he's on the side of the 't' but he's not off the end.

Mr. Eckis: The request to modify the subdivision, which I am respectfully requesting tonight is the issue. The reason I ask for it to be decided is because the Tuttlles want to build on the west side of the gas line, that is why the Planning Board would have to modify it.

Mrs. Hacker: They would have to get the agreement from the Gas Company to go over their right-of-way, not from us.

Mr. Eckis: They have been very patient since September, under contract, I keep thinking that it will be resolved. I did tell them that the Town wanted a permit easement for the pond, which I have given to Kelly (Vacco) and they accepted that.

Mrs. Vacco: It has been received, but not yet recorded

Mr. Eckis: I have told the Tuttlles that there would probably be a condition that it could not be re-divided, that it would only be one home, and that the driveway would be north of the 't' and if it needs to be 50 feet then it can be.

Boston Hill Subdivision, con't.

Mr. Bernas inquired if the width of the driveway would accommodate emergency equipment such as fire trucks and ambulance.

Mr. Eckis: They have an easement of the dry hydrant and to go all the way to maintain that hydrant. It's a maintenance easement.

Mr. Bernas: Patchin's ladder truck would need 15 – 20 feet of good solid ground to put that outrigger out.

Mr. Eckis: They helped design the install, and the hydrant

Mrs. Hacker: Are you questioning the design of the driveway accessibility?

Mr. Bernas: I'm just raising the question, is it going to be wide enough for a truck to get back to the house?

Lengthy discussion about driveway accessibility for emergency equipment.

Mrs. Hacker: Is that something that could be taken care of by a waiver?

Mrs. Vacco: It should be established in an easement, if it's going to be an easement that addresses the pond and the Town's right to utilize it. So you could make it a condition.

Mr. Eckis: They're in favor of helping to increase fire fighting protection and I had the easement approved by their attorney, because it was going to be an encumbrance on them.

Mr. Bernas: You have a pond that's a thousand, fifteen hundred feet as the water supply that means you have to lay 1500 feet of four-inch hose. It can be done but it's a labor-intensive act.

Mr. Eckis: That is a town-wide concern for any landowner that wants to build their home back in the woods, that's a big issue.

Mr. Kramer: Typically, when someone comes to me for their building permits, and they have those long driveways I usually suggest that they get them wide enough to accommodate emergency vehicles, that they also provide turnaround space so the vehicles don't have to back all the out. Most people respond 'that's what I'm buying insurance for, don't worry about my house.'

Mrs. Hacker: So before this issue we have two separate issues. Mr. Eckis, I have to say that I really have a problem with Liarios' driveway, especially as it stands now. The situation with the Tuttle's driveway, I am very comfortable with putting these two lots together. These people are willing to put the driveway where we need to have them put it, so we won't have a problem with that. But, this will not change the situation we have at hand.

Mr. Mendola: I've noticed on the map that we received tonight – this 6.93-acre lot that is outlined in red like every other lot in the subdivision, and does not appear on any of the previous maps. We're not considering that parcel as part of this discussion, are we?

Mr. Eckis: No, that's an individual parcel.

Mrs. Hacker: No we are only discussing the two lots on the west side of Deer Run. That includes the pond and the combining of those two lots and the placement of that one driveway.

Mr. Eckis: The modification would change parcel 23 from 5.1 acres to 26.44 acres.

Mr. Pohl: The 't' configuration that was approved in the original subdivision worked for that subdivision with that configuration. If you wanted to expand on that subdivision you would probably be required to meet current requirements, which is a cul-de-sac, and a cul-de-sac would resolve snowplowing with driveways off the cul-de-sac and would be the optimum answer. In addition, in my opinion if you would work with the Town and maybe through condemnation proceedings they could acquire the land and you put in a cul-de-sac and meet the specs, in that case I would go for modifying the subdivision.

Mr. Early: Not only would you help the subdivision, you would especially help them with the amount of driveway they would have to put in to get back to their home.

Discussion continued on the 't' turnaround versus the cul-de-sac.

Mr. Eckis: The 't' turnaround functions very well.

Further discussion on the eventuality of a cul-de-sac.

Mr. Eckis: There are only two driveways in the vicinity of the 't'. When I originally met with Wayne he approved the concept of three, but this one has ended up below the 't', which I guess is preferable.

Mr. Stringfellow: I think increasing that parcel to 26.44 is a good thing to do. It's an area where we recommended low density housing and it certainly does that. But, when we approve it will you be in here looking for the lot that is now showing as 6.93 acres, and the big lot that goes further back, that has already put a driveway on the 't' turnaround, are you going to want those approved as building lots? And you'll have no choice but to put those driveways on the 't' turnaround or put in cul-de-sac

Mr. Eckis: Those lots are either legal lots or they're not. That something the Building Inspector and the Town Attorney can determine with the Planning Board.

Style 4
Combining

Boston Hill Subdivision, con't.

Mrs. Hacker: My feeling from the Board is - that if we adjoin these two properties and approve this for these people to put this driveway in the way they would like too, by doing so we are complicating matter further down the road.

Mrs. Vacco: I don't believe that you're compromising your position. I think the question is - are you compromising your position with regards to the subdivision by expanding a lot. What you want is cul-de-sac and the question is can you hold the developer up and make him put in a cul-de-sac when he is simply requesting a modification of the subdivision.

Discussion continued about the request before this Board on this evening - modification of the subdivision. 't' Turnaround versus cul-de-sac; and, any other parcels of land are separate issues.

Mr. Kramer: Maybe this is food for thought: if this Board really wants a cul-de-sac, why not ask Mr. Eckis to join the top sides of the arms of the 't' to the top of the 't' forming a half circle. This should solve the issue of the driveways off of the 't' turnaround. But remember there are only ever going to be two driveways off of the 't' or whatever it may become.

5/1/04 Mrs. Hacker made a motion to approve the modification of the subdivision by expanding lot #23 from 5.81⁶⁸ acres to 26.44 acres with the condition that the driveway be 50 feet from the 't' turnaround right-of-way and placement of the driveway be coordinated with, and approved by the Highway Superintendent.

Mr. Hody seconded the motion. All in favor.

Mrs. Hacker: Mr. Eckis we do have major issues with the other questions and will plan to keep working with you.

Mr. Eckis: Do you want me to submit some information I have from other meetings?

Mrs. Hacker: I would appreciate it if you would submit that letter from 2001, and I would like to ask that a letter be sent to our Highway Superintendent to be at the next meeting for discussion only. And thank you Mr. Kramer for your suggestion.

7264 BOSTON STATE ROAD - REVIEW AS-BUILT SITE PLAN

Mr. Pohl read the letter dated April 16, 2004 requesting Mr. Charlap to be in attendance at this meeting.

Mrs. Hacker: Your intentions as far as the grill area?

Mr. Charlap: I'm looking to expand the menu. It will be a walk-up window for the summer and enclosed during fall/winter. 3 parking spaces have been removed. There will be no traffic in the front of the grill area.

Mrs. Hacker: The two parking spaces are indicated as only 18'.

Mr. Mendola: The window to the grill area is very close to those parking spaces.

Other discussions included: parking configuration, access to back parking lot, traffic flow, no parking along Boston State Road, use of dock area, and lighting.

Mr. Charlap was requested to indicate the following on the site plan:

- o Details on the lighting
- o What is striped
- o Identify barriers
- o Required number of parking spaces (is met) and drawn to Code
- o Driveway lane widths
- o Identify adjacent lot lines
- o Indicate road right-of-way

In addition to determining that the handicapped parking space in front of the grill area does not extend into the right-of-way. Mr. Charlap was advised to refer to Town Code Section 97 Article III - Final Site Plan

The three spaces in front by walk-in / receiving door are acceptable in place.

Mrs. Hacker made a motion to table discussion until a site plan is submitted reflecting the above requirements, seconded by Mr. Stringfellow. All in favor.

Mr. Bernas commended Mr. Charlap for making this old building and making it look as nice as it does.

8032 BOSTON STATE ROAD – MARTIN BARRETT

Mr. Pohl noted the following correspondence:

- Letter dated April 16, 2004 to Mr. Barrett asking him to be in attendance at tonight's meeting
- Received from Mr. Barrett – revised site plan dated 4/04

Mrs. Hacker: Is there any new discussion for this evening?

Mr. Mendola: To the north you show supposedly twenty-eight feet to the property line and four parking spots and more up in front of the building. When I drove by, it looked as though there was almost no asphalt on that side of the building, unless you're going to drive through grass or you plan on paving it, there doesn't seem to be any room there. On the other side where it is paved and there are twenty-five spots, is there actually room for an aisle and twenty feet of paved parking space. It doesn't look like it on either side of the building.

Mr. Pohl: The pavement isn't depicted on the plan, what's shown are property lines.

Mr. Barrett: The pavement goes right up to the tree line, and on the other side the pavement goes from the front wraps around this side of the florist area, I don't know how wide that is probably twelve feet of pavement that comes down in there. That's the limit of the paved area, but it's all drive – it's stoned.

Discussion returned to parking in the rear of the restaurant.

Parking was compared to Three Girls' Café and Nick Charlap's

Mrs. Hacker reminded everyone that 'Three Girls' Café' and 'Charlap's' both involved a change of use.

Mr. Stringfellow made a motion to table discussion until after the on-site visit, seconded by Mr. Early.

Mrs. Vacco: The on-site visit has to be done individually or it violates the open meeting rule; and would need to be published if you intended to meet on-site as a group.

Mr. Hody: If this is stoned back there how can it be striped?

Mrs. Hacker: I believe the striping was in reference to the 'no parking' area on the road.

Mr. Kramer: I thought the front of the florist and restaurant was to be striped.

Discussion determined that angled parking in front of the florist and restaurant would make parking inconvenient and hazardous and asked Mr. Barrett to go back to the original parking configuration in front of these two businesses.

Further discussion on parking and paved areas.

Mr. Barrett asked for a recap of requirements for the site plan:

- Show paved area and stone area and the layout of the parking spaces on there
- Site plan must be drawn to scale
- Property lines and location of the building in relation to the property line
- Walking space between parking spaces and the front of the buildings
- Boston State Road right-of-way
- Eliminate angled parking
- Just a little more detail
- Refer to Town Code Section 97 Article III

Mrs. Hacker: There's a motion made and seconded, all in favor? All were in favor.

ANTHONY BERNARDI - DISCUSSION

Mrs. Hacker noted that a letter was received from Foit-Albert, which had been sent to all members.

Mr. Kramer distributed letters that he had received previously regarding the Mr. Bernardi's property.

Mr. Kramer: One of the issues that I would like everyone to be aware of – Mr. Bernardi's contention is that the Town has no place to turn a snow plow around, well the Town does if you look at the survey. I've also included a copy of the deed, where the Town has a turnaround at the end of Willow Drive. Mr. Bernardi used that Town turnaround as frontage to sell a building lot to Mr. Geary. Mr. Geary built a house on it, you can see the dashed line, and he chose to put his driveway out on to Mr. Bernardi's driveway, and now one of their complaints is that Mr. Geary's driveway doesn't go onto a Town Road. We didn't dictate to him where his driveway had to go, and he still could put his driveway into that Town turnaround. They have taken the Town turn around and is now Mr. Geary's front yard, it's all grass, it's all mowed and maintained. So their contention is the Town doesn't have a legal

Anthony Bernardi, con't.

turnaround and that they need this T turnaround or whatever, which would allow Mr. Bernardi to sell a couple more lots down there. The Town Board or the Highway Superintendent needs to go down there and stake this turnaround as it shown on the survey and what we legally own, and then we can address the situation down the road as to whether we let him subdivide.

Mr. Bernas: Does the deed show that the Town owns the turnaround?

Mr. Kramer: Yes, it's written right there. It is shown on the Town survey, but not on Mr. Bernardi's.

Mrs. Hacker: This is what Mr. Bernardi wants to do.

Making reference to her notes:

- Mr. Bernardi had a fire in the property on Back Creek Road where he was renting, and lost everything he owned.
- Wasn't insured, which incurred major hardship
- Needs to sell two lots to make ends meet

Mr. Hopkins: I think one of those lots is to a Highway employee, Bill Forness.

Mrs. Hacker: As it stands now on Willow Drive, just because there's grass over that T turnaround doesn't mean that the turnaround isn't there. For him to sell two more lots, to the right of Willow Drive turnaround, it would max out the property to sell any more lots, and would not be able to create a subdivision, because of this Road back here. As of yesterday, he would like us to allow him to subdivide this property that he owns 16 + acres of land so that he would end with five. One parcel that would abut the creek and would eliminate all frontage he has to the creek in that area, and would be approximately five to seven acres; and this lot would be approximately 3 to 4 acres; but to do that he does not have road frontage on that T turnaround.

He has proposed to put in a cul-de-sac then allowing the frontage to be legitimate on these three spots, the highlighted area shows the cul-de-sac area. He would like to know why, since he hasn't sold any lots since 1991, how can we as a Town keep him from selling two lots if he is in agreement with the Town to put in a cul-de-sac to Town specs, which is almost there. He has told me that what is there is everything the Town would want, and is all to Town specs.

Mrs. Vacco: As a Planning Board, you have all original jurisdiction over all subdivisions.

Mrs. Hacker: Is two lots considered a subdivision?²

Mrs. Vacco: When there is an extension or the creation of a Town Road, which means by a foot, 10 feet, 20 feet, by a cul-de-sac.

Mrs. Vacco read the definition of subdivision under Section 104-3. So you have the five lots or the creation of a new street, that's what...

Mrs. Hacker: Is a cul-de-sac considered a new street?

Mrs. Vacco: Any extension to a street.

5/11/04
Mr. Early: If we allow him to ^{install} a cul-de-sac in he could make more than two pieces of property off that cul-de-sac?

Mrs. Hacker: No, he's saying that would be part of approval, and we could require that of him.

Mrs. Vacco: Under the subdivision.....

Mrs. Hacker: Under the subdivision, we would not have to allow them to do this because of the any extension of existing Town Road stipulation of any size.

Mr. Mendola: And, since we have just made it clear to the gentleman on top of the hill that we do not want to count feet, up-across-and down a 'T' turnaround as frontage. And I believe that Mr. Brox is drafting proposed changes to our Code, so that it's linear; doing any more of this to create frontage - I will not vote for it. We're going out of our way to create the same hole we're trying to fill.

Mr. Stringfellow: If you look back on the history of this, I am quite sure that we have letters from New York State DEC saying that this land is in the flood plain, it is not suitable for development...He has the same letter that we have that says you should not build there and he says 'see this letter says I can build there.'

Mrs. Hacker: My impression was that we as a Board couldn't keep him from selling those two lots, if he did create the cul-de-sac.

Mr. Stringfellow: You're probably right, but we can keep Dennis from issuing building permits on those two lots.

Mrs. Hacker: I understand that, but I didn't think we could keep him from subdividing this.

Mrs. Vacco: Anyone can approach the Planning Board to subdivide property, but they just need to go through the process.

Discussion followed.

Anthony Bernardi, con't.

Mr. Bernas: If we're responding to the letter of February, where he's asking the Town of Boston to accept an extension of Willow Drive, that's the issue we're deciding. If we say, no we're not going to accept this extension of Willow Drive, does that end it – no subdivision?

Mrs. Hacker: That would end it for tonight, but I feel he would come back to us.

Mrs. Vacco: I believe that the only reason that letter is before you is because the Highway Superintendent accepts a Town Road by dedication and the Town Board. The Planning Board doesn't get involved with that. It was my understanding, and I could be wrong – I was under the impression that when the Town Board referred it to the Planning Board it was because the Town Councilman believed that it met the definition of subdivision and the Planning Board has jurisdiction over subdivision. You don't have jurisdiction over the acceptance of the road, but you do have original jurisdiction over subdivision.

Mrs. Hacker: So for him in any way to subdivide that land, that would mean a change in town road as it exists, therefore he would have to follow through with all subdivision rules?

Mrs. Vacco: Yes.

Mr. Pohl: Any of this flood plain information issued by New York State, that would all be addressed during the subdivision review, so all of these issues would be addressed...

Mr. Bernas: You can't avoid having to face that issue, so I'm confused why the Town Board referred it to us in the first place, why don't they just take action on it, let it go to the subdivision thing, refer it to us and we do what we're supposed to.

Mrs. Vacco: Originally it was proposed to the Town Board as a simple highway by dedication and so the Town Board had jurisdiction over it, and after review...

Mrs. Hacker: They didn't have information on the two lots, when he originally..

Mrs. Vacco: That actually came out in the meeting at last Wednesday's meeting during 'open mike' portion of the Board meeting, that it was publicly stated that intent was to develop these two lots.

Mrs. Hacker: So before this Board is the issue of extending Willow Drive in any way, shape or manner, and the Board does not feel that is something we are interested in doing.

Mr. Kramer: Legally our zoning calls for a cul-de-sac, no more 'T' turnarounds.

Mrs. Hacker: My question is...the 'T' turnaround is not there.

Mr. Stringfellow: I would suggest that we respond to Mr. Bernardi's letter, with a copy of this map and say, this is what is decided, the Town owns a perfectly acceptable 'T' turnaround; in the future the Town trucks will use that 'T' turnaround; they will not use your driveway or Mr. Geary's driveway – end of it.

Mrs. Vacco: But, I don't believe..., It's become a little crowded..., I believe that the request is before you now is because the Town Board believes that it addressed the subdivision issue. Am I wrong Brien?

Mr. Hopkins: No.

Mrs. Vacco: Because the Town Board could by itself approve, if they wanted too, could do this highway by dedication; they could approve after a public hearing and it could be approved and that would be it. But because it has now taken on a life of subdivision of land, therefore it is before you. I think an appropriate correspondence to Mr. Bernardi could probably include 'in light of the fact that you have indicated your desire to develop parcels off of a proposed cul-de-sac to be installed by you, under Town Code you fall under Section 104 and should therefore approach the Planning Board with your request to subdivide this property.' And then have him come to you in its proper venue; then it's classified as it should be and it's not confusing. In part of that approval and in your initial discussions with Mr. Bernardi your requests utilized the original Town deeded 'T' turnaround; and you could work out those issues as part of your discussions of the pre-application procedure and the preliminary plat, and all of those issues could be ironed out. Really it's the issue of utilizing the 'T' turnaround as it is originally seen in our Town Road, is the Highway Superintendent. If the Planning Board would like to put a letter to the Highway Superintendent and request, or state your concerns regarding the fact that it has been allowed to become overgrown, it's road frontage that a buildable lot is based on – you could certainly do that and that would fall under his jurisdiction and he could take that issue up.

Mr. Mendola: Another thing to add is, that you mentioned about him adding a cul-de-sac, technically he hasn't formally asked us to add a cul-de-sac, he's asked us to extend the road. So any change/extension to the road or cul-de-sac would constitute and need to meet requirements of the subdivision.

Mrs. Hacker: That's not before the Board at this time.

Mrs. Vacco: That's not appropriate for the Planning Board, that's a Highway Superintendent and Town Board decision and I think that it was sent here because the Town Board felt that it fall under your jurisdiction.

Mr. Kramer: Tell me if I'm wrong on this. My feeling is if that road becomes extended whether is straight or cul-de-sac, it becomes subdivision?

Anthony Bernardi, con't.

Mrs. Vacco: That's true and that's what would keep it down here, but

Mr. Kramer: How can the Town just ultimately accept that?

Mrs. Vacco: I think that by sending it down to the Planning Board they were acknowledging that it is not as simple as that.

Mr. Kramer: Brien, do all of the Town Board members even know that there is a turnaround down there?

Mr. Hopkins: No, I knew that the next...I went to visit that site the day after the agenda meeting and spoke to the Geary's, saw where the turnaround was, I came here and got the real site plans and have been questioning it ever since. Right from the beginning we were not told what the plan was.

Mr. Kramer: The way he created this was he gave the Town this piece for a turnaround so he could sell a building lot, he still has a parcel down there; once he did that where he cut his frontage, so he really doesn't have a legal parcel looking at it now, he only has 60 foot of road frontage for his house, after doing this.

Discussion of map and road frontage.

Mr. Bernas: If we do something to this end of the road, what happens on the other end of the road?

Mrs. Hacker: That's not on the table.

Mr. Mendola: Do we need a motion?

Mrs. Hacker: The Planning Board's understanding is that any extension of an existing Town road or street would need to follow subdivision approval process, beginning with pre-application and a preliminary plat plan sent to this Board, in order to proceed with this request,

Mr. Stringfellow: I would be inclined to say 'under Town Code, extension of a Town road falls under the subdivision requirements, therefore if you wish to subdivide you must follow Section 104 and proceed accordingly.

Mrs. Hacker: I move that we send a letter to Mr. Bernardi and advise him that: The Planning Board's understanding is that under Town Code any extension of a Town road falls under 'Subdivision of Land' Section 104 of the Code of the Town of Boston. We respectfully request that you obtain and follow this Section beginning with the pre-application and proceed accordingly.

Mr. Pohl: I second the motion.

Mrs. Hacker: Any questions? Being none, all in favor? All were in favor.

NON-AGENDA ITEMS

Mr. Pohl read the correspondence:

- Letter dated April 23, 2004 from Town Clerk Shenk to Ronald & Mary Smith regarding an amendment to Woodlea Subdivision
- Noted received letter from Kenneth Szyszkowski

Mrs. Hacker asked everyone to read the letter before next meeting and be prepared for discussion.

Very briefly, Mrs. Vacco's explanation: there is a request to annex a piece of property that is actually in Orchard Park to a piece of property in Boston, that has frontage on Woodlea Court.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer: Amy's Place – site plan work is coming together very nicely, on the interior. They plan on having it done by the end of May. They are moving right along.

Also, the Morton Building construction in the Town Park will start on or around May 14.

Mr. Kramer and Mrs. Vacco both said that it would be a nice addition to the Park.

Mrs. Hacker: Anything else?

Mr. Stringfellow made a motion to adjourn at 9:41 PM., seconded by Mr. Mendola.

ALL in favor.

Respectfully submitted,

Michael J. Pohl
Michael J. Pohl
Secretary

MJP:tjf