

Planning Board Minutes August 14, 2007

BOSTON PLANNING BOARD AUGUST 14, 2007

PRESENT: Patricia Hacker, Chairman

David Stringfellow

David Bernas

Robert Chelus

Jonathan King

Jeff Mendola

Bill McGirr

Santo Tricarico

EXCUSED: Tim Kirst

ALSO Brian Downey Town Attorney

PRESENT: Thelma Faulring Secretary to the Boards and Committees

Brian Cunningham Applicant ? 9001 Zimmerman Road (WDCX - FM)

Garrett Hacker Engineer ? Boston Valley Complex ? 7074 Boston State Road

Dana Darling Applicant ? Boston Valley Complex ? 7074 Boston State Road

Mary Lee Fornes Applicant ? Sign at 7333 Boston State Road

Jonathan King Prospective member

William Brunner Applicant ? 7166 Boston State Road

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

MINUTES

Mr. Stringfellow made a motion to accept the minutes of July 10, 2007, seconded by Mr. Chelus and carried.

CORRESPONDENCE

Secretary Faulring reported the correspondence:

- Town Clerk Shenk's letter dated July 12, 2007 advising of the Town Board's appointment of Jonathan King as Planning Board alternate member
- Code Enforcement Officer Ferguson's July end of month report
- Deputy Code Enforcement Officer's Lisowski and Juda July end of month reports

SIGN REVIEW ? 7333 BOSTON STATE ROAD

Secretary reported the correspondence:

- Application and sign description with DCEO Lisowski's letter dated July 25, 2007 requesting Planning Board review
- Planning Board letter dated July 25, 2007 to Richard Brox requesting review
- Planning Board letter dated July 25, 2007 to Scott Kinsman at Foit-Albert requesting review
- Planning Board letter to Mary Lee Fornes requesting her attendance at tonight's meeting
- Foit-Albert review dated July 26, 2007
- Richard Brox review faxed on July 31, 2007
- Mary Lee Fornes updated re-submittal dated July 31, 2007
- Scotts Kinsman from Foit-Albert review dated August 9, 2007
- Richard Brox review faxed on August 9, 2007

Discussion followed regarding the oversized nameplate on the sign.

Ms. Fornes: The size of that can be changed to meet Code.

Mrs. Hacker: I make a motion that we recommend approval of the sign plan, with the nameplate and any future nameplates not exceed 2 square feet to meet Code requirements, seconded by Mr. McGirr and carried.

Chairman Hacker asked that a letter be sent to Mr. Lisowski with this approval as stated in the motion.

SITE PLAN REVIEW ? 9001 ZIMMERMAN ROAD

Secretary Faulring reported the correspondence:

- Town Board referral dated July 7, 2007 and application

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- Planning Board letter dated July 19, 2007 to Brian Cunningham at WDCX requesting his attendance at this evening?s meeting
- Planning Board letter dated July 19, 2007 to Richard Brox requesting review
- Planning Board letter dated July 19, 2007 to Scott Kinsman at Foit-Albert requesting review
- Mark Swacha from Foit ?Albert review to Town Clerk Shenk dated July 23, 2007
- Scott Kinsman from Foit-Albert review dated July 25, 2007
- Richard Brox review faxed on July 30, 2007

Mr. Cunningham introduced himself and asked if there were any questions.

Mr. Bernas: Is there a variance needed?

Discussion followed regarding the Mark Swacha letter.

Following discussion it was determined that a variance is not needed.

Mr. Downey questioned the size of the building.

Discussion and review of the Telecommunication section of the Code book followed.

Mr. Bernas: Have they made the changes on the Boundary and Topographic Survey as requested by Foit-Albert.

Mrs. Hacker: In the July 25 Foit-Albert letter lines 3 and 4 ? need to be added to your survey.

Mr. Bernas: When you got the correspondence from Foit-Albert, did that not strike you as odd that they would ask for those two items?

Mr. Cunningham: This is the first that I've seen this letter.

Secretary Faulring: Mr. Cunningham has not seen this letter until tonight, our engineer does not correspond with the applicant. I make copies of the reviews and give them to the applicants.

Discussion followed on the size of the structure.

Mr. Brox: The size of the accessory building has to fit the need of housing the equipment. The size of this building fits the need of the size of the equipment.

Mr. Downey: I don't think that I agree with that.

Mr. Mendola: In R-A an accessory building is acceptable if it is acceptable in R-2, and R-2 reads that accessory buildings are allowed as long as they are allowed in R-1. So this accessory building is acceptable in R-1 after you come to the Planning Board.

Discussion followed.

Mr. Stringfellow: Is this a second accessory building.

Secretary Faulring: I asked CEO Ferguson that question. The building already there is the primary building, this is the first accessory building and so does not need to have Town Board approval, any future buildings would have to have approval from the Town Board.

Mrs. Hacker: What is the recommendation?

Mr. Stringfellow: I will make a motion to recommend approval of the accessory building, with the addition of adjacent property owner's names and zoning classification on the Boundary and Topographic Survey.

Mrs. Hacker: I will second.

All were in favor.

Mrs. Hacker asked that a letter of recommendation be sent to the Town Board along with a copy of the Scott Kinsman's letter.

SITE PLAN REVIEW - 7074 BOSTON STATE ROAD

Secretary Faulring reported the correspondence:

- Site Plan submittal received from Dana Darling on August 8, 2007
- Planning Board dated August 7, 2007 to Richard Brox requesting review
- Planning Board dated August 7, 2007 to Scot Kinsman requesting review
- Planning Board letter dated August 7, 2007 to Dana Darling requesting his attendance at this evening's meeting
- Richard Brox review faxed on August 9, 2007

Mr. Stringfellow: The house on the Bernas property is shown on some of the maps and not on others. The south property line is labeled as inches where it should be feet. Other than that I had no problems with it.

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Mr. Bernas: On page 3 of the letter dated August 7, from Garrett (Hacker) where it talks about comments from Richard Brox's letter of June 22 has been addressed as follows, and now we're telling them that they didn't?

Mr. Brox: No they didn't. They said in the letter that they had, but they haven't. Spruce trees have not replaced the hostas. All existing trees appear, the zoning is not a problem, and the off-street parking is

fine. The site plan landscaping has been a little expanded in that they added a few pine trees to the island, but they did not address the issue of the spruce trees on twenty-foot centers, and the hostas are still around the flagpole. They added about 3 or 4 maples to this plan.

Mr. Hacker: We can take care of that. Dana would be open to putting in whatever plantings you want, if you identify exactly what you want I think we can comply with that. I don't think it's an issue that we didn't want to do it, I guess we just need more clarity on exactly what you?

Mr. Brox: Our job is to review the plans, not draw them for the engineer. I suggest your engineer hire a landscape architect to do the job properly, and have the landscape architect stamp it as required by the Code, obviously he never read the site plan section of the Code, Section 97.

Mr. Mendola: As in Mr. Brox's review it shows four tenants and then 3, is that a typo?

Mr. Hacker: As far the building ? the original site plan showed four tenant locations, there are no tenants signed yet, so it's still preliminary as far as interior partition walls ? the size of the building will not change, the partition locations may.

Mr. Mendola: The signage ? the only signage they are asking for faces directly toward the road, most signs in Town face oncoming traffic, so I don't know if that sign is going to turn and I don't see any signage or provision of signage for tenants. By approving this do we allow them to do as many signs as they want or do they have to come back for approval for every one they want?

Mr. Brox: They do have to come back for sign approval.

Mr. Mendola: I don't see a logical unobtrusive place to put one. Nor if they're building this brick monolith out front, I don't see a provision for signage on that either.

Mr. Darling: The individual tenants will have to get their own sign approved for on the building; the only sign by the road will be Boston Valley Complex.

Mr. Mendola: My point is that the tenants don't claim hardship because the public doesn't know that they are there, I do not want to see three pedestals signs out front. I want to go on record that there appears to be an apparent lack of signage.

Mr. Brox: They can bring in a sign plan in that location for future approval, right now all they're married too is the location.

Mrs. Hacker: Where and how many trees are we losing?

Mr. Brox: 10 in Phase 1, 1 willow, a couple of ash, a 9-inch cherry and a 38-inch cherry, a 36-inch maple, a 10-inch crabapple, another 36-inch maple. They are replacing old trees with new. In Phase 1 they are putting in 7 new maples and 14 spruce trees. The spruce on the island I don't have a problem with, it's the ones next to the property toward the south that probably should have five more spruce trees in there, near the road. Where the hostas are out front they are 10 feet on center, I'm suggesting that you mix that with juniper's that are low so you're not going to block the building you're just going to have a mixture.

Mr. Stringfellow: Looking at the elevation of that building, I don't know where he would put signs for each tenant, the doors are under the roof overhang.

Mr. Brox: What we will want to see at some point is a fascia sign plan, so we get three signs that are uniform in size and style and different color lettering on each sign.

Mr. Stringfellow: I believe that signs are not allowed on roofs.

Mr. Mendola: I don't think it's our place to second guess it, it's just our place to let them know that it's going to be very interesting when they come back if there are no provisions for it.

Mr. Downey referred the members to Code Section 95-8 D.

Mr. Bernas: I went back to minutes from the last time we met ? we were talking about the watershed issue along the property line that follows the Bernas property and you said that ?the comprehensive meeting with the DEC based on their input we submitted for the permit and now have received the permit required,? and then you said ? we will make a formal submission of that letter and how we addressed it .? There was a question I had that the DEC was querying some of the watershed issues and how it will be effective and I ?

Mr. Hacker: Regarding that drainage, we have that?

Mr. Bernas: I know that you came to a conclusion and you got the permit, but you did say that you would make a formal submission of that letter and how we addressed it. I would like to see that so we can bring closure to that point.

Mr. Bernas: Also Mr. Darling has been in contact with the one neighbor regarding this project and there were no objections by that property owner, Mr. Hopkins said that we will see if we can obtain a letter from that individual but Mr. Darling has met with him, but we can certainly look at that in terms of providing landscape screening in Phase 1. Was there any letter provided by Mr. Fittry?

Mr. Darling: I don't have it now.

Mr. Bernas: Was he unwilling to provide a letter?

Mr. Darling: No, I know Ernie (Fittry) real well. He's on board with it

Mr. Bernas: He has called me with some concerns and that makes me wonder He's concerned about screening too, so that would fit into some of the landscape suggestions that Mr. Brox was making.

Mr. Darling: I think that we have quite a bit of screening on both sides.

Mr. Bernas: Landscaping around the ground sign should be shown on the landscape plan, I think it just showed some little perennial flowers, is that adequate?

Mr. Brox: That'll work if they have they've got other plants added.

Mrs. Hacker: With that, we've got to get the landscape plan changed; we've got to get it stamped, so we will table this project until this is submitted?

Mr. Darling: Is that the only thing that needs to be addressed? When we bring that back is something else going to come up?

Mr. Brox: There doesn't appear that there were a lot of issues, other than the landscaping and the sign. Did the Town Engineer have any additional concerns that we haven't talked about, or haven't been addressed?

Mrs. Hacker: I got the phone call from him today and we will have his letter by then.

Mr. Mendola: Maybe we should have the letter from the neighbor to the north.

Mr. Brox: They did add a lilac next to the building, and there are several existing shrubs next to the parking lot near the new maple, there's one unlabeled bush next to the new building. . If they're 2-3 feet high they will hide the parking lot. The Japanese Yews have the landscape architect give the precise name of the Yews.

Mr. Downey: the letter from the neighbor they might not show up here but they could show up at the Town Board, therefore if you have an issue deal with it now instead of later. We're just telling you that is something that is looked at by this Board and the other Board as far as what the neighbor is saying.

Mrs. Hacker: I make a motion to table discussion until receipt of:

- Changed landscape plan
- Landscaped plan signed and stamped by a licensed architect
- Letter from neighboring property owner Ernie Fittry, north of proposed project

Mr. Mendola: I'll second. All were in favor.

Discussion followed regarding Section 95-8 D and signage.

Mrs. Hacker: When David (Bernas) just asked the question, from the previous minutes, in regards to the water, what did you read?

Mr. Bernas: It was about the NYS DEC comments on the watershed and I was referring to this letter?

Mrs. Hacker: When you read it, you read it in regards to the Bernas property, are we talking about your own property?

Mr. Bernas: Yes, we are.

Mrs. Hacker: That is not allowed. This is a major conflict. We discussed this at the last meeting.

Mr. Brox: You are not allowed to ask questions or speak during a project that you have a direct interest in. You can come in as a private citizen while we're discussing this project and bring up your questions, but you're not allowed to sit as a Board member or vote on it or discuss it.

Mr. Downey: The next time that they are here we need to disclose this, and make sure they don't have a problem, because if they have a problem we may have to go back until there's a point where they say, we're okay. And that point you cannot participate as a member. We need to make sure that is on the record.

Mr. Bernas: So when I vacate my seat on the Board and sit over there, I can say anything I want to say anything as a citizen?

Mr. Downey: You're limited by being part of the gallery, you not part of this, you cannot vote, you can't ?

Mr. Mendola: If someone who has a conflict with a project before the Board, in reviewing this as a Board member notices something, are they allowed to, before the meeting, notify other Board member of potential?

Mr. Brox: No just like every other private citizen you write a letter to the Board and mail it in.

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Mr. Downey: The reason you want to do it that way ? you want it very clear as to what you said, to whom, when, so that no one says that there was that secret conversation and that you might say ?by the way this is going to lower the value of my property, this is going to hurt me., so hey friend here?s the way to do it.?

Mr. Downey: You do this for free, but you have to be above it. If someone doesn?t like what you decided, you give them an opening to waste all of your time and go back and go all over it again. We do not want to be in that position, we want to have the perception as well as the reality that we are doing things above board and that we are not taking part in conflict. You don?t want to be talking about that project, you want to do any of your comments in writing so that you can say I did not deal with anyone on that, except by, and this is what I did.

KIDS COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Mrs. Hacker: Has anything been received?

Mr. Brox: I the only thing I?m going to mention is that I was requested to stop there and take a look at what is there, which I did. I did an as-built sketch and added 12 pieces of landscaping which ought to satisfy the requirement that they have never given us; and when she shows up at a meeting we can give her this sketch?

Mrs. Hacker: You?re not required to do that.

Mr. Brox: I was requested by this Board to do so, so I did that.

Mr. Bernas: But going back to the minutes we only had four points to have rectified.

Secretary Faulring distributed copies of the Site Plan Review to those members without Code Books and said that she and Town Clerk Shenk have discussed this matter.

Discussion followed regarding the distribution of Code Books to Planning Board members.

Mrs. Hacker asked for a motion to adjourn.

Mr. Stringfellow made a motion to adjourn at 8:42 PM, seconded by Mr. Chelus and carried.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf