

## Planning Board Minutes August 22, 2006

BOSTON PLANNING BOARD AUGUST 22, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Robert Chelus

Jeff Mendola

Santo Tricarico

EXCUSED: J. David Early

ABSENT: Bill McGirr

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Bill Ferguson Code Enforcement Officer

Dr. Mary Lee Fornes Applicant ? 7333 Boston State Road

Aaron Tiller Engineer ? 7333 Boston State Road

Nicole Henneberg 8964 Boston State Road

Mark Henneberg Applicant ? 8964 Boston State Road

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

## MINUTES

Mr. Stringfellow made a motion to accept the minutes of the meeting of July 25, 2006, seconded by Mr. Chelus and carried.

## CORRESPONDENCE

Mr. Kirst reported the following:

- Code Enforcement Officer Ferguson End of Month reports for June and July
- Deputy Code Enforcement Officer's Lisowski and Juda End of Month reports for June and July
- Zoning Board of Appeals notice of Public Hearing on September 7, 2006, and two Reserve Decision announcements
- Forwarded from D.C.E.O. Lisowski ? Application for sign permit for Hodgson Agency at 7336 Boston State Road
- Notes recorded by Planning Board member David Stringfellow of Training Session at Geneseo College
- Other correspondence to be read at point in agenda

## PROPOSED VETERINARY HOSPITAL ? 7333 BOSTON STATE ROAD

Mr. Kirst reported the correspondence:

- Planning Consultant Brox's favorable review dated August 20, 2006

Chairman Hacker asked for member comments if any.

The following is a list of concerns, each followed by Dr. Fornes and/or Mr. Tiller's response:

- Conflicting driveway sizes shown 20 feet and 24 feet

Mr. Tiller: Driveway will be 24-feet wide

- No dimension on walkway

Mr. Tiller: It will be around 8 feet wide

- Detention pond drains into neighboring property ditch that runs under their driveway, is the neighbor okay with that?

Mr. Tiller: That's the way the drainage goes now from the property, no problem with that drainage

- Expected roof and sump drainage, there is probably no sump, because there is no basement. No gutters shown on roof, does the water just run off the roof

Dr. Fornes: I'm sure we're going to have gutters, I know they're in my cost estimate

- Will need to show where the gutters drain too
- The landscape plan, one of the requirements is to show the total square feet of grass area, that's a little vague because you're leaving brush around the edges, but give us some estimate that we can put in there of about how much grass there is going to be

BOSTON PLANNING BOARD AUGUST 22, 2006

- Signage has not been addressed

Mr. Tiller: We planned to submit for the sign permit later

- Previously Foit-Albert noted in a letter dated March 2005, a discrepancy between the survey provided, the deed, and the zoning map. Is that issue resolved?

Mrs. Hacker: We will get clarification of that from Foit-Albert.

- Loft area in the building raises a fire protection question, it is the Building Inspector's task to make sure that meets fire protection standards

Code Enforcement Officer Ferguson: This is the site plan, I haven't received the floor/building plans yet, they will have to meet New York State Fire Regulations

- What is the entrance to the loft?

Mr. Tiller: It's a fixed interior stairway

- Is it an open loft or walled?

Dr. Fornes: It's walled

· What is beneath the loft area?

Dr. Fornes: It's the main treatment area

Discussion followed regarding evacuation of animals in case of fire.

Dr. Fornes: The building has plenty of egress

· Concern with the loft area and the load capacity; the fire chief on site doesn't have a floor plan, he's looking at a square box full of smoke; it's the Code Enforcement Officer's job, when he looks at the plans he should take some of these things into consideration

Mr. Ferguson: The exit provisions are mainly made for people not for animals. Either way the entire plan will have to meet both Commercial Building Code and New York State Fire Code

· Concern with public building layout on the lot and access of fire apparatus

Discussion followed again regarding the loft access.

· Detention ponds ? are they required to be fenced in?

Mr. Tiller: The pond is only a foot and a half deep with a center drain

Mrs. Hacker asked for a motion to recommend a favorable approval to the Town Board, with contingencies.

Mr. Tiller: I knew nothing about the deed and the survey that you're referring too, when I took the project over I had a new property survey done by Jeff Genzel.

Discussion followed regarding ?contingent on? in a Town Board recommendation.

Mrs. Hacker made a motion to table further discussion until the above changes have been received on an updated site plan and Foit-Albert forwarding a decision based on their letter of March 21, 2005 and Foit-Albert forwarding further opinion on the recently submitted site plan.

Dr. Fornes: If this is delayed any longer, I'm going to have to withdraw the application. It's getting late in the building season and I can't do anything at all on the property until it's approved by the Town

Board, and that's not until September. The survey and deed issue is something that we didn't even know about.

Mrs. Hacker withdrew her previous motion to table discussion and made the following motion:

Send a favorable recommendation to the Town Board to approve the site plan submitted, contingent on the following:

- Foit-Albert waives concern for alleged discrepancy between the survey and deed as stated in their letter of March 21, 2005
- Foit-Albert does not raise any additional issues regarding the site plan
- Driveway widths are all shown at 24 feet on an updated site plan
- Walkway width is indicated at 8-feet on an updated site plan
- Square footage of grass area on landscape plan
- This recommendation does not include any signage

Mr. Kirst seconded the motion. All were in favor of the motion.

Mrs. Hacker asked Dr. Fornes to have the required changes made and a new site plan be submitted as soon as possible.

Mr. Tiller: How many sets of site plans to do want?

Mrs. Hacker: One will be enough, and that will become part of the permanent file.

BOSTON PLANNING BOARD AUGUST 22, 2006

LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins reported from a Town Board Special meeting on August 21, 2006:

- Approved the rezoning for 8964 Boston State Road ? Mark Henneberg

- The Town has recently had a problem with dumping (fill) permits, or lack of those permits. It has been resolved that all dumping/fill will require a permit, and any fill brought from outside the Town of Boston will require a Public Hearing

Mr. Downey: This will be publicized so that all residents can be made aware of the requirement for fill permits. If there are any questions they can be referred to the Code Enforcement Office.

MARK HENNEBERG ? REZONING REQUEST ? 8964 BOSTON STATE ROAD

Mr. Kirst reported the following correspondence:

- Richard Brox review dated August 20, 2006
- o Copy given to the applicant

A very lengthy, and somewhat heated discussion followed.

Mr. Hopkins: The Site Plan Review is very specific in the Code Book, this is not a fly by night operation, it would be in your best interest to have some professional assistance in applying what is required.

Mr. Kirst: You need to talk to someone who can interpret what the Code says and transfer it to a proper site plan.

Mr. Downey: This Board is not picking on you. They are trying to be fair by following the Site Plan Review. It is a process that has to be gone through, and gone through step by step.

Mr. Stringfellow: Mr. Tiller is very capable and very familiar with addressing our site plan review process.

Mr. Henneberg agreed that some professional assistance might be necessary to proceed, whether it be a lawyer, an architect or both.

Mr. Stringfellow made a motion to table further discussion until a favorable site plan is received from Mr. Henneberg, seconded by Mr. Chelus and carried.

Mrs. Hacker advised Mr. Henneberg that in order to be included on the agenda for September 12, 2006, he has to have a revised site plan to Secretary Faulring by September 5, 2006 so that it can be mailed to the members for their review.

#### DAVID STRINGFELLOW'S NOTES FROM GENESEO TRAINING SESSION

Mr. Stringfellow said it was very interesting. He had several handouts (one copy of each) that any of the Planning Board members could review. Mr. Mendola was given the "signs" handout.

Mr. Stringfellow: At the time of the meeting we were told that both Houses of New York State government had passed a recommendation that Zoning Board and Planning Board members be required to complete four hours of training each year; and at this time is waiting for the Governor's approval.

Other discussions followed.

Mrs. Hacker asked the members review the notes that Mr. Stringfellow had provided and be ready for discussion at the meeting on September 12, 2006. She asked that it be noted as an agenda item.

#### OLD BUSINESS

Kids Country Child Care ? 7346 Boston State Road: Nothing received.

Mrs. Hacker asked if there were any further business for this evening.

Being none, Mr. Mendola made a motion to adjourn at 8:53 PM, seconded by Mr. Stringfellow and carried.

Respectfully submitted,

Tim Kirst

Secretary

TK:tf