

Planning Board Minutes August 24, 2004

BOSTON PLANNING BOARD AUGUST 24, 2004

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Michael Pohl, Secretary

Margaret Andrzejewski

David Bernas

J. David Early

Richard Hody

Jeff Mendola

ALSO Kelly Vacco Town Attorney

PRESENT: Dennis Kramer Code Enforcement Officer

Brien Hopkins Councilman -Town Board Liaison

Rich Hawkins Councilman

Dana Darling Applicant

Garret Hacker Engineer ? Darling Subdivision

Joseph DeMarco Applicant ? 5647 Herman Hill Road

Kim Bingman Applicant ? 8899 Boston State Road

Mr. Bingman 8899 Boston State Road

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

MINUTES

Chairman Hacker asked if there were any corrections or additions to the minutes of July 27, 2004. Being none, Mrs. Andrzejewski made a motion to accept the minutes, seconded by Mr. Early. All in favor.

CORRESPONDENCE

Secretary Pohl reported the following correspondence:

- Letter dated August 5, 2004 from the Planning Board to Nicholas Charlap asking that he reply to the letter dated May 27, 2004, and associated letter.
- Letter dated August 6, 2004 from the Planning Board to Foit-Albert Associates requesting that they review the retention pond situation at 7346 Boston State Road, and return a reply.
- Letter dated August 11, 2004 from Foit-Albert stating that they have no objection with moving the retention pond at 7346 Boston State Road.
- Notice dated August 18, 2004 from ZBA Chairman Ralph Gibson advising of two Public Hearings on September 2, 2004 beginning at 7:00 P.M.
- Received information and application for The New York State Canal Conference, September 22 ? 24 in Glens Falls, N.Y.
- Received letter dated August 23, 2004 from Richard Brox requesting his consultant services be extended through 2005. Also requesting a \$20.00 increase per meeting.
- Noted received Town Board minutes of July 14, 2004
- Noted received Town Board minutes of August 11, 2004
- Other correspondence to be read at point in agenda.

COUNCILMAN BRIEN HOPKINS ? LIAISON

Councilman Hopkins had no report this evening.

Councilman Hawkins reported that he is working on reducing speed limits on North Boston Road, Eckhardt Road, Back Creek Road, and Zimmerman Road from Rice Hill to Eckhardt Road.

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DUPLEX ? 8899 BOSTON STATE ROAD

Secretary Pohl reported the following correspondence:

- Memo dated 8/10/04 from the applicant Kim Bingman to Code Enforcement Officer Kramer
- Attachments included:
 - o Short EAF Form
 - o Letter from property owners, Robert & Patricia Rucker, stating that Ms. Bingman does have their permission to pursue the application
 - o Building areas with square footage of duplex
 - o Lot grades
 - o Site Plan

Mrs. Hacker: Is the paved area at the carpet store on the property line?

Ms. Bingman: It's very close.

Mr. Kramer: The paving was done prior to 1990, so there is not a lot that we can do about it.

Mrs. Hacker: Will it interfere with her drainage?

Mr. Kramer: I don't see that being a problem.

Mr. Hody: With the swales, where is the drainage eventually going to end up?

Ms. Bingman: We are planning to go with option B, to drain to both the street and the rear. The front drains down to the creek.

Mrs. Hacker made a motion to accept the plans as proposed at 8899 Boston State Road. Seconded by Mr. Mendola. All in favor.

COMMERCIAL BUILDING ? 5647 HERMAN HILL ROAD

Secretary Pohl reported the following correspondence:

- Letter dated August 5, 2004 from the Planning Board to Mr. DeMarco advising of receipt of his application and scheduling for the August 24, 2004 meeting.
- Letter dated August 23, 2004 from Richard Brox advising denial of application, as the property is not zoned C-2.

Mr. Kramer: As Mr. Brox stated it is an existing non-conforming use. In our zoning, 25% of that non-conforming use can be expanded. However this project is larger than that.

Discussion followed rezoning versus variance. The consensus was that rezoning would be considered spot-zoning and open up unwanted businesses; and, that once this property is rezoned there is no turning back.

Mr. DeMarco agreed to pursue the variance.

Mr. DeMarco described the building project:

- New building will be attached to the old building;
- Existing shed would be torn down;
- New building will be a Morton Building or a Parco Building and would be made to look similar to the existing building;
- New building will be 24-foot high, existing building is 18½ feet high;
- There would be no signage, there will be lighting.

Mrs. Hacker stated that further discussion would be tabled until the variance application is made and approved by the Zoning Board of Appeals. She advised Mr. DeMarco that he would need to provide a picture of the building indicating the 24-foot peak; provide a description of the lighting and follow Site Plan Review from Chapter 97.

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DANA DARLING SITE PLAN

Secretary Pohl reported the following correspondence:

- Letter dated August 5, 2004 to Dana Darling with concerns to be addressed.
- Letter dated August 13, 2004 from E & M Engineers accompanied by updated Site Plan.

Discussion followed with pertinent points to be included in the motion.

Mrs. Hacker made a motion to accept the preliminary site plan contingent on the following:

- Updated bearings and distances of tangent sections of the proposed road;
- Re-evaluate drainage stone size in stations 10+00 to 14+00, change if necessary, and accepted by Foit-Albert Associates;
- Elimination of Lot #1, therefore increasing the size of Lot #2;
- Final Site Plan submission will eliminate typical lot grading; and, instead, show individual lot grading.

Schedule a Public Hearing for Tuesday, September 28, 2004 at 7:45 P.M. in the Town Hall Court Room.

Mr. Mendola seconded the motion. All were in favor.

CODE ENFORCEMENT OFFICER KRAMER

Just for your information, I've had several complaints of the condition of the old school house on Back Creek Road. I've contacted Dr. Roswell at Hamburg Central School District and he said that he would schedule a meeting, and probably put out bids to have the building taken down.

Mr. Hawkins: A couple of years ago the Town Board looked into getting grants for a historical restoration, but it was determined that the building wasn't structurally sound to do that.

Mr. Kramer: CVS closed on the property in North Boston today; I have to meet with the contractor on site tomorrow morning; and they'll be starting demolition ? maybe tomorrow.

Mr. Kramer: It's budget time. I really feel that people on this Board put in and donate a lot of time; and I really think there should be stipend at the end of the year for all the people on the Planning Board and the Zoning Board of Appeals. You do a lot of running around, use your own gas, spend two evenings a month at meetings. It's apparent that everyone is interested in the growth of the Town and so forth. But I really think that a Town the size of Boston should be giving some type of stipend to the Planning Board members. If we have to raise fees a little bit, for the people that come here, we can do that. I don't know where the fee monies go to that we do take in over the course of a year, to the General Fund or wherever.

Councilman Hopkins: I don't know either where that money goes to. But I do think it's a good idea. I was on ZBA and there was a lot of time spent.

Chairman Hacker: I've spoken to Mr. Brox about this, he goes to several Towns' Board meetings, and he says that we're the only ones that don't get paid. He said his recommendation would be \$25.00 per meeting just to cover our costs. How does the Board feel?

Discussion followed.

Councilman Hawkins: How is this going to work with people who are already appointed to work with this Board ? the Town Attorney for example.

Mrs. Vacco: This is part of my job description.

Councilman Hawkins: That's the point I'm trying to make. That is part of your job description, being on this Board is a duty. How would it work with Councilmen who is a Town employee.

Councilman Hopkins: As part of the Town Board ? I am the Liaison to the Planning Board.

Mr. Stringfellow: I think you're pointing out the people who are not members of the Board, they are Town employees who serve the Board. There are 8 members of the Planning Board.

Discussion followed.

Mrs. Vacco: I would suggest that you write a letter, attach it to your budget request, saying that you would like the opportunity to address the Town Board at their next agenda review, but you have to have the letter to Town Clerk Shenk by Thursday, to be on the agenda for the next Town Board meeting.

Discussion followed with no decision being made ? for or against.

Chairman Hacker asked if there were any further business this evening.

Mr. Mendola: When our does our friendly neighborhood ice cream mans temporary C.O. expire?

Mrs. Hacker: I talked with him and he said that his surveyor is not available and won't be to have the work done until fall and by then the business will be closed anyway. He doesn't understand why we're asking for what we are.

Mr. Kramer: I'd have to check to be sure. Did Mike (Pohl) stop to see him?

Mr. Pohl: I dropped off a set of marked up plans so he would know what all of our concerns/suggestions meant.

Mr. Kramer: If it's expired, I'll have to issue him a summons.

Chairman Hacker: Anything else?

Being no further business, Mr. Mendola made a motion to adjourn at 8:43 P.M. Seconded by Mr. Hody.

Respectfully submitted,

Michael J. Pohl

Secretary

MJP:tjf