

Planning Board Minutes December, 13, 2011

BOSTON PLANNING BOARD

December 13, 2011

PRESENT: David Stringfellow. Chairman

Patricia Hacker, Vice Chairman

Robert Chelus

Jennifer Lucachik

Dr. Paul Ziarnowski

ABSENT: Mike Cartechine

Keith Clauss

Rich Skinner

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

William Solak 6727 Redwing Drive; representing Emerling Chevrolet

Tony DiPasquale 9000 Boston State Road ? Emerling Chevrolet

Patrick Emerling 9000 Boston State Road ? Emerling Chevrolet

Tonya Lewis 9046 Boston State Road

Ron Yormick 6405 Deanna Drive

Irene Ziarnowski 9137 Back Creek Road

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Mrs. Lucachik and Dr. Ziarnowski to serve as regular voting members for this evening's meeting.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of September 27, 2011.

Being none, Mrs. Hacker made a motion to accept the minutes of September 27, 2011, seconded by Mrs. Lucachik and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

? Code Enforcement Officer's End of Month reports for October and November

SITE PLAN REVIEW ? 9000 BOSTON STATE ROAD

Correspondence received:

? Richard Brox review dated December 3, 2011

? Engineer James Hannon review dated December 7, 2011

Mr. Stringfellow: Emerling was in previously for a preliminary discussion, which was nothing more than preliminary discussion. They have submitted one sheet for a Site Plan Review. Much more than that is required for Site Plan Review. Did you review the Town Code as to what you are required to submit for Site Plan Review?

Mr. DiPasquale: I was under the impression that we submitted everything prior and that was?

Mr. Stringfellow: Prior was a preliminary discussion; it was not a formal submittal.

Mr. DiPasquale: Sitting here in that preliminary discussion this is all that was asked for from us. I have a full set of plans with me if you want to look at those.

Mr. Brox: There has to be a site plan, and a survey.

Mr. Stringfellow: We need to have them ahead of time to compare them with the Town Code.

Mr. DiPasquale: We had a discussion that the footprint wasn't changing on this building except for the front wall being moved out less than five feet and a two-car bay being added to the left side of the building; no sewer, no lighting; there was some discussion of the lighting, but the footprint of the facility really wasn't changing, and that's why the site plan discussion didn't seem like it was going to be a big deal.

Mr. Stringfellow: We also discussed that when a business has to come in for a Site Plan Review, is the only time we get to look at whether that site now meets the Code or not. Over the years things have changed. We really do want a Site Plan that shows what is on it. There were questions on the lighting. I have driven by there and it does look very bright and it does look to me like some of your lighting is spilling over onto neighboring property; that does not meet the Code.

Mr. Brox: That was discussed and you asked if we wanted the outside lighting changed, even though we are not making changes outside?

And you were responded to: "whoever does the engineering for you will read the Code and do something that conforms with commercial projects like this. This is our opportunity to bring things up to code."

Mrs. Hacker gave a copy of the minutes from September 13, 2011 to the Emerling Chevrolet representatives.

Mrs. Hacker: Is it my recollection that they weren't even on that meeting agenda? It was just a courtesy to have the open discussion?

Mr. Stringfellow: Yes, it was a preliminary discussion; we had nothing in advance to look at. I know you need to get going that General Motors is requiring this. Please look at the Code and submit a site plan that is adequate for us to review.

Mr. DiPasquale: What do you need on the site plan that you don't have on this?

The verbal list included:

- ? All Setbacks
- ? Driveways
- ? Walkways
- ? Location map of the project

- ? Right-of-way
- ? Width of the street
- ? Identification of adjoining landowners

Mr. Genzel handed Mr. DiPasquale a Building Permit Application form and a Short EAF form.

Mr. Stringfellow: It's all in Section 97 of the Town Code. I really thought that after the last meeting that you or your engineer would go through the Code and submit what is required. There are some things in here that will not apply. You're not changing land contours, you're not changing the sewers and so on, but there are some things that do apply.

Mr. Solak: This is basically an alteration, this is not new construction.

Mr. Brox: This is true, it's an addition; but it gives the Board the opportunity to bring it up to Code requirements of the present time. We're looking at no more than 10% signage across the front; there was some discussion as to whether or not the new protrusion is considered for the signage, whether that Chevrolet logo is 10% of only that wall or the entire frontage; and you've got to explain your rationale of what you're going to do, we're not going to tell you, you're going to tell us and the Planning Board will respond with: maybe we'll let you, maybe we won't, maybe you'll go for a variance.

Mr. DiPasquale: When we talked with you the last time, we told you that we were being mandated by General Motors to make these enhancements, and you agreed at that time that you didn't think it was going to be a problem. The only thing that was going to be discussed, based on what you had recommended was some lighting enhancements because some of the lights shine up on Back Creek Road.

Dr. Ziarnowski: Not only on Back Creek Road, but also on the adjacent property owners to the south, and the big halogen light, and I think probably the sub-division across the street. It's in the Code, and generally a courtesy. So I think you need to take a look at that?

Mr. DiPasquale: I don't think the lighting is going to be an issue.

Dr. Ziarnowski: But if it isn't on here, then I guess?

Mr. DiPasquale: Well I'll do whatever you want after we get approval.

Mrs. Hacker: What we've received as a site plan is definitely an issue, not nearly up to Code, not anything we can sign and put in the file. We're missing so many items out of the Code that have to be filled in. Then we will address the other issues. When we spoke the last time we never saw that signage. I guarantee you that I would have said something about the signage had I seen the size of it in relation to the building.

Mr. DiPasquale: Every other dealership has the same sign.

Mrs. Hacker: I look at the Town of Boston Code.

Mr. Brox: There are no dimensions. We cannot make any decision based on the material we've gotten.

Mr. Stringfellow: I believe that was essentially the bottom line last time, that we understand that G.M. is requiring this.

Mr. DiPasquale: In a nutshell what we're looking for is a complete site plan that includes dimensions on our signage and our addition; dimensions on our frontage and our driveways. Here's the other question the neighboring property owners, I don't know who they are?

Mrs. Hacker: They are probably on the original and you'll just have to update.

Mr. Brox: There should be a location map on that set of plans.

Mr. DiPasquale: These are exterior dimensions because a full set was delivered to the Building Inspector months ago, just so he had a copy..

Mr. Stringfellow: Does he have a site plan or simply drawings of the building?

Mr. DiPasquale: And at the time he expressed to me that the only thing that you were going to need is that.

Mr. Brox: He doesn't read the rules either.

Mrs. Hacker: He needs what he needs, we need what meets Code.

Mr. DiPasquale: So your concern is that you need points of relevance and point of reference, and dimensions, setbacks?

Mr. Stringfellow: Find (Code) Section 97-7 and provide us with enough information that we can determine whether each of that is met or not.

Mr. Brox: We did tell you this that there are some things you can mark non-applicable.

Mrs. Hacker: So the signage will be addressed by the correct measurements that you will give us; our Code does have requirements.

Mr. DiPasquale: There was discussion on the previous signage that we have and the variances on that were already granted, was that going to be discussed again, the main Chevrolet sign in the front of the building or what's on the building?

Mr. Brox: What is on the building.

Mrs. Hacker: Sizes in relation to what it is on.

Mr. DiPasquale: The lighting, do we want the lighting that exists currently on this site plan, the location of where those lights are now; and then it will be discussed as to whether or not that will work or we need to change it? Or are we definitely saying that the lighting is going to be an issue? Because in our original discussion it was brought up and Mr. Emerling said?

Mrs. Hacker: Other people on the Board have noted on the lighting ? the overcast in different areas, shining towards different people. Is there anyone else that has anything else on the lighting that hasn't been already noted?

Mr. DiPasquale: We discussed that the lighting probably needed to be addressed but that there would probably need a time frame in which we would be able to do all that because of the cost of the projects; and to upgrade all the lighting immediately would be?

Dr. Ziarnowski: Do you know what the cost is or are you just assuming what it will cost?

Mr. DiPasquale: I know what we've spent in another location and I guess I'm basing that on what we've spent on two light poles in another location; and to do every pole on our lot, enhance them with a new fixture. I'm not making that decision, that's Mr. Emerling's decision to make based on what you as a Board are recommending what you do.

Mr. Brox: You recommend by having a lighting plan as part of the package, that the lights don't need new hoods, but maybe they need reflectors, maybe they just need to be readjusted so that they aren't spilling out into the neighborhood.

Mr. DiPasquale: In all honesty I think we do need to upgrade our lighting because it's not what it should be for that location, we know that. We're just simply looking at dollars and cents; and what would be required and how far we can take it now.

Discussion continued about the check-list online; items that need to be addressed; items that will not be applicable.

Mr. Stringfellow: Is there anyone here to speak on the project.

Tonya Lewis:

- ? I live to the south of Emerling?s
- ? I am in support of Emerling?s project
- ? I am concerned about the lighting, the light shine directly into the upstairs bedrooms, hopefully this will be addressed
- ? Also when you did some renovations to the rear of the property last year
 - o You cleared back by the creek
 - o Brought in some gravel
 - o Now there are junk cars back there
 - o Unsightly from our back deck
- ? Another thing are the trees
 - o In pretty bad shape
 - o Overhanging our driveway
 - Afraid kids playing/ anyone in the driveway could get hurt
 - o Someone was out there trimming this summer,
 - I asked about the tree and was told the tree wouldn?t be touched

Mr. Brox: Anything hanging over your driveway you can cut

Ms. Lewis: It was about two years ago that I called the Police, because I kept seeing cars driving through, teenagers and a couple weeks later these lights went up. I do look out for Emerling?s.

Discussion continued between Mr. DiPasquale and Ms. Lewis regarding what lights are shining into her home.

Mr. Brox asked about the grading and gravel, and further commented that it was probably done without a permit.

Several conversations continued and discussion between Mr. DiPasquale and Ms. Lewis.

Mr. Stringfellow: In the Code Book, you need to look at Site Plan Review ? Section 97; Automotive Use ? Section 123; and Signage ? Section 95.

Mrs. Hacker: The signage you're going to be hanging ? they are delivered directly to you from G.M. or do you have the opportunity to have them made to comply?

Mr. DiPasquale: Everyone that I've seen so far are the same dimensions. They are requiring us to buy the big blue thing from someone who is building them for all the stores. So that makes me believe that they are going to be the same size for all stores.

Discussion followed about signage, size and G.M. specifications;, and what G.M. should be able to provide as far as other variance locations.

Mr. Chelus made a motion to table further discussion until a revised site plan is submitted, seconded by Mrs. Lucachik and carried.

Secretary Faulring: If I may Mr. Chairman, in defense of the Code Enforcement Officer, he did question them as to whether or not that was what they wanted to submit, and he was told ?yes.?

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported from the Town Board meetings of November 2, November 16 and December 7, 2011:

- ? Received from Dana Darling:
- o Revised site plan submitted

- o Presentation to be made at the next Town Board Meeting
- o Single family homes at the end of Deanna
- o Patio homes to replace mobile home park
- ? Renewed Ambulance contract
- ? Approved new water district on Cole Road
- o Serving 19 families
- o Waiting on the \$100,00 in grant money toward the \$171,000 construction cost
- ? Still waiting for grant for Boston Cross Road / Boston State Road drainage project
- o \$200,000 project
- ? 2 new councilman elected to the Town Board and will join us in January
- o Swearing in on New Year's Day- don't know any other particulars
- ? Boston State Road and Eckhardt Road
- o Checked with Code Enforcement Officer about fill
- o Leveled off what was brought in last year
- o Owner had a fill permit for last year, not renewed for this year
- o Owner will be notified that permit has to be renewed
- o Checking into silt fence

Mr. Genzel: That's about it for me. Any questions for me?

Dr. Ziarnowski: Norm Nawrocki up on Rice Road, was approached by the highway department and they want him to grant a right-of-way across his property to drain the north, the southwest corner, the big field on Rice, under the road, across his property, into the ravines, which runs by Don Kirst house, which runs by Tommy Wittmeyer's house and runs by my house to run into the creek. He said that he really doesn't want to do it. But they're kind of putting the squeeze on him. He wants to know who to talk to. I think the Town wants to spare the people on the south side of the road from putting new pipes in.

Mr. Genzel: That could be a County road. I've heard some grumblings about that. Have him talk to his attorney to see if they can force him to do that or not. I haven't heard a thing about it

from Bob (Highway Superintendent Telaak). If it's a Town road have him contact me; I'm still the Drainage Liaison until January.

TOWN ATTORNEY ? MR. KOBOLKA

Mr. Kobiolka: I think Mr. Genzel covered everything. I don't have anything to add.

DECEMBER 27 MEETING AND ELECTION OF OFFICERS (reminder for Chairman)

Mr. Stringfellow: We do need to elect officers every year. Please think about whether you would like to have an office or not: officers are Chairman, Vice Chairman and Secretary.

Discussion followed describing the duty of the Secretary: basically proofing the minutes of the previous meeting, prior to them being sent to the members.

Mr. Stringfellow: So we will have election at the next meeting, whenever that is. Please call me if you are interested in being an officer.

Mr. Stringfellow: We should adjourn to Executive Session.

Mrs. Hacker: I make a motion to go into Executive Session.

Mr. Yormick: I have a question on Deanna Drive. What is the next step with this? Do they have to bring in all new paperwork?

Mr. Kobiolka: He doesn't have to start all over again. He does have to come in and amend the application; he's got some of the work done already; but he is coming in with a new concept and that concept has to be reviewed.

Mr. Stringfellow: He called my home around noon; I did not get the message until around 6:00 PM. He said that he had made a prior appointment and asked if we could reschedule.

Mr. Genzel: He's a teacher at BOCES and had a prior commitment to teach this class this evening, before he got the letter. He said that he can schedule to keep Planning Board night open.

Board to Executive Session.

Mrs. Hacker: I make a motion to return to Regular Session, seconded by Dr. Ziarnowski, and carried

Mrs. Hacker: I'll make the motion to make the recommendation to the Town Board to reappoint Mr. Brox as Town Planning Consultant.

Mr. Chelus seconded the motion and all were in favor of the motion.

Mr. Stringfellow: I will make a motion to cancel the meeting on December 27, 2011, seconded by Dr. Ziarnowski and carried.

The next scheduled meeting is January 10, 2012.

Mr. Stringfellow: Is there any further business for this evening?

Being none Mr. Chelus made a motion to adjourn, seconded by Mrs. Lucachik and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees