

Planning Board Minutes December 9, 2003

BOSTON PLANNING BOARD DECEMBER 9, 2003

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Margaret Andrzejewski

Jeff Mendola

Michael Pohl

EXCUSED: J. David Early

Paul Jusko

Kevin Maxwell

ALSO Dennis Kramer Code Enforcement Officer

PRESENT: Kelly A. Vacco Town Attorney

Richard Brox Planning Consultant

Anne Gallagher Owner/operator Amy's Place

Bryce Bixby Architect ? Amy's Place

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

MINUTES

Chairman Hacker asked if there were any additions or corrections to the minutes of November 25, 2003.

Mrs. Hacker: page 4, Code Enforcement, 2nd paragraph: I believe should read? I don?t KNOW if that?s the way we?ve been doing things or not.

Mrs. Vacco: page 6 the first word in the parenthesis: I don?t know what word I might have said there, but it could be deleted and read, after the public hearing, to the Department of State; and the meaning would remain as intended.

Mrs. Vacco: page 6, second word in parenthesis: cool-off, cooling-off is correct.

Mrs. Hacker asked for a motion to approve the minutes.

Mr. Stringfellow made a motion to accept the minutes with those corrections, seconded by Mrs. Andrzejewski. All in favor.

CORRESPONDENCE

Mrs. Hacker reported the following correspondence:

- Letter dated December 2, 2003 from Deputy Town Clerk Ellis to Town Board members and other Boards? members regarding the Association of Towns Meetings in NYC
- Letter dated November 24, 2003 from Highway Superintendent Kreitzbender regarding the Deer Run Turnaround and that is has never been completely finished.
 - o Mrs. Vacco sated that there have been ?no parking? signs posted to keep some of the larger vehicles out of the way
- Letter dated December 3, 2003 sent to Foit-Albert requesting their review of package submitted by Dana Darling for the proposed Subdivision
- Received reminder of Foit-Albert presentation on December 8, 2003 on mandated Phase 2 SPDES General Permit
 - o Mr. Pohl: we?re going to be on the forefront of this permitting process. Because of the lack of turn out from this Board, we are going to do the presentation specifically for this Board. We?re going to be the key to making sure it?s enacted.

· Memo dated December 2, 2003 from Deputy Town Clerk Ellis with copies of Town Code Chapter 77 ?signs?, as requested by Councilman Mead

BOSTON PLANNING BOARD DECEMBER 9, 2003

Correspondence, con?t.

o Mrs. Vacco: I think that the Town Board is looking to have a little more input or discretion into the types of signs, the material they?re made of, after the diamonds and jewelry signs. This is a copy from East Aurora, for reference only. If there are portions of interest, highlight them for possible incorporation of legislation to ensue a more uniform look in the community.

Mrs. Hacker: what about the new florist, they already have their sign up and we just received the referral tonight.

Mr. Kramer: I gave them a temporary Certificate of Compliance, but the sign permit has to be issued by Mr. Lisowski.

Mr. Stringfellow: wasn?t it an existing sign?

Mr. Kramer: well they painted the posts and put up a new sign, but really didn?t change anything that was already there.

· Storm Water Management Program ? Workshop Series Winter and Spring. This seminar to be held in Fishkill, NY.

· Other correspondence to be read at point in agenda

SITE PLAN REVIEW ? 5699 HERMAN HILL ROAD

Mrs. Hacker read the Brox letter dated December 7, 2003

Mrs. Hacker read the Foit-Albert letter dated December 5, 2003

Ms. Gallagher asked for an explanation of the Foit-Albert report.

Mrs. Hacker and Mr. Brox gave an explanation of what is needed.

Mr. Gallagher asked for a copy of the report and advised this Board that she would contact Foit-Albert for their input to the solutions for the calculations to the drainage concerns.

Mr. Brox: your surveyor should have shown the inverts of the pipe, get back to him for this to be completed.

Mrs. Hacker: the last item is the details of the catch basin and any additional structures of drainage that are needed.

Mr. Stringfellow: they have already shown that the swale will handle the flow.

Mr. Brox: on the site plan you need to show the dimension between the edge of the pavement to parking space #18 to show that it meets the 20 foot setback requirement.

Mr. Pohl: they are just basically extending the existing area, wouldn't that be grand-fathered in?

Mr. Brox: when you change something you want to upgrade it.

Chairman Hacker: are there any other questions?

Mr. Stringfellow: roof drainage and sump drainage both of which are also mentioned in the Foit-Albert report, is there a sump pump in the building, is there a basement?

Ms. Gallagher: no basement, just a concrete floor.

Mr. Stringfellow: where does the roof drainage go now?

Mr. Bixby: I think the one at the southeast corner looks like it goes into a pipe and I'm not sure quite sure where that comes out. The other one comes out at grade.

Mr. Stringfellow: I think that will be covered when you do the drainage calculations.

Mr. Bixby: are you saying that you want that updated.

5699 Herman Hill Road, con?t

Mrs. Hacker: that will be shown in the calculations from the engineer, which will address that.

Discussion continued about the drainage.

Chairman Hacker: to be addressed is the elevation, we need to see the size of the pipes, we need your roof, parking, pre and post calculations and the 20 foot setback.

Mrs. Hacker gave Ms. Gallagher a copy of the Foit-Albert report.

Mr. Stringfellow: Site Plan Review Item C ? location map of the project as it relates to major streets and intersections.

Mr. Bixby: thought the description of feet would take care of that.

Mr. Brox: usually a little location map is put on.

Mr. Stringfellow: Item F ? all existing and proposed land contours, and/or spot elevations and all building elevations including sectional views. There?s an elevation of the west side of the building, there is no front elevation showing.

Mr. Bixby: that?s because it?s not changing.

Mr. Brox: if they are not changing the building, the plans should already be on file.

Ms. Gallagher: the windows are yes,

Mrs. Hacker: but no change in roofline, overhang?

Ms. Gallagher: not right now, no.

Chairman Hacker: The next meeting will be January 13, 2004.

Mrs. Andrzejewski made a motion to table discussion until revisions and updates are received, second by Mr. Stringfellow. All in favor.

DISTRIBUTION OF TOWN BOARD REFERRALS

6986 BROWN HILL ROAD ? SCHUNK DUPLEX

Mr. Brox: After talking with the Building Inspector, and review of the blueprints, I am withdrawing my letter as those statements were made on the figures provided on the application. The building has 1176 square feet per residential unit, which exceeds the 950 square foot minimum, and is covering only 5.8% of the lot and the R-A district allows 7%.

Mrs. Hacker: can we make any recommendation about the landscaping?

Mr. Brox: they're showing four new trees across the front.

Mrs. Hacker: parking?

Mr. Brox: they only require two per unit, they have a garage and a driveway, and so is sufficient.

Discussion followed.

Chairman Hacker: any other questions?

Mrs. Hacker made a motion to recommend approval of the site plan submitted by Douglas and Karen Schunk, with the addition of the landscaping that was shown, however, for the record this Board is still opposed of the building of this duplex on this sub-standard sized parcel, second by Mrs. Andrzejewski. All were in favor of this motion.

8032 BOSTON STATE ROAD ? SITE PLAN REVIEW

Mrs. Hacker read the following correspondence:

- o Town Board Referral dated December 4, 2003
- o Richard Brox letter dated December 7, 2003

Mr. Kramer reported the following:

- o Florist has been issued a 90 day temporary Certificate of Occupancy
- o This is one entire parcel which includes the restaurant in the one building, the florist and the business in back in a separate building
- o Has asked the tenant to comply with Town Code Section 123-155 B, in order to allow them to open for the holiday season

Mr. Brox stated that the owner should be made to comply with all of Section 123-155.

Discussion followed.

Chairman Hacker asked that a letter be sent to the owner, Martin Barrett, asking for the following items:

- o Updated Site Plan of entire parcel at 8032 Boston State Road
- o Floor plan for both businesses, at the currently occupied building on this parcel
- o Parking plan for this building, and;
- o Proposed parking for the adjacent building should another business in that building

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said he had nothing further to report, and asked if anyone had any other questions for him.

There were none.

TOWN ATTORNEY VACCO

Mrs. Vacco explained that the copy of proposed sign legislation was borrowed from East Aurora.

Mrs. Vacco said that she was contacted by Tony Difilippo, Dana Darling's attorney, and for the record, I would like the Planning Board to know, and so everybody in on the same page, the Planning Board can approve a preliminary plat before the rezone is part of the Code. In other communities they flip that around so that the developer doesn't have to pay those fees incurred in the event that the rezone doesn't go through, however our Town Code doesn't read that way; Mr. Difilippo has been told that the Planning Board is aware of this, that there was some miscommunication and that he should tell his client the Planning Board is fully aware; the reason that we told him to hold off was not because of that, but rather I would like the new Local Law to be in full effect when that sub-division plan comes through here so there is no question as to what local law and what codes are guiding its process. The Public Hearing was held on Wednesday, December 3, 2003, and as the Town Board likes to do they do not vote on the matter on the same day as the Public Hearing so on the 17th they will vote and then it will move forward toward Albany. He has made phone calls to myself, the Supervisor, the Planning Board Chair, as to why the Planning Board is either a) don't know what they are doing or b) are dragging their feet, I let Mr. Darling's attorney know that is certainly not the case, and that he needs to be patient.

I wanted to let everyone know that the rezone does not need to happen before you, the Planning Board can approve the preliminary plat based on the needed results; then if it doesn't get rezoned the developer has expended time and energy and money.

Mrs. Hacker: and my understanding was that it needed to be rezoned before the Planning Board could do anything, but have since have a better understanding after reading the Code several times.

Mr. Pohl: should Foit-Albert go ahead and review the pre-application?

Mrs. Vacco: the pre-application, I think would be fine, but I just don't want it to get to preliminary plat stage because then you have a 45 day time period from which you have to approve or disapprove.

ELECTION OF OFFICERS

Chairman Hacker asked for discussion.

Chairman Hacker asked for nominations for Chairman. Mr. Stringfellow nominated Patricia Hacker for Chairman second by Mrs. Andrzejewski. Chairman Hacker asked if there were any other nominations? Being none, Mr. Pohl made a motion to close nominations and for the Secretary to cast one ballot for Patricia Hacker for Chairman, second by Mr. Stringfellow. The members voted in favor of this motion. The secretary was directed to cast one ballot for Patricia Hacker as Chairman for 2004.

Chairman Hacker asked for nominations for Vice Chairman. Mrs. Hacker nominated David Stringfellow for Vice Chairman, second by Mr. Pohl. Chairman Hacker asked if there were any other nominations? Being none, Mrs. Hacker made a motion to close nominations and for the Secretary to cast one ballot for David Stringfellow for Vice Chairman, second by Mr. Mendola. The members voted in favor of this motion. The secretary was directed to cast one ballot for David Stringfellow as Vice Chairman for 2004.

Chairman Hacker asked for nominations for Secretary. Mrs. Andrzejewski nominated Michael Pohl for Secretary, second by Mr. Stringfellow. Chairman Hacker asked if there were any other nominations? Being none, Mrs. Hacker made a motion to close nominations and for the Secretary to cast one ballot for Michael Pohl for Secretary, second by Mrs. Andrzejewski. The members voted in favor of this motion. The secretary was directed to cast one ballot for Michael Pohl as Secretary for 2004.

Chairman Hacker asked if there were any further business to bring to this Board, being none Mr. Stringfellow made a motion to adjourn at 8:32 P.M., second by Mr. Pohl. All were in favor.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf