

## Planning Board Minutes December 9, 2008

BOSTON PLANNING BOARD DECEMBER 9, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Mark Coppola

Bill McGirr

David Ruzzine

Richard Skinner

ALSO Brian Downey Town Attorney

PRESENT: Cathy Maghran Councilwoman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

David Juda Deputy Code Enforcement Officer

Keith Clauss Prospective member

Michael Walia Government Class Student

Anna Zahm Government Class Student

### MINUTES

Chairman Hacker asked if there were any additions or corrections to the minutes of November 25, 2008. Being none Mr. McGirr made a motion to accept those minutes, seconded by Mr. Stringfellow and carried.

### GENERAL CORRESPONDENCE

Secretary Faulring reported the following:

- ? David Ruzzine letter, to the Town Board, received November 24, 2008 requesting to be appointed as a Regular member of the Planning Board
- ? Planning Board letter dated November 25, 2008 to the Town Board requesting that David Ruzzine be appointed as a Regular member upon receipt of his letter
- ? Town Board referral dated December 4, 2008 with letter of request for appointment to the Planning Board from Keith Clauss
- ? Planning Board letter dated December 4, 2008 to Keith Clauss requesting an interview with him for this evening
- ? Town Board letter dated December 5, 2008 to David Ruzzine advising him of his appointment as a Regular member of the Planning Board
- ? Code Enforcement Officer Ferguson's December End of Month Report
- ? Deputy Code Enforcement Officer Juda's December End of Month Report
- ? Deputy Code Enforcement Officer Lisowski's December End of Month Report
- ? Distribution of previous meeting minutes that contain CVS Pharmacy discussion and motion
- ? Richard Brox letter of request for re-appointment as Planning Consultant

#### CODE ENFORCEMENT OFFICER

Mr. Juda asked if there were any questions for the Code Enforcement this evening.

Being none Mrs. Hacker thanked him for coming to the meeting and excused him for the remainder of the meeting.

Chairman Hacker changed the order of agenda while Secretary Faulring went to get Election of Officer procedure from the office.

#### LIAISON ? COUNCILWOMAN MAGHRAN

Mrs. Maghran welcomed David Ruzzine as a Regular member of the Planning Board, wished all a happy holiday season and reported that she had nothing to report.

TOWN ATTORNEY DOWNEY

Mr. Downey reported on a discussion with Don Hoefler, TVGA Engineer:

- ? Would probably not have to recalculate the stormwater figures
- o TVGA - Are there any changes to the stormwater runoff?
- o Mr. Downey - Right now they are not proposing a change to that
- o TVGA ? once broken off, if someone buys that property they may not need a threshold in order to report to the Stormwater Officer as far as that change, so they could actually change that without having to come back to the Planning Board. He advised that there be some mechanism by which that can't be changed. That detention pond is calculated to take on a certain amount of property. The adjoining property, especially the third parcel, if that is changed or modified, but does not have to go through stormwater (calculation) they can actually increase the flow into it and that would create a problem

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Mr. Downey: We're going to have to talk about easement or deed restrictions. The thing with some of those is that the Town is not one of the parties that can enforce those. So we are going to have to look at that to see how we can enforce it. You can have certain restrictions in a subdivision and some of those restrictions are violated. We have no say in it. Those deed restrictions are only to protect the property and the property owners within that subdivision. And so the people have to institute a lawsuit themselves or follow the procedures within the deed restrictions that they required.

Mr. Brox: The major concern I have allowing CVS to sell off the parcel, one or both, I'm thinking one parcel to Mr. Kirst so that he can expand his construction business and then the other parcel with an easement around the detention pond so there could be a driveway built out to Zimmerman Road. Both of which would put in paving and increase water runoff that would not go through the detention pond.

Mr. Downey: That was one of the potentialities that we discussed and that is a concern because it may not have to come back to this Board if that is done. If he does an access onto Zimmerman he would have to have permission from the Highway Superintendent.

Mrs. Hacker: I have a concern with the detention pond staying the way it is and meeting it's maximum; and if there was any change to lot three, with that detention pond no longer working; could we as a Town be held liable for that, to the new lot owner on number 3, even though there is a restriction on it?

Mr. Downey: I don't see that. I see this more as an issue that those, basically four, properties were looked at as an amalgam, as one unit when we looked at it. In order to make that the runoff stays status quo that we're going to have to look at it carefully. And a lot is going to depend on what they say they are going to do. Another thing he was concerned about was green space. That's why one of the

questions I proposed to the engineer was, who are the people who are going to take it over; and were they willing to take it subject to conditions? If they say no, then that's going to be a problem.

Mr. Coppola: Are we within our rights asking her who is interested in this property?

Mr. Downey: Yes and the reason is that she is asking to split it off and we have a concern #1 is that she is making a change, so we can ask the question. #2 We want to make sure the property is not orphaned, because anyone that takes it, if this Board does approve it, then a requirement is going to be, I would think, that they would have to change their deed and merge it in so that someone doesn't use this as a farce to be able to not pay the taxes. #3 That one of properties is residential property and we're not allowed to merge two different zoning onto the same property. I think I was quite clear to her that was something that we have to know.

#### ELECTION OF OFFICERS

Chairman Hacker: Are there nominations for Chairman?

Mrs. Hacker: I nominate David Stringfellow

Chairman Hacker: Is there a second on that motion?

Mr. Skinner: I'll second.

Chairman Hacker: Are there any other nominations for Chairman?

Chairman Hacker: Being none, is there a motion for the secretary to cast one ballot for David Stringfellow for Chairman?

Mr. Coppola: I'll make a motion for the secretary to cast one ballot for the David Stringfellow for Chairman.

Chairman Hacker: Is there a second on that motion?

Mr. Ruzzine: I'll second.

Chairman Hacker: All in favor say "Aye." All were in favor the motion

Chairman Hacker: Please cast one vote for David Stringfellow as Chairman for 2009.

Chairman Hacker: Are there any nominations for Vice Chairman?

Mr. Stringfellow: I'll nominate Pat Hacker.

Chairman Hacker: Is there a second on that motion?

Mr. McGirr: I'll second.

Chairman Hacker: Are there any other nominations for Vice Chairman?

Chairman Hacker: Being none, is there a motion for the secretary to cast one ballot for Patricia Hacker for Vice Chairman?

Mr. Ruzzine: I'll make a motion to cast the ballot.

Chairman Hacker: Is there a second on that motion?

Mr. Coppola: I'll second that.

Chairman Hacker: All in favor say "Aye." All were in favor the motion

Chairman Hacker: Please cast one vote for Patricia Hacker as Vice Chairman for 2009.

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Mrs. Hacker: The Board discussed prior to the meeting that we felt we didn't need to, at this point, elect a secretary, unless someone on the Board would like to make a nomination. Being none we are just having our election for Chairman and Vice Chairman.

#### DISTRIBUTION OF RESPONSES FOR PLANNING CONSULTANT

Mrs. Hacker: After these were received Mrs. Maghran, Secretary Faulring and I met to review them. Basically what was done was that we weeded out those whose fee requirements were way out of our budget limit. I would ask that you each review the resumes' and be prepared to ask at least one question of the interviewees.

Discussion followed on meeting date and time intervals.

It was decided to meet on Tuesday, January 6, 2009 with the interviews scheduled for 7:00 and 7:20 PM.

Mr. Brox: My letter is one included in the folder. My current fee is \$215.00 and I am asking for an increase to \$225.00 for a minimum of ten meetings a year.

Chairman Hacker: Is there any other business for this evening.

Mr. McGirr: What about a decision on the new member?

Mrs. Hacker made a motion to go into Executive Session for discussion, seconded by Mr. Stringfellow and carried.

Discussion followed.

Mrs. Hacker made a motion to end the Executive Session, seconded by Mr. McGirr and carried.

Mrs. Hacker made a motion to recommend to the Town Board appointment of Keith Clauss as an alternate member, seconded by Mr. Stringfellow. All were in favor of the motion.

Mrs. Hacker made a motion to adjourn the meeting, seconded by Mr. Coppola and carried.

Holiday Greetings were exchanged by all.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees