

PRESENT: Paul Jusko, Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
Jeff Mendola
Michael Pohl
David Stringfellow

EXCUSED: Patricia Hacker

ABSENT: J. David Early

ALSO Councilman Dennis Mead – Town Board Liaison
PRESENT: Dennis Kramer – Code Enforcement Officer
Richard Brox – Planning Consultant
Kim Bingman – FOP Holdings, LLC

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

MINUTES

Chairman Jusko asked if there were any additions or corrections to the minutes January 22, 2002. Being none Mr. Maxwell made a motion to accept the minutes, second by Mr. Stringfellow. All in favor.

CORRESPONDENCE

Mr. Maxwell reported the following correspondence:

- letter to Town Clerk Shenk from Thomas Edington advising of resignation from the Planning Board
- letter from Michael Pohl requesting appointment as a regular member of the Planning Board
- letter from Town Clerk Shenk advising Mr. Pohl of his appointment by the Town Board as a regular member of the Planning Board
- Introduction to SEQR course sponsored by Erie County Development and Planning – date changed to March 6, 2002

All other correspondence to be read at appropriate time in agenda

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board meeting of February 6, 2002:

- Members of the Town Board will be attending Association of Towns Meetings in New York City, and Councilman Mead has asked them to attend any meetings that pertain to, and be of interest to the Planning Board
- Referral of Timothy Kirst's request to use Roy Place as a driveway

FOP HOLDINGS, LLC., (OAKWOOD APARTMENTS)

Mr. Maxwell read the following correspondence:

- Letter to Kim Bingman requesting her presence at this evening's meeting
- Letter from Richard Brox with his findings from the site plan submitted with the application
- Letter from Paul and Mary Beth Rosiek, closest adjacent neighbors, stating that they have no objection to the additional building
- From FOP Holdings – a revised building permit application and site plan

FOP Holdings, LLC, con't.

Mr. Jusko asked Mr. Brox if his letter meant that the deed description does include the exception area. Mr. Brox said yes on the description that was originally received. Mr. Jusko stated that this Board will need a corrected deed description.

Mr. Jusko asked Ms. Bingman if the landscaping would be the same as around the other buildings. Ms. Bingman said that it would be and also said that she had a corrected deed description, which she distributed to the members present.

Mr. Maxwell explained that the exception had been sold.

The members reviewed and discussed the survey submitted, and agreed that the measurements of the property appear to be correct.

Chairman Jusko asked that the figures on the Site Plan submitted be corrected so that the square footage indicated and what is proposed are accurate and agree.

Mr. Stringfellow made a motion to table discussion pending receipt of a revised, updated site plan which is to include a landscaping plan. Second by Mrs. Andrzejewski.

Mrs. Andrzejewski – yes

Mr. Pohl – yes

Mr. Maxwell – abstain

Mr. Stringfellow - yes

M. Mendola – yes

Mr. Jusko - yes

TIMOTHY KIRST – LOT 3 – HICKORY MEADOWS

Mr. Maxwell read the following correspondence:

- Letter from Town Clerk Shenk advising of referral from Town Board
- Letter of request from Timothy Kirst

Mr. Kramer said that Mr. Kirst has applied for a building permit application.

Councilman Mead said that this request was referred to the Planning Board because of their jurisdiction over sub-divisions.

Mr. Maxwell explained that Roy Place is owned by the Town of Boston and is at this time only a paper street. He added that Mr. Kirst did approach the developer with this request and they responded that they were not the owners of the paper-street, so the request should be made of the Town.

Mr. Kramer asked if the Town would be responsible for potential liability. Mr. Maxwell spoke on behalf of the developers and said that if they did own that piece property they would not grant the request because of potential liability.

Mr. Brox said that most towns require a developer to pave a stub street to the property line and install a barricade. That way the driveway goes to a paved street that the town owns. Boston is the exception.

Mr. Mendola asked if the Town could rent this area to the applicant for a \$1.00 a year so that it is the applicant's. Mr. Brox said that is something that could be looked into. He added that the Town needs to protect itself from adverse possession that is, if no question is raised, after seven years the applicant becomes the owner.

Mr. Pohl asked if this situation could arise if lot 2 is built on. Mr. Maxwell said that is a possibility.

Mr. Brox suggested abandonment of the paper-street and deeding half to each of the lots on either side.

Mr. Maxwell said that this paper-street is there to provide access to land south of Hickory Meadows, should that ever be developed, rather than having an additional ingress/egress onto Boston State Road.

Mr. Pohl asked if there were any utilities on the Roy Place. Mr. Maxwell said there are no utilities on a paper street.

Mr. Kramer asked if a road ditch would be installed along the paper-street. Mr. Maxwell said there was no ditch area figured in the plan, only an easement, and on the original sub-division plan there was no improvement provided for.

Timothy Kirst, con't.

Mr. Jusko made a motion to recommend approval but as this paper street being Town property, the Planning Board would request that appropriate legal documents be prepared by the Town Attorney addressing such issues as indemnification, damages, and drainage. Second by Mr. Stringfellow. The vote was as follows:

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|-------------------------|------------------------|
| Mrs. Andrzejewski – yes | Mr. Pohl – yes |
| Mr. Maxwell – abstain | Mr. Stringfellow - yes |
| Mr. Mendola – yes | Mr. Jusko - yes |

Chairman Jusko asked Councilman Mead about the complaints of the drainage in the remainder of Hickory Meadows. Councilman Mead said that is under review and some options have been discussed. Mr. Mead added that one concern is what effect Phase 2 will have on the current development.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said he had nothing more to report.

Chairman Jusko asked if there is any other business to be brought before this Board.

Mr. Maxwell asked Mr. Kramer if any site plan review needed to be done at the former location of Evans Bank, where there is now a jewelry store going in. At the time Nicky C's was opened it was a change of business and we asked Mr. Charlap to go through the proper procedure. Mr. Brox said that it is a change of use, although both types of businesses are considered retail, there are different requirements.

Mr. Kramer said the storeowner, Mr. Wittmeyer had talked to Deputy Code Enforcement Officer Lisowski and Mr. Lisowski had given him permission to put up the signs, according to the dimensions Mr. Wittmeyer had given to Mr. Lisowski. As of this morning there have been several complaints about the signs. Mr. Kramer said that in keeping with the procedure that has been followed with the last few applicants before this Board, he does feel that a site plan review would be in order.

Mr. Kramer again requested that all signage permit applications be reviewed at the Planning Board level particularly on a new construction. He said that signs need to be more uniform, have three or four designs so not each business is putting up whatever type of sign they want, Mr. Kramer added that it would relieve Mr. Lisowski and himself of some the responsibility of what is installed.

Councilman Mead asked the members if they would be receptive to reviewing sign permits. All members agreed that in light of recent signs installed that a review at Planning Board level would be in order. Councilman Mead said that he would discuss this matter with the Town Board and ask Town Attorney Perley to check into legislation.

Mr. Maxwell also said that Mr. Bernardi has installed a mailbox at the Mitscher property on Back Creek Road at the site of the Mitscher greenhouses. He added that this could mean some type of activity is likely to be seen at this location.

Chairman Jusko asked if there is any other business to be brought before this Board.

BOSTON PLANNING BOARD

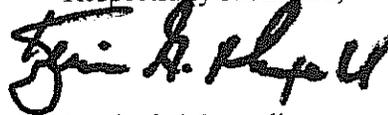
February 12, 2002

Mr. Brox said that based on tonight's discussion of the sub-division that he would recommend discussing with the Town Attorney amending the Sub-division law so that when a sub-division is developed the stub streets are included. Mr. Maxwell said that creates a burden on the highway department.

Chairman Jusko asked if there is any other business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn at 8:26 P.M., second by Mr. Maxwell. All in favor.

Respectfully submitted,



Kevin G. Maxwell
Secretary

KGM:tjf