

Planning Board Minutes February 12, 2008

BOSTON PLANNING BOARD FEBRUARY 12, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Jonathan King

Bill McGirr

EXCUSED: Jeff Mendola

ALSO Cathy Maghran Councilwoman ? Town Board Liaison

PRESENT: Brian Downey Town Attorney

Donald Hoefler TVGA ? Town Engineer

Glenn Christener North Boston Fire Co. ? Architect

Tim Kirst North Boston Fire Co. ? Contractor

Donald O'Bryant North Boston Fire Company President

Ken Manista North Boston Fire Co. ? Building Chair

Denise Lucas Boston Chamber of Commerce

Mark Witkowski Southtowns Feeds & Needs

Chairman Hacker called the meeting to order at 7:32 PM. and changed the order of agenda: to move Site Plan Review for the North Boston Fire Company before the Preliminary Discussion for 7380 Boston State Road.

MINUTES

Mrs. Hacker made a motion to accept the minutes of January 8, 2008, seconded by Mr. Stringfellow and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- ? Planning Board letter dated January 9, 2008 to Town Board with recommendation for renewal of Richard Brox's contract
- ? Planning Board letter dated January 9, 2008 requesting appoint of Jonathan King, by the Town Board, as regular Planning Board member upon receipt of his letter
- ? Planning Board letter dated January 9, 2008 to the Town Board advising of election of Patricia Hacker as Chairman and David Stringfellow as Vice Chairman for 2008; Secretary to be elected when more members are appointed to the Planning Board
- ? Planning Board letter dated January 10, 2008 to Kenneth Strell of TVGA requesting intervention in the Kids Country Child Care situation
- ? Supervisor Eagan's letter to the Planning Board, dated January 22, 2008, requesting that they table the appointment of Brien Hopkins to the Planning Board
- ? Planning Board letter dated February 5, 2008 to Sherrie Pluta advising her of the progress the Planning Board is making with the Code Revisions. This letter, proposed change to Chapter 57 and proposed changes to Chapter 97 were included in the e-mail and USPS mailing
- ? Letter dated February 8, 2008 from Jonathan King requesting appointment as a regular member of the Planning Board
- ? Letter dated February 8, 2008 from Robert Chelus advising of his resignation from the Planning Board due to work schedule conflicts
- ? Letter dated February 7, 2008 from Town Clerk Shenk with letter from Mark Coppola requesting appointment to the Planning Board

SITE PLAN REVIEW - NORTH BOSTON FIRE HALL

Mrs. Hacker read the correspondence:

- ? Richard Brox review dated January 28, 2008

? Donald Hoefler, TVGA Engineer review dated February 8, 2008

Copies of each were given to Mr. Kirst and the North Boston Fire Company.

At this time Mr. Bernas removed himself from discussion as a member of the Planning Board as he is a member and Chief Officer of the North Boston Fire Company.

Mrs. Hacker asked for a presentation of the proposed project.

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Tim Kirst with Kirst Construction:

? We have been hired by the Fire Company to design and go through the submittal process

? He introduced Ken Manista, Don O'Bryant, Glenn Christener, and Dave Bernas

? The comments from TVGA ? I've been in contact with Aaron Tiller, our site engineer; he is working on responses to these at this point; I sure nothing is going to happen tonight in terms of a vote of approval or disapproval

? Asked Mr. Christener to make his presentation

Glenn Christener:

? I want to thank the Planning Board for having a higher level of expectation for this building and the Firemen for having such a great record of their building over the years which resulted in a building of a combination of two buildings with a reference to the old bell tower that originally was the first part of the fire hall

? The truck bays are a concrete block dryvit, glass door structure and the hall is a framed veneer, with the entryway

o Mr. Kirst pointed out these locations on a scaled model provided by Mr. Christener

? We have tried to make the hall section or the training/meeting rooms look more like a brick structure with a shingled roof, and then new element of the apparatus bays; and they kind of contrast each other

? The new structure faces Herman Hill

Mr. Kirst: If you were standing out front the bank is located to the right of the new building. This represents the original bell tower when the fire hall was constructed in the 18th and we're trying to bring that look back and get a little history brought back as well.

Mrs. Hacker: Where would the bell tower line up with the road; with the driveway on the other side of the road?

Mr. Kirst: Yes, that would be approximate. This will all be landscaped and grass out here with the exception of a little sidewalk coming out the front. This will all be concrete and asphalt for the truck landing area, and the apron heading out toward Herman Hill Road.

Mr. McGirr: On the site plan it said a steel roof, are you still going with the steel roof?

Mr. Kirst: Probably not.

Mr. McGirr: How well does that tie in with the bank's appearance? I like the way the bank looks ? the design of the bank. The way the brick is, the way the roof?is this going to tie in with the bank

Mr. Christener: The pitch is similar and the brick height is similar.

Mr. McGirr: Why can't you brick it all the way around instead of concrete block?

Mr. Kirst: That's strictly for budget reasons.

Mr. Christener: It's a block finish on the inside, the 10-inch block serves as the structure interior finish as the exterior finish.

Mrs. Hacker: The bell tower half way between?

Mr. Kirst: You'll see four posts set up, within a foot of the building corners; they're four foot pieces of rebar with orange caps on them. The parking lot will all be in the back.

Discussion followed regarding the existing and proposed parking, and how much will remain for the existing fire hall.

Mr. O'Bryant: It has been discussed with Mr. Messina with the State; we'd have to file a report of a year long record of calls just to go through and see if it's warranted.

Mr. Manista: Currently we use human traffic control. Drivers don't see the light. We don't rely on that light. Is a light even required?

Discussion followed regarding the traffic light; current setback and proposed setback for truck exiting and returning to the fire hall.

Mrs. Hacker asked for comments from the Board.

Mr. Stringfellow:

? There are two scales on sheet 3 ? one says one inch = 10 feet and the other 1 inch = 20 feet, 10 is correct ? just fix it

? The parking requirements ? you're considering club space to be the three open rooms and nothing else. I looked at this as supposing this were a banquet hall to be built in Boston, we would take the outside dimensions of that building, that would include the kitchen space, the bar space, the coatroom space, all those that you have to have to use your club space to rent out. I think you have enough room in back and probably enough paved parking space already to show enough parking space for the whole area rather than just for the three club rooms. I would prefer that you do that so that we do not set a precedent that somebody could come in at some other time and propose something like a banquet hall and only include the space where you serve meals.

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Mr. Kirst: I'll have Aaron check those calculations.

Mr. Stringfellow, continued:

? The plans show Herman Hill Road as 49½ feet wide, it scales to about 55 feet on your drawing, do you know what it actually is?

Mr. Kirst: No I don't.

Mr. Stringfellow:

? We frequently see 66 feet for town roads, and I'm a little surprised at 49½

? The detention pond or retention pond, whichever it is, I did not understand from the plans, whether this pond is normally going to be dry and only have water right after it rains or whether it is going to hold water all the time?

Mr. Kirst: I think it's going to be dry, according to Aaron and the calculations, 95% of the time, do you agree with that?

Mr. Hoefler: With the new DEC regulations, they would like it to infiltrate instead of drain out because the silt settles in the bottom of the pond and washes to the bottom of the ground instead of flowing out, and that's where our comments about making sure we have the right soil types to infiltrate. The actual outlet of the pond is above the bottom of the pond, so that means when an initial rain storm the pond will fill up to a certain point, then outlet and then that water elevation will stay that way until it infiltrates into the ground. Depending on the soil type, my comment was more along the lines of ? if we don't have a good perkable soil in there, the water would stay around for awhile, killing the grass and I don't think the Board would want that next to the bank or next to the fire hall. The pond will hold water until it infiltrates into the ground is the way it's designed right now.

Mr. Kirst: It's designed similar to the bank and to the veterinary clinic, which I don't believe has had any water in it.

Mr. Stringfellow: Is the detention pond sized to handle the extra immediate flow from the proposed additional parking that is shown, as a possible future?

Mr. Kirst: Yes.

Mr. Stringfellow: The gas and electric service are not shown on the plans.

Mr. Kirst: I thought they were. If not I will make sure they do show it.

Mr. Kirst explained and pointed to where the utilities would be coming into the building, on the scale model. The electric will be underground.

Mr. Downey: Is this a retention pond or a detention pond?

Mr. Hoefler: Kind of a hybrid, it's not designed to hold water. It will drain, it'll infiltrate into the ground. But there is a certain amount of water that will not be outlet through the pipe. It would be a detention pond.

Mr. Kirst: I do have revised landscape plans (distributed to members), for exactly what Mr. Brox advised. We felt that this plan has an awful lot of trees. He's asking for an awful lot of maple trees. In fifteen/twenty years they're going to obstruct the view of the fire hall, and we went out of our way to

bring the natural look of this fire hall, with the old history to show it to the people, not to hide it. Plus they're expensive, we're working on a strict budget here and to me it just seemed like a lot.

Mr. Bernas: It's not consistent with the bank. The bank has shrubbery.

Mr. McGirr: I agree, towards back the parking lot would be fine, but I don't think that you need all those trees out front.

Mr. Kirst: The backside is heavily wooded. Also this plan now shows the planting schedule.

Discussion included safety of motorists traveling on Herman Hill Road, that the trees would hide the activity of trucks leaving the premises.

Mrs. Hacker: Anything else for us?

Mr. Kirst: Other than the comments, we're working on getting the answers and revisions from TVGA; we don't have a problem with any of them, we're working on what they're requesting. When do we need to get these responses to you so that we can be on the next soonest agenda?

Mrs. Hacker: You will need to have it to us by February 26 so that you can be on the March 11 agenda.

Mr. O'Bryant: I guess my only concern would be that all the questions that we need Tim to address would be on the table now, or could more come up on the 26th, so it's piecemeal all the way?

Mrs. Hacker: We're not piecemealing; this is the first time?

Mr. O'Bryant: Just so when we go back to the fire company, cause they're expecting us?they look for a time line.

Mrs. Hacker: We'll take this and work with it and bring it back to the next meeting and hopefully will have a couple other Board members here that will have had a chance to look at it, we'll have Dick's (Brox) opinion returned, we'll have engineers opinion returned and we'll work with you. Tim knows the way this Board works.

Mr. O'Bryant: If more questions come up the 26th, then they have to answered the 11th and we're two weeks further out.

Mrs. Hacker: Correct.

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Mr. O'Bryant: Every question brings two weeks?

Mr. Downey: That's the nature of it. When you bring it in you have as you can see from TVGA a long list of questions that we need answers too. Then there may be more questions or it may look different once you redo it; and so we evaluate what's in front of us. This Board works hard to try to get it through. Anyone who has brought a project in goes through the same thing; and I guess there's a little frustration because they're hoping that the next time or the time after that'll be it. But it doesn't work that way because each thing could change something else. They look at it, but a lot of times until you see the changes you don't really realize that it effects something else; they definitely are not trying to delay it for delaying sake.

Mr. O'Bryant: Cause we want to fit it in to our fundraising that's going out for funding and all that so we don't want to get premature on that.

Mr. Downey: They can't give you a date because if something else comes up that you change or we realize looks different; they'll move on it as fast as they can and try to do it. Everybody asks us the same question, so you're not asking anything out of the ordinary. It's just that they can't give you a date; they'll just keep working on it.

Mrs. Maghran: Just two comments ? it looks beautiful. I'm also concerned with the trees, I think there's too many; I'm concerned about getting in and out of the bank with these in front, and I'm also concerned with those along the side of the building and getting up on them and roof access.

Mr. McGirr: The block is it a cinder block or is it a designer block?

Mr. Kirst: It's a split faced decorative block.

Mrs. Maghran: Does that come in a color?

Mr. Kirst: It does come in various colors but that affects cost. We haven't really discussed that totally.

Mr. McGirr: We're just trying to keep things uniform. You don't just throw up a building that doesn't go with the building next to it.

Mrs. Hacker: Is there a reason for putting the equipment at one end and the hall at the other?

Mr. Bernas: To stay away from the neighbors ? to protect the neighbors from the noise of the responding trucks.

Discussion followed regarding the building appearance.

Mrs. Hacker: Anything else from the Board?

Mr. Stringfellow: With regard to the trees, we have heard the neighbor on the northeast side express the opinion that he didn't like, he would rather not have the noise and commotion involved with the fire hall next to his house and we all understand that. While he does have a row of whatever they are, down the side of his property any plantings you could do between your building and that property line would help cut down the view or the noise would be a plus. In going through Code what is required for a landscape plan ? a lot of the information that is on the other sheets is required to be on the landscape plan and presently isn't. R-O-W width, setback from the property line?all those things are on other drawings but the Code requires that to be on the landscape. All buildings within two hundred feet of the project site are not shown; identify adjacent landowners. Get the Code book follow that and that saves us going back for little details that have to be right before we approve it.

Mr. Downey thanked Mr. Hoefler from TVGA for the detailed review that was sent, but asked that in the future the items be numbered, rather than bullets, for quicker reference.

Mrs. Hacker brought David Bernas back to the discussion.

PRELIMINARY DISCUSSION ? MARK WITKOWSKI ? 7380 BOSTON STATE ROAD

As a preliminary discussion ? is not in usual format and not all punctuation is used:

? = Board member questions/comments/concerns

o = Mr. Witkowski's questions/comments/concerns

? We need letter form the property owner with his approval for you to represent the project

o Got verbal agreement this afternoon

? A letter is required

? What are the plans for this property

o Moving my business from Hamburg to Boston

o Will be closing next Tuesday afternoon

- o Plan to move that business out of Hamburg and hopefully be in there by March or the middle of
- ? What will you be selling
- o Southtowns Feeds and Needs is a pet food and supply store

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- ? Currently located where
- o 247 Buffalo Street, Village of Hamburg ? we've been there since 1993
- ? How much of this building will you be using
- o All of it
- ? Would you be including anymore trailers like you have located at the other store
- o No
- ? How many employees
- o 6 at present
- ? Using more than one building
- o Yes the property includes a 40' by 80' warehouse out back which is part of the sale, which is the majority of my storage
- ? The front building that was used as a showroom ? pretty much the same setup
- o Yes
- ? Any changes to the building structurally
- o No
- ? Have a problem with the March opening, is this feasible
- ? Is this a change of use

Mr. Downey: Yes.

- ? Retail to retail but no business there for over one we have to start anew
- ? Will you be putting up a sign
- o Well I'll definitely have to have sign there

- ? We have reasonably strict signage rules ? there is currently no permit for the sign that?s there
- ? How did this transpire from Code Enforcement ? he should have been the one telling you that these things didn?t conform to Code
- ? When did you go to Code Enforcement
- o I just presented myself here first
- ? Did you talk to Mr. Ferguson ? he is the one who said that you wanted to be on the agenda
- o I was told by the attorneys that I should present myself to the Planning Board ? I know Billy (Ferguson), and I said what should I do, and he probably contacted you; and he called me today and told me to meet here tonight
- ? Letter was sent to property location because there was no other address given ? we will need a mailing address for future correspondences
- ? Because you believe it was retail business, it?s not just going to be a situation where you can walk in, open the door and run a business, you?re going to have to do site plan review for this project
- o I believe that this has all been done the attorney
- ? Site Plan Review only goes through the Planning Board
- ? There?s a survey but that?s?
- o They did all kinds of?they did an environmental test, as far as I know I thought they did all this, but there?s probably?
- ? If you come here you file, you make a formal application, you do a site plan with a certain number of copies that come here, gets on the calendar, there?s a whole procedure to do it and this means that it?s not going to open in March. You?ve got to follow those before you get in there or you?ll be cited as a violation of the Town Code and I?m surprised that no one told you ? the realtor, your attorney
- o I?m working with the NYS Economic Development Plan ? everybody under the sun moon and stars
- ? They?ve assumed that you?ve already done this ? that?s pretty common in a lot of Towns ? that before you open a business that you go and check with the Code Enforcement or whoever to make sure that you can do what you want to do
- ? Right now best case is that you start with us on March 11
- o This isn?t very good ? I had no common sense of any of this, unfortunately, I?m just a laborer per say, I?ve no idea how this stuff works and I?ll be quite honest with you this will put the kibosh to the

whole thing because the Route 62 project coming the pike in April and I was slated to be out of there last year, this whole term of trying to connect all these mortgages together with SBA, etc has taken up to this point, they want to close next week and I'm learning all this, so my best attack is what

? You have to follow through with Site Plan Approval with this Board - to do that you will have to send a letter to the Town Board for them to refer it to us ? their next meeting is March 5, so we would not get it until March 25, and would almost guarantee that it is not going to be completed in one meeting

? What is the zoning there

o C-1

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? Anytime you rent / buy retail space you have to go through site plan review to open a business there

o 1993 I opened in Hamburg and never did such a thing

? There was probably a rollover of business in time that didn't require you to do so

o It's a sad shame that the owner, the real estate didn't know this

o According to Randy the Building Inspector has been in the building, when they had to do all this preliminary environmental studies there was work between the two of them

Mrs. Hacker reviewed the Site Plan Review process once again, in detail.

Discussion followed regarding change of use.

KIDS COUNTRY CHILD CARE

Mrs. Hacker read the correspondence received from TVGA dated January 21, 2008, there was no other discussion on this agenda item.

LIAISON ? COUNCILWOMAN MAGHRAN

Mrs. Maghran said that she had nothing for this evening.

ELECTION OF PLANNING BOARD SECRETARY

Will wait for a more full Board membership.

CODE BOOK REVISION DISCUSSION

Mrs. Hacker said that Supervisor Eagan would like this done by the March 19, 2008 Town Board meeting.

Secretary Faulring: Are we still supposed to send all revisions to Sherrie Pluta?

Mr. Downey: Send them directly to Supervisor Eagan.

Discussion will be included on the agenda for February 26; a work session will be held on Tuesday, March 4 at 7:00 PM, and included on the agenda for March 11.

DISTRIBUTION OF TOWN BOARD REFERRALS

Secretary Faulring distributed the application request for co-location on the telecommunication tower at 8971 Zimmerman Road.

Mrs. Hacker: Is there any further business for this Board?

Secretary Faulring: Mr. Mendola has not at this point requested reappointment to the Planning Board. Do I continue to send mailings to him?

Mrs. Hacker: I will speak to him tomorrow about that, I personally do not think he is going to request reappointment.

Mr. Downey: Then he needs to send a letter of resignation or something stating that he will not be seeking reappointment.

Mrs. Hacker: Is there any further business for this Board?

Mr. Bernas: I was wondering if Brian could offer any insight to this NYS Truss Identification Law that has gone into effect. For example the small animal hospital, they have wood truss system and they should, as described by law, have a decal on the door so that anyone entering, like the fire department, explaining the type of truss system it is whether it's wood or metal and how long that building's been there.

Mr. Downey: I don't have really have anymore information on that than you do.

Mr. Bernas: Maybe we could have Mr. Ferguson look into that further for us. It's something that we need to be aware of.

Mr. Bernas made a motion to adjourn at 9:10 PM, seconded by Mrs. Hacker and carried.

Respectfully submitted,

Patricia Hacker

Chairman