

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski (alt)
J. David Early
Tom Edington
Michael Pohl (alt)
David Stringfellow

ALSO Liaison, Councilman Damian Wiktor
PRESENT: Town Attorney Michael Perley
Code Enforcement Officer Dennis Kramer
Richard Brox, Planning Consultant
Robert Harris – Town Engineer
James Carr
Jerry Ruhl, Architect – Evans Bank
Chris Kuglics – Evans Bank – Engineer from Nussbaumer and Clark
Tim Jachlowski – Evans Bank
Bill Brunner – Brunner Eatery
Rev. Gary Burdick – Faith United Church of Christ

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 of January 23, 2001. Being none, Mrs. Hacker made a motion to accept the minutes, second by Mr. Edington. All were in favor.

CORRESPONDENCE

Mr. Maxwell read the following correspondence:

- Letters sent to Ruhl & Associates acknowledging receipt of additional site plans and advising of meeting
- Letter to James Carr, property owner adjacent to Evans Bank proposed site
- Letter to Joseph and Robin Mead, residents of property adjacent to Evans Bank proposed site
- Letter to Bill Brunner acknowledging receipt of updated site plans and advising of meeting
- Letter to Town Board recommending three year extension to the existing permit for Thomas Williams to operate a Ham Radio antenna
- Letter to Gary Eckis stipulating restrictions with regard to change of lot size at Boston Hills
- Letter from Peter J. Smith – Comprehensive Plan Consultants in regards to SEQR and intent to be Lead Agency
- Distributed to Planning Board members site plan for addition at Faith United Church of Christ

Chairman Jusko reported that the last Master Plan meeting was February 1, 2001, and at that time the chapters on housing, infrastructure, transportation, and economy were reviewed. The proposed introduction was reviewed; and, survey results were distributed to the members of the Master Plan Board members. There will be a Public Hearing on March 15, 2001 and the next Master Plan meeting will be on April 5, 2001.

Chairman Jusko stated that Zintars Zadins would, in the very near future, be resigning from the Planning Board. He asked senior alternate Margaret Andrzejewski, should she so desire, to send a letter to the Town Board asking to be appointed as a regular member of the Planning Board, to fill the remainder of Mr. Zadins term. He added, at this time he would not be seeking an additional alternate member.

LIAISON – COUNCILMAN WIKTOR

Councilman Wiktor reported from the Town Board meeting of February 7, 2001:

- Approved three year extension for Thomas R. Williams (Ham Radio Antenna)
- Letter received from Conservation Advisory Council requesting minutes and agenda for Planning Board; and a site plan for review by the CAC on upcoming development.
- Referral to Planning Board site plans submitted by Faith U.C.C. for addition to existing building

Chairman Jusko stated that the request of site plans by the CAC become part of the process, if it is deemed necessary for the CAC to review. Mr. Maxwell suggested that Town Clerk Shenk request an additional site plan for this purpose.

EVANS NATIONAL BANK SITE PLAN

Chairman Jusko recapped from last meeting when Evans Bank discussion was an agenda item: from that meeting a letter of recommendation for approval was sent to the Town Board with the following additional requirements:

- A favorable recommendation is received for drainage from the Town Engineer or the Engineer's added conditions, if any, are met.
- The site plan is amended to meet the criteria set out in the Richard Brox letter of November 14, 2000.
- The plan is amended showing the addition of a directional median, in the ingress/egress area along Boston State Road.

Mr. Jusko added that since that recommendation was made, the elevation of the site has been raised almost three feet, and a three-foot retaining wall has been added to the site. Concerns of the neighboring property owner had been addressed such as privacy fence, but now other concerns have come to surface.

Mr. Ruhl stated that it was his understanding that the drainage plan created a problem, but that the other issues addressed had been resolved. Mr. Jusko said that the lighting was addressed, the median was addressed on a prior plan, but the major change in grading, and the retaining wall, have become the issue.

Mr. Kuglics said that the drain calculations were considerably miscalculated. The runoff is nearly four times greater than originally thought. In order to correct the drainage problem an underground piping system needs to be incorporated; and, the elevation changed to meet the elevation of the ditch along Herman Hill Road. Mr. Ruhl said the drainage is only a concern on the south side of the property line along Boston State Road. Mr. Brox stated that the elevation shown goes from 102.62 to 99.83 feet, a drop of three feet from the edge of the lot to the limits of where the improvements can be done on the south side.

Mr. Maxwell asked Mr. Harris if his recommendation was based on the revision of the January 11, 2001 or January 17, 2001. Mr. Harris said he had a meeting with Evans Bank on January 15, at which time they agreed to a couple of minor changes to January 11 version, they made the changes and issued a new plan on January 17.

Mr. Jusko asked what the alternative is to raising the property. Mr. Kuglics replied, 'no retention.'

Mrs. Hacker asked if the existing amount of soil would accommodate the additional runoff. Mr. Kuglics said the additional soil comes in because of the amount of paving to be done.

Mr. Brox asked who determined the need for storm water retention. Mr. Ruhl said the State of New York Department of Transportation, when he applied for a permit to remove hedge along Herman Hill Road. At that time Mr. Ruhl was told he needed drainage calculations before that could be done, and that the Town of Boston, would also need drainage calculations, because of flooding that already occurs at that intersection.

Evans National Bank, con't

Mr. Kramer asked Mr. Harris if an open retention basin would be a possibility. Mr. Harris said that would not dramatically change the situation.

Mr. Kuglics suggested a swale between the neighboring house and the retaining wall, then in the event the water would exceed the height of the retaining wall, the overflow would be carried to the Boston State Road via the swale.

Mr. Ruhl said they suggested running the retaining wall the entire length of the property and putting the fence on top of the wall. Mr. Maxwell asked if the neighboring property owner preferred the fence or the wall.

Mr. Carr said that at the last meeting he was in attendance, he and the residents preferred the fence, and his understanding was that they would have control of the height and length of the fence. Mr. Carr's concern was the back corner of his property, the addition of a 39-inch retaining wall and, a six-foot fence on top of that would put the Carr property in a hole. Mr. Carr also expressed a concern of snow removal. Mrs. Hacker explained, the positive here is that the drainage plan will be pulling the water away from the Carr property.

Discussion turned to the landscape plan. Mr. Harris said that landscape plan being looked at was 'pre' retaining wall plan. He added, if the retaining wall goes in the landscaping plan and the site plan have to be changed to reflect that addition.

Mr. Brox asked Mr. Ruhl if he knew the size and capacity of the existing drainpipe along Boston State Road, and what is its direction of flow.

Mr. Ruhl said it is a 15-inch pipe that flows south, and he does not believe the state or the county would want additional load. We were not encouraged to flow water that way.

Chairman Jusko asked if there were any other questions.

Mr. Maxwell said that he understands that the lights on the building are for security, he asked if the lights in the parking lot are on a timer. Mr. Jachlowski said that they could be; the lights on the building are required by law for use at the ATM machine. Mr. Maxwell said this came back from the Town Board as a concern.

Mr. Maxwell asked if the ingress/egress met Mr. Brox's approval. Mr. Brox said that it does. It is curbed, and would have to meet New York State DOT approval, at its present location. Mr. Brox added that detention issues are addressed by Town Code – 'no more water can leave the property in a developed state than leaves in an undeveloped state.'

Mr. Pohl asked for clarification in the drainage. Mr. Harris said that all water from the bank property drains north.

As drainage discussion continued, Mr. Perley proposed to the Planning Board: that Evans National Bank and Mr. Carr agree to address Mr. Carr's concerns while maintaining the technical integrity of the project. Mr. Perley said that is not possible at this meeting, but is possible outside of this meeting. Mr. Perley also said that his recommendation to this Board is not to act on this project. There is no consistent document that the Planning Board can act on.

Mr. Perley suggested that the Bank and Mr. Carr discuss how to address the issue of buffering the Carr property effectively, to minimize future studies difficulty and maintain technical integrity of the drainage system that will be used. Evans Bank should then prepare a consistent document to present to the Planning Board for proper interaction. There are several different things that need to be adjusted. Mr. Perley suggested that Evans Bank meet with Nussbaumer and put a proper plan together.

Evans National Bank, con't.

Chairman Jusko requested that the next submittal include a full set of plans, all dated the same, and they are submitted as a Final Plan.

Mr. Ruhl verified that he is to contact Mr. Carr on drainage, buffer and fence issues. Chairman Jusko said that is correct.

Chairman Jusko asked if there were any questions on the ingress/egress. Mr. Edington asked if that is going to remain an ingress/egress. Mr. Brox explained that if it remains in the proposed location NYS DOT approval would be necessary. Mr. Maxwell read the November 14, 2000 minutes which requested (one) of the following conditions: a directional median is installed along Boston State Road. Mr. Ruhl stated that it was his understanding that the ingress is from northbound lane only, no left hand turn off of Boston State Road, and that egress is only a right hand turn on to Boston State Road northbound lane. Mr. Jusko asked that this be stated in writing.

Mr. Carr asked to go on record with his concerns:

- Does not want to look at a three foot wall
- Putting my property in a hole
- The retaining wall is below parking lot level, would that necessitate a curb to keep vehicles from coming out of the parking lot onto my property
- Existing driveway on Carr property, will that be removed? Mr. Ruhl replied yes.
- With the addition of soil, how do we monitor and control vibrations from the compacting equipment

Mr. Jusko made a motion to table further discussion pending receipt of a complete and updated set of plans. Second by Mrs. Hacker.

Mr. Brox had one additional comment, seeing as the retaining wall is of no structural value, that perhaps the wall could be constructed of a landscaped stone retaining wall that holds back the bank making it more attractive.

Chairman Jusko asked for a vote on the motion. Mr. Maxwell abstained in the vote, all others members voted in favor of the motion. Carried.

BRUNNER EATERY

Chairman Jusko recapped from last meeting when Brunner Eatery discussion was an agenda item: When we last discussed this, we needed a final sewer route, direction of utilities, approval from DOT for road cut, recommendation from Town Engineer Harris, and a recommendation from Town Planner Brox.

Chairman Jusko asked what, if any, major changes have been added to the current site plan. Mr. Brunner said that the plans are the same with the addition of the utilities. Mr. Brunner pointed out the electric, water, and gas. The sewage line is a 6-inch sanitary line. The sewer line will come off of Herman Hill Road, that work being done by Jeff Kuhn.

Mr. Maxwell asked if approval is needed to tap in to the sewer line.

Mr. Kramer said that Mr. Brunner would need a sewer tap permit before a building permit can be issued, in addition to a water permit, be it well water or county water.

Mr. Maxwell asked if drainage is going to be routed to the Kuhn property retention ponds, will those ponds be sufficient to receive this extra water. Mrs. Hacker responded that this Board previously determined that the retention ponds are more than sufficient.

Chairman Jusko stated that everything is on this plan that the Planning Board requested. Mr. Jusko recommended that this plan be submitted to Town Engineer Harris and Town Planner Brox for their recommendations; and based

Brunner Eatery, con't

on their recommendation and no further changes are needed., submit the number of sets to the Town Board for them to review.

Mr. Brunner asked if he would need to appear before this Board again. Chairman Jusko said yes, we need to make a final review and make a recommendation to the Town Board. Mr. Jusko told Mr. Brunner that a complete final set is needed for this Board.

Mr. Maxwell made a motion to table discussion subject to receipt of a final report from the Town Engineer and the Town Planner. Second by Mr. Edington. All were in favor.

FAITH UNITED CHURCH OF CHRIST APPLICATION

Chairman Jusko said that he would like to review the project even though it was not an agenda item.

Mr. Brox said he reviewed the Site Plan and could see no problem with the plan. He added that there is no additional parking or landscaping needed based on what is already on the property.

Mr. Jusko stated that there are no property line concerns, no additional parking, and no lighting changes.

Mr. Kramer added that the addition would hardly be noticeable from Boston State Road.

Chairman Jusko asked if there were any further questions.

Mr. Stringfellow made a motion to recommend approval to the Town Board based on the site plans submitted. Second by Mr. Edington. Unanimously approved.

CODE ENFORCEMENT KRAMER

Mr. Kramer issued some questions about the driveway at the Latona residence on Deer Run, this is the property that this Board recently recommended approval for the increase of lot size. Mr. Kramer said that it is his understanding that the gas line is being used as the driveway, and on the original plan the driveway was to be 100 feet south from the north lot line, and now the lot line has been changed.

Chairman Jusko said there is an agreement between Mr. Latona and the Gas Company. Mr. Kramer said that he is in receipt of that agreement.

Mr. Perley said in order to retain integrity of the property, the Planning Board can dictate the location of the driveway.

Mr. Maxwell asked if this is a change to the sub-division. Mr. Perley said, yes, it is a modification to the approved sub-division plot plan.

Mr. Perley and Mr. Harris reviewed the easement agreement between Mr. Latona and the Gas Company. Mr. Harris stated that the driveway entrance to the road is different than what Highway Superintendent Kreitzbender agreed to last week. Mr. Perley suggested that the Highway Superintendent discuss this matter with the Planning Board.

Mr. Maxwell explained that this Board's concern was the completion of the turn-a around.

Discussion turned to the gate at the end of the gas-line right of way. Chairman Jusko stated that this did not have any part of the sub-division approval.

Code Enforcement Kramer, con't

Mrs. Hacker asked if the Gas Company took the gate down, could the Town replace it? Mr. Perley said that the Gas Company did not take the gate down, the builder did.

Mr. Perley asked that this Board talk to the Highway Superintendent before this issue goes any further.

Mr. Kramer asked if the Planning Board had any say in where the driveway is placed.

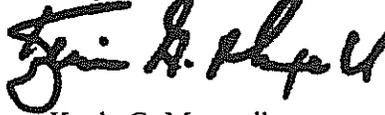
Mr. Perley said you have control of that sub-division, and this is a modification of that plan.

Mr. Perley said that he would contact everyone that needs to know the stipulations on this lot line change.

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

Being none, Mr. Jusko made a motion to adjourn the meeting at 9:35 P.M. Second by Mr. Edington. All were in favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin G. Maxwell". The signature is stylized and cursive.

Kevin G. Maxwell
Secretary

KGM:tjf