

Planning Board Minutes February 14, 2012

BOSTON PLANNING BOARD FEBRUARY 14, 2012

PRESENT: David Stringfellow. Chairman

Jennifer Lucachik, Secretary

Keith Clauss

Cathy Maghran

Rich Skinner

Dr. Paul Ziarnowski

EXCUSED: Mike Cartechine

Robert Chelus

Anthony Zeniuk

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town board Liaison

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

William Solak 9000 Boston State Road ? Emerling Chevrolet

Daryl Martin Architect ? 9000 Boston State Road

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Dr. Ziarnowski to serve as a regular voting member for this evening's meeting.

Chairman Stringfellow welcomed Cathy Maghran as a member to the Planning Board.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of January 24, 2012,

Being none, Mr. Clauss made a motion to accept those minutes, seconded by Mr. Skinner and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- ? Sent thank you card to Patricia Hacker for all of her years of service on the Planning Board
- ? Code Enforcement Officer Ferguson's January end-of month report
- ? Paul Ziarnowski letter stating that he would be recusing himself from further Emerling Chevrolet discussions
- o Previously distributed
- ? Distributed ? Local Law #1 for Code of Ethics

EMERLING EXPANSION PROJECT ? 9000 BOSTON STATE ROAD

Mr. Stringfellow: To recap for our newer member: first came to this Board as a preliminary discussion on September 13, 2011. Concerns were raised at that time regarding the lighting in the two sales lots on each side of the building, it has been at the Board several times since; at our last meeting on January 24, 2012 it was tabled pending receipt of elevation views of what they're calling the cold storage building, although it's not really for cold storage in the sense that they will be storing cold or frozen foods; and a lighting plan. We have received the elevation views; we have not received a lighting plan. A few days after our last meeting I received a telephone call from the Town Supervisor, he informed me that the Building Permit has already been issued. So Emerling Chevrolet, I believe has a Building Permit for this project.

Mr. Stringfellow: In going through the Town Code, Site Plan review, Site Plan approval is required for this project. If you look at Section 97-11:

Following receipt of the recommendation of the Planning Board, the Town Board shall approve, approve with modifications, or disapprove the Final Site Plan.?

We have not issued a recommendation to the Town Board, obviously the Site Plan has not been approved.

Mr. Stringfellow: If you look at Section 123-163, it's a terribly long run on sentence which covers much too many things, but when you boil it down to what applies to this issue: ?Site Plan review and Site Plan approval are required before the issuance of a Building Permit.?

The Building Permit has already been issued, Site Plan review has been completely circumvented by the Town Board; there is nothing for us to discuss, there is nothing more for us to do. Next agenda item is Councilman Genzel.

Mr. Kobiolka: What happened since the last meeting: The applicant got a hold of the Town Board and the Supervisor and informed them that they were in danger of possibly losing their franchise. The Town Code does provide for the issuance by

the Building Inspector of a temporary permit, which was what was issued, with the condition that these applicants come back in front of the Planning Board and complete the Site Plan Review.

Mr. Stringfellow: I was not informed of that at all. I was simply told that?

Mr. Kobiolka: It was just a temporary order of occupancy, it was not really an approval, so this action is back in front of the Board.

Mr. Brox: If they had followed things properly the first time that wouldn't have happened.

Mr. Kobiolka: But that was not the situation with this applicant, and these were not conditions set by the applicant themselves, they were set by General Motors, so they tried to comply the best they could?

Mr. Brox: No they didn't. I'm sorry. Six months ago when this thing first popped up they were given Section 97, how to do it, and chose not to follow it; and their architects and engineers chose not to follow it; it's not the Planning Board's fault for any delay or hold up, the Planning Board has been trying to get information out of this applicant and it's like pulling teeth.

Mr. Kobiolka: I have not said that it's the Planning Board's fault at all.

Mr. Brox: But I can understand why Mr. Stringfellow was so upset, this should have never happened.

Mr. Stringfellow: I was simply told that the Building Permit has been issued?

Mr. Kobiolka: It's just a temporary one to allow the applicant to start to comply with the request of General Motors; he still has to come before this Board and he still has to take care of the things that the Planning Board says; so as not to hold up?that's what I think the Town Board and Supervisor were looking at.

Mr. Clauss: There is one more issue, if I recall last meeting, the issue was the addition to the building that were applied to the dealership and the franchise, the thing that had to get going, that was okay; this add-on of the cold storage building is what kind of?they added that into the original, so we could have voted on that last time.

Mr. Stringfellow: I am taken back because I had no such idea that there was such a thing as a temporary or whatever building permit?

Mrs. Lucachik: There is for occupancy.

Mr. Stringfellow: The issue with this property has never been the little addition they want to build, or even the new building, although there has been some issues with the proposed new building. Nevertheless the primary issue has been the lighting of the parking lot. I have been down and looked at that parking lot both of the sales lot on both sides of that building are lit primarily by big tall towers near the center of the lot with the light directed outward. The Code clearly specifies that the lots are to be illuminated by lights directed inward so that they do no shine on the streets, or on adjoining property. Since September 13 when this issue came up we have never received a site plan that shows the lighting on those lots at all. We still don't have a site plan that shows the lighting. Frankly I'm fed up with this thing, I would like to introduce a motion that we simply recommend that the Town Board disapprove this site plan, and be done with it. If someone wants to second that we'll vote on it, if not somebody come up with something else.

Dr. Ziarnowski: I'm out of here. I have a conflict. After the last meeting I went home and realized I lost it. I called David to say that I really don't want to be involved. Thelma can read the letter so that it's in the record and I'll get out of here.

Dr. Ziarnowski was advised that he did not have to leave the room.

Dr. Ziarnowski: I'd rather get out of here so no one is staring me down.

Secretary Faulring read the letter:

Chairman Stringfellow, Mr. Kobiolka, Councilman Genzel and fellow board members,

After Planning Board meeting of 1/24, I feel that it would be in the best interest of all that I abstain from further discussion and voting regarding the Emerling Expansion project.

At the onset, Chairman Stringfellow advised me to make it known that I was a neighbor, also, which

I did. However, I realized after last meeting that I have a potential conflict of interest and would like

that not to cast a negative light on the Board, Emerling and it's proceedings.

I initiated a call to Chairman Stringfellow by phone on 1/27 to express my intentions.

I am confident that Emerling will continue to be an asset to the community and a good neighbor, as evidenced by the prompt attention to the Lewis' concerns.

Sincerely,

Paul J. Ziarnowski

Mr. Stringfellow: I made a motion, is there a second?

Mrs. Maghran: I have a question.

Mr. Brox: There has to be a second first.

Mr. Stringfellow: Hearing no second the motion dies.

Mr. Skinner: I'll second.

Mrs. Maghran: Coming into this midstream, and knowing that I have to vote on this, I just want to make sure I know what I'm doing. Is the lighting that's there now, is the issue?

Mr. Stringfellow: Yes.

Mrs. Maghran: They're not changing the lighting at all?

Mr. Stringfellow: They have turned them down so that they don't shine as much on the neighboring property; the lights are still on tall posts near the center of the lot; essentially beaming their light outward.

Mrs. Maghran: Their Building Permit?are they changing the lighting is what I'm asking?

Mr. Stringfellow: No, they are not.

Mrs. Maghran: Is the lighting concern something that was grand-fathered in from years ago or?

Mr. Brox: To answer that let me say this: The lighting, even though it's been there for years, whenever the applicant comes in for a revision to their site plan, an addition to their site plan, and amendment to their site plan, on any property in Town, it gives the Planning Board the opportunity to bring what parts it can into compliance; and lighting has been an issue for years; but until they came in with something that gave the Planning Board the opportunity to ask that the lighting be shielded, be hooded, be redirected we couldn't do a thing.

Mr. Kobiolka: I thought that at the last meeting we agreed that this was an issue to be addressed by Code (Enforcement) and if in violation of Town Code then the Code Officer should be down there trying to take care of it.

Mr. Brox: It may violate the Code but it may violate one of the Planning Board's interest in that in a site plan issue lighting is something that the Planning Board has to be concerned with or can be concerned with.

Mr. Kobiolka: But I didn't see anything in the application from the applicant that he was going to adjust the lighting or modify, or add additional lighting?

Mr. Brox: No we brought it up, he's adding lighting on the new part, but we brought it up as an issue to bring it into compliance so it doesn't bother the neighbors, which has been an issue, and the neighbors asked what can we do, and we said nothing unless they modify their site, which they're doing; now the Planning Board can get involved and say the lighting's got to be fixed.

Mr. Kobiolka: I personally spoke with the Building Inspector, who's been here, what six/seven years, and he said that this is the first he's heard of this complaint.

Mr. Brox offered to loan his earplugs (hearing aids).

Mrs. Maghran: I guess that was the question: if they're not changing the lighting at all then I don't understand why it isn't a Code issue too, that's where I'm coming from.

Mr. Stringfellow: Because when this came up before the Planning Board there were neighbors who came to a Planning Board meeting and expressed concerns about that lighting; and we looked at that lighting and it does not meet the Code

Mrs. Maghran: But they've never gone to Code Enforcement, or letters sent in?

Mr. Kobiolka: That's what he said, and been there for a number of years.

Mr. Genzel: It was the Lewis? and she came in with three problems and Emerling's addressed all three of them and she also wrote a letter and she said they took care of all three of them and one of them was the lighting issue shining in her yard.

Mrs. Maghran: There was a drainage issue, I remember they took care of that, that was about three years ago.

Mr. Genzel: She wrote a letter saying that Emerling's had addressed all three of them, that she was satisfied and to allow them to go ahead with their project from her standpoint. Mr. Ziarnowski was a neighbor, has concerns with the lighting, the Town Board, the Supervisor, went to Bill Ferguson "has there been any complaints?" Mr. Ferguson said that was the first he had heard about it, there have no official complaints in the Code Enforcement Office. So from that standpoint, the Town Board, unanimously, decided to give them a temporary permit, because of the large tax base that Emerling pays, and all the local employees and they were under the gun from G.M. I don't think that if a neighbor has a concern with lighting that they are more than welcome to file a complaint at Code and I'm sure the dealership would address them as neighborly. I think that's kind of where it stands. I've driven past there myself, I've driven past Kissing Bridge, I've got lighting coming from street lights at my house. I mean there's lighting everywhere, personally I don't think it's the government's job to put their thumb down and make them change everything and make everything perfect. I think this can be addressed through Code on a neighborly basis. I don't think the project should be held up, they provided us with the elevations as requested, which I thought we could have approved with contingencies but Mr. Stringfellow doesn't like to approve with contingencies, which is fine that's his opinion, but I mean here is what they requested, the Planning Board requested and the lighting issue is being dealt with at Code level, so I think this project should be approved.

Mr. Brox: That said; I am really going to p__s people off. I spoke with Jennifer before the meeting, she asked me a question. This is the only Planning Board that I have ever worked on or served with that has a Town Board member present. For that reason it was just explained to you. It's influencing your decision, because you're hearing it from a Town Board member.

Mrs. Maghran: No it's not, I wanted to get updated and brought up to par on what was going on.

Mr. Brox: Like I said, it will influence your decision. That's why the Planning Board is supposed to be autonomous, separate, so you have no one duly influencing you from the outside; or high authority. I'm not p__ _ ed at you, just in general (looking at Mr. Genzel).

Mrs. Lucachik: He was just answering my question.

Mr. Brox: Now my other comment is this: this came in the mail to me, last week, it doesn't meet the building code, and I'm not supposed to review the building code?

Mrs. Lucachik: The New York State Building Code.

Mr. Brox: The New York State Building Code. The footing is only two feet deep, in the Town of Boston they've got to be at least four; nobody caught it the Building Inspector approved it, give me a break.

Mr. Martin: Where does it say?

Mr. Brox: It doesn't say, it says two feet in diameter?

Mrs. Lucachik: Right here the piers, 24 inches?

Mr. Brox: Piers, that's all it says.

Mrs. Lucachik: The frost line goes down four feet.

Mr. Martin: All sections says four feet below grade.

Mr. Brox: Where? Not in mine.

Mr. Martin: You didn't ask for that, you asked for the elevations.

Mr. Brox: Don't give me that crap.

Mr. Martin: We gave what you?

Mr. Stringfellow: We have a motion on the floor; any more discussion on that motion? Thelma would take a roll call vote, please?

Secretary Faulring: The motion was to make a recommendation to the Town Board to disapprove the site plan.

Mr. Clauss: Based on the lighting?

Mr. Brox: They have not complied with Section 97-4 to 6 of the Code's lighting as requested by the Planning Board.

Mr. Stringfellow: Is that automotive use section?

Mr. Brox: No that's the section that says submit a plan showing all standards, etc. etc.

Mr. Kobiolka: Are you sure you want to go on that basis? There is a difference of opinion in terms of whether or not this is a Code issue or an applicant comes in that we're going to make him do major changes when he's making a minor change to the front of the building; I think that would be very onerous on an applicant. I know there's several lights down there; I don't know what they cost; but this applicant and any applicant is trying to comply with the Code, and make them redo everything, the lighting outside, we can see it; and then go back into the building and look at the back rooms, is there enough space in them? Do the doors come out the right way?

Mr. Brox: You could.

Mr. Clauss: I don't think anyone here wants to put Emerling's under any undo process or anything else; but his lighting thing doesn't seem like that big a deal in the scope of the project, and they're dragging their feet and not doing anything about it. Paul brought up the lights at the Springville store, it doesn't seem like that big a deal; and they've been in quite a few times, and I don't see why they just didn't do it. An engineered lighting plan isn't necessary, just a couple lights that need to be changed, it's not that big of deal and get it done.

Mrs. Maghran: Can't we make that a requirement of the application? That we would accept this application with corrections made to the original lighting. The Planning Board has done that before?

Mr. Stringfellow: Contingencies.

Mrs. Maghran: I know you don't like that, but it works.

Mr. Stringfellow: A lot of time the contingencies are not met and?

Mrs. Maghran: The last time I was present at the Planning Board when contingencies were put into was Tim Horton's, and he did comply with them, it took him awhile, but he got them done.

Mr. Stringfellow: Tim Horton's never finished his drainage until he was back at the Planning Board wanting to build his next phase?and we told him not until you finish the first phase.

Mrs. Maghran: But it got him to do it.

Mr. Stringfellow: Okay, so we give a contingency to Emerling and they do nothing until the next time they have to come back to the Planning Board for something. With regards to whether we should consider the lighting or not let's look at Section 123-11 A: "no building other structure or land shall hereafter be used or occupied, and no building or other structure or parts thereof shall be erected, relocated, altered; which is what pertains here; extended or enlarged, unless in conformity with the use, height, area and other pertinent regulations specified herein for the district in which such building, other structure or land is located and in conformity with all other regulations of this chapter.?"

Mr. Stringfellow: This chapter includes automotive use where 123-120 B covers: "Lighting. Any fixture used to illuminate any automotive area shall be so arranged as to direct the light away from the street and away from adjoining premises.?"

Mr. Stringfellow: These lights are in the middle of the lot directing the light toward the street and toward the adjoining properties. Item C. Screening: Every automotive use area has to be screened?? and then it gives conditions for screening; there is absolutely no screening shown on that site plan at all. Yes we can take the very narrow view or we're only going to approve what they're doing new and everything else that doesn't meet the Code can just go on or we hope the Code Enforcement Officer will do it or we can take the view that we are going to make this site meet the Code before it gets approved. I will not be at all upset with anybody who votes against that motion; but there is a motion on the floor, unless we have more discussion on that motion, let's vote on it and try to get on with it one way or another.

Secretary Faulring:

Mr. Clauss I'm going to say nay

Mrs. Lucachik nay

Mrs. Maghran asked to have the motion read again,

Mrs. Maghran no

Mr. Skinner I'll vote no

Mr. Stringfellow yes

Mr. Stringfellow: The motion fails. Do we need a formal motion to proceed?

Mrs. Lucachik: Could I make the recommendation to have Thelma make a formal request to the Code Enforcement Office to review those 123-11 A and 123-120 B at the site with the gentleman who?

Secretary Faulring: There have been no formal complaints made by any of the neighbors, to the code Enforcement Officer.

Mr. Stringfellow: Does the Code Enforcement Officer have to have a formal complaint before he enforces the Code?

Secretary Faulring: That's how it's been. He's had complaints about other lighting on Back Creek Road, but not about Emerling's.

Mr. Brox: He's getting a request from the Planning Board, it doesn't have to follow a complaint, he's getting a request from the Planning Board to enforce the Code.

Mr. Kobiolka: I think he's got that general responsibility to report the Code, you don't have to tell him to do his job, he knows how to do his job.

Mr. Stringfellow: How many years have the lights been shining in the wrong direction?

Mr. Kobiolka: You can ask him to review it?

Mrs. Lucachik: Right, and that's what I suggested, do we make a motion?

Mr. Stringfellow: In the Code Enforcement Officer's defense I would have to say that there are so many violations in the Code in this Town that he could work himself to death if he simply tried to pursue every violation that he ever sees; and I believe that he has realized that he isn't capable of doing that, nobody would be; and he has taken the approach that he will respond to complaints, whether that's right or wrong, I can understand it.

Mr. Skinner: Well it's been brought to his attention now by us, that's what we're going to try to do, right?

Mrs. Maghran: He'll get a code issued and?

Mr. Skinner: I mean I agree with your initial statement from the first meeting this came up, this is our leverage, we don't go bother these guys until they come in, and then it's like okay you're going to add to the building, that's fine, you're going to add a cold storage, that's fine ? how about getting your lights up to Code and make them a little more pleasant?

Mrs. Lucachik: Well I could just tell him right now and make a complaint, but I'm doing it formally here so it's on the record, if they want to continue to be a good part of the community then they will follow up with that.

Mr. Skinner: I don't want to hold up the project, but move a couple of lights. Don't make an issue, would there be a problem with going to Emerling, can you talk to them about changing their lighting or anything.

Mr. Solak: Yeah, I think the discussion has been; I can go change the lights, you may like it, you may not. You drive around Town there's lights visible no matter where you go in Town; so, you go by any parking lot that has any business and there's lights. I can see the lights from the rug store, Valley Floor, across the road, I can see that, cause I have to see it cause it's lit up so you can read it. I mean?

Mr. Skinner: These are so high, because the standards are so high, and it just illuminates everything, that's the neighbor's issue.

Sr. Solak: But I think that's why the discussion has been refer it to the Code Officer, because I don't know what I'm supposed to do. I'm not the expert and our goal is to keep this business open and doing what it's got to do, and we need to

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do certain things to comply with Chevrolet and General Motors and that's what we're attempting to do and at the last meeting it was discussed to have this sent to Code and you asked for the elevations, which we complied with.

Mr. Stringfellow: We also asked for a lighting plan which you said you provide, and have not.

Mr. Solak: And the discussion was as I recall was again on this Code and referring it to the Code Officer.

Mr. Stringfellow: Thelma, that's in the minutes isn't it ? tabling it until?

Secretary Faulring: Yes it is.

Mrs. Lucachik read from the minutes of January 24, 2012: "I'll make a motion to table this until the next meeting pending receipt of elevation views of the cold storage building and a lighting plan."

Mr. Stringfellow: Does anyone want to make a motion on this thing; I am just—it's been since September on this thing and we've gotten absolutely nowhere. If somebody want to make a motion to just approve the site plan as it is and forget it, we'll vote on that. I don't care.

Mr. Clauss: I'll make a motion to approve the site plan with the contingency of the Code Enforcement Officer being put on notice to see that the lighting is dealt and leave it in his hands.

Mr. Stringfellow: It's not really a contingency, because we can put the Code Enforcement Officer on notice, in fact I think we've already agree to do that. Was that a motion and did we vote on that?

Mrs. Lucachik: I'll make a motion?

Secretary Faulring: We've got one motion on the floor.

Mr. Clauss: But I messed it up, I'll withdraw.

Mrs. Lucachik: I make a motion to inform the Code Enforcement Officer of Emerling's lighting plan that it is not up to Code, specifically 123-11 A and 123-120 B.

Secretary Faulring asked to have the Code Section numbers repeated.

Mrs. Maghran: I'll second the motion.

Mr. Stringfellow: Any discussion on the motion? Being none, all in favor?

All were in favor of the motion.

Mr. Stringfellow: Now Keith, your motion.

Mr. Clauss: I make a motion to recommend approval to the Town Board, approval of the site plan.

Mr. Stringfellow: Is there a second to that motion?

Mrs. Lucachik: I second.

Mr. Stringfellow: Is there any discussion on that motion? Hearing no discussion, Thelma would you take a roll call vote please?

Secretary Faulring:

Mr. Clauss aye

Mrs. Lucachik yes

Mrs. Maghran yes

Mr. Skinner yes

Mr. Stringfellow no

Mr. Stringfellow: We have four yes votes, that's a majority, so that one carries. So we will recommend the site plan approval. Next item on the agenda is Councilman Genzel.

Mr. Genzel asked to have Dr. Ziarnowski come back to the meeting.

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported: from the Town Board meeting of February 1, 2012:

? Accepted the recommendation of the Planning Board for the appointment of Cathy Maghran and Tony Z. to the Planning Board

? Tabled Mr. Skinner

o The two new Councilmen Vara and Murtha needed time to call applicants that the Supervisor supplied to them

o That will be on the agenda for tomorrow's meeting

? The Boston Hotel property owners will be in Town Court on February 27, 2012 at 6:00 PM in front of Judge Metzger for Property Maintenance Code violations

o Specifically the fence that was put up and never removed from the demolition

? The Town Board unanimously scheduled a Public Hearing Local Law #2, 2012 for the Dana Darling sub-division ? Creekfield?

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o March 7, 2012 at 7:40 PM

- o Rezoning of approximately 21.63 acres, west of Boston State Road, south of Deanna Drive from R-A to R-3
- o Have received the Planning Board's negative recommendation
- o Town Engineer and Town Planner have been asked to be in attendance
- ? It looks like our own Town Clerk Shenk will be moving up to Erie County Comptroller
- o The vote will happen tomorrow at the Erie County Leg.

Mrs. Lucachik: The sub-division ? there's a Public Hearing coming up?

Mr. Brox: Not sub-division, it's the townhouses.

Secretary Faulring: It's for the rezoning.

Mr. Genzel continued:

? Again the Public Hearing is March 7, 2012 at 7:40 PM

Mrs. Maghran: Question regarding the hotel property ? when the Boston Hotel, they didn't close, they just relocated; when they relocated they didn't have to come before the Planning Board, correct, because it was?

Mr. Stringfellow: They had been using that property as a restaurant?

Mr. Kobiolka: It was already there and operating.

Mrs. Maghran: I was just wondering because it's not handicapped accessible at all.

Mr. Genzel: They can bring you in at the side door on Boston Cross?they might have to move the table out of the way, it goes right from street level into?I've seen them do it.

Mr. Genzel continued:

? We have a Town Board meeting tomorrow at 7:30 PM.

Mr. Stringfellow: Thank you Mr. Genzel. Mr. Kobiolka.

Mr. Genzel: I have one other comment concerning lighting. Is there a lighting expert here; I mean how do we know this lighting is out of code?

Mr. Stringfellow: All you have to do is go down there and look.

Mr. Genzel: I did go down there and look.

Mr. Stringfellow: Can you see the light coming from towers in the center of the lot?

Mr. Genzel: Yeah, when I pull in the lot I can see the lights.

Mr. Stringfellow: The lights have to be directed outward if it comes from the center of the lot and lights the outskirts of the lot; and the Code says it must be directed inward.

Mr. Genzel: I don't see that as a violation there.

Mr. Stringfellow: It doesn't matter; they got their Building Permit and it's up to Code Enforcement at this point.

Mr. Genzel: Because the lighting at Buck's, when he went through the planning process, the lighting at the next door neighbor, same thing, the light shines all over the place and that never got talked about.

Mr. Skinner: That was on the site plan, they had every light on it on the plan. He did have lights and knew where he has going to put them.

Mr. Brox: They may not be hooded properly; sometimes that happens too; adjust the hood ? the light gets cut off?

Mr. Skinner: Or just add some type of hood

Mrs. Maghran: I can see the neighbors, no doubt; fall comes and the leaves go and it might as well be daylight when you live down by the school. They hired someone who came in recently, they said we're going to save electricity and they turned out all the lights around the school at 12:00, so it's pitch dark and last week went behind the school and drew (obscene pictures) all over the school that the kids came into in the morning, so you can't win. So now the lights are back on.

Mr. Genzel: Does the Code have a detail of the lighting assembly?

Mr. Brox: It doesn't need one. All the Planning Board has to do is request the lighting plan and the applicant has to submit it. In this case it was woefully neglected from September till now.

Mr. Stringfellow: But that is behind us, let's get on with it. Mr. Kobiolka what do you have?

TOWN ATTORNEY ? MR. KOBIOŁKA

Mr. Kobiolka: With Councilman Genzel's remarks, I think we see contrary to Mr. Brox's comment why it's important to have someone down here from the Town. Whatever goes down

at the Planning Board is reported back to the Town Board by the Town Councilman, what happens at the Town Council is then reported back to the Planning Board. The Town Board and the Planning Board have to have that interface, you don't always have to agree, but as long there is that free flow of information going back and forth, I think that's really important, and I can't remember a year where there was not a Town

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Councilman sitting down here on the Planning Board.

Mr. Brox: What I said this is the only Board, and I've worked for this Board for eighteen years and there's been a Councilman here for all eighteen years, so I figured that was Board policy. You can do it like I said, it's unusual and it's for the reason I stated that maybe there's some undue pressure felt if the Town Board member has comments that aren't in sync with some Planning Board members. That's the only reason I brought it up.

Mr. Genzel: That can go both ways. The Planning Board can give me undue influence for at the Town Board level.

Mr. Brox: Possible, possible. So anyway I don't know if it's done the way you want to do it.

Mrs. Maghran: As somebody who was sitting here in the same place that Jeff was too, I think that's exactly what I think I did, was influence people on the Board at the time, more than the Board influenced me. The lack of knowledge sometimes at the Board level, they need to hear the expertise of down here.

Mr. Stringfellow: In response to Mr. Kobiolka's comment. I have frequently felt the same thing that Mr. Brox expressed. Not when Mrs. Maghran was liaison, but from you Mr. Genzel. You have frequently contributed to the discussion, contributed to the decision making as a Board member, rather than as an observer. I feel the same way Mr. Brox does.

Mr. Genzel: That's great. I disagree with you Mr. Stringfellow.

Mr. Stringfellow: You are perfectly welcome to disagree.

Mr. Genzel: Yeah I do.

Mr. Stringfellow: My feeling is that the liaison should be bringing us news and taking news back, but not contributing to the discussions and the decision of the Board. Is that it Mr. Kobiolka?

Mr. Kobiolka: Yes it is.

Mr. Stringfellow: Does anyone else have comments on that?

Mr. Brox: I just want to ask a question, because I did write a comment on the sub-division on Deanna Drive. That because it's a filed plat map and if they build it to that plat specification, it does not have to come back before the Planning Board and they don't have to change a thing, it doesn't need a variance or anything, it's a legal filed plat even though it's twenty years old; however I felt strongly that the Town Board or the Planning Board, because sub-division is strictly Planning Board should request the right-of-way, north to south through lot 15, whether or not the Town Board approves the zoning on the townhouses, because something will eventually go there. So I was wondering what action you took on that sub-division.

Mr. Skinner: I think we brought that up about putting a right-of-way through there. We took no action but that was discussed.

Mrs. Lucachik: We discussed that there would be a gate with a walking path too, but the gate would be able to open it up once there was more housing and more need for it, at that point. The only discussion that we made a recommendation on was the multi-dwelling rezoning.

Mr. Kobiolka: If that's still a sub-division, why aren't those lots taxed separately?

Mr. Brox: They should be. I've owned a sub-division on Grand Island for twenty years and I have 37 lots that I get 37 tax bills; it should be.

Mr. Genzel: It's abandoned.

Mr. Brox: Did they abandon it officially in County Hall?

Mr. Genzel: Yes.

Mr. Stringfellow: Shouldn't that be filed?

Mr. Brox: Then why I did I get a map that said this was filed in County Hall?

Secretary Faulring: Because I was asked to look for one and that's what I found in the Assessor's office.

Mr. Brox: But it never said that it was abandoned.

Secretary Faulring: I'm not the assessor. I don't know what it's supposed to say.

Mr. Brox: Okay, if it's abandoned, its open range, we start all over from scratch and it's got to meet today's rules. Thank you.

Mr. Stringfellow: The next agenda item is adjournment by motion. Does someone want to make a motion?

Mrs. Maghran: I'll make the motion to adjourn.

Mrs. Lucachik: I'll second.

All were in favor to adjourn.

Respectfully submitted,

Jennifer Lucachik

Secretary