

Planning Board Minutes February 22, 2011

BOSTON PLANNING BOARD FEBRUARY 22, 2011

PRESENT: David Stringfellow, Chairman

Patricia Hacker, Chairman

Mike Cartechine, Secretary

Robert Chelus

Keith Clauss

Mark Coppola

Jennifer Lucachik

Rich Skinner

EXCUSED: Joe Litwin

ALSO PRESENT: Jay Boardway Councilman

Thelma Faulring Secretary to the Boards and Committees

Ronald Yormick 6405 Deanna Drive

Toby Cronk 6417 Deanna Drive

Marian Schiralli 6410 Deanna Drive

Mark Schiralli 6410 Deanna Drive

Dana Darling Applicant ? BMH Community LLC

Joseph Gauthier Applicant ? BMH Community LLC ? 1790 Bullis Road

Sean Hopkins Attorney ? BMH Community LLC ? 5500 Main Street, Williamsville

Chairman Stringfellow called the meeting to order at 7:30 PM and appointed alternate member Robert Chelus to serve as a regular voting member for this evening.

MINUTES

Mr. Stringfellow asked if there were any additions or corrections to the minutes of February 8, 2011. Mrs. Hacker noted two typo changes on page two.

Mr. Stringfellow asked if there were any further corrections or additions.

Being none Mrs. Hacker made a motion to accept the minutes, seconded by Mr. Chelus and carried.

GENERAL CORRESPONDENCE:

Secretary Faulring reported:

Code Enforcement Officer Ferguson's January end of month report

AMENDED APPLICATION - LETTER OF REQUEST FR REZONING FROM R-A TO R-4 FOR MOBILE HOME COMMUNITY

Mr. Stringfellow read the body of the letter from the Town Engineer.

Mr. Stringfellow: Basically what this boils down to is that this project does require an environmental review process and that process does include at least one Public Hearing. The Town Board has to take responsibility for that; that is not a Planning Board responsibility. So I will recommend to the Planning Board that we follow the advice here and make motions that: #1 the Town Board make the preliminary classification of the project as an Unlisted Action that requires a coordinated review with other involved/interested agencies. Someone want to make that motion? Then I will make that motion. Will someone second it?

Mr. Chelus: I'll second it.

Mr. Stringfellow: Okay motion is made and seconded. Do any of the Board members have comments, questions or whatever with regard to recommending that the Town declare this an

unlisted action under SEQR? All in favor of the motion? All were in favor of the motion, there were none opposed.

Mr. Stringfellow: #2 we need a motion that the Town Board declares its intent to act as lead agency pursuant to the SEQR.

Mrs. Hacker: I'll make the motion to recommend that the Town Board declare its intent to act as lead agency.

Mr. Cartechine: I'll second.

Mr. Stringfellow: We have a motion and second, any discussion on that one. No discussion, I'll call for the vote. All in favor? All were in favor of the motion. There were none opposed

Mr. Stringfellow: #3 we need a motion that the Town Board notifies all involved or interested agencies at its intent to assume lead agency status and transmit to those agencies Part 1 of the Environmental Assessment Form. If no one else makes a motion, I will. Is there a second?

Mr. Chelus: I'll second it.

Mr. Stringfellow: Motion made and seconded. Is there any discussion? Call for the vote ? all in favor? All were in favor. There were none opposed.

Mr. Stringfellow: At this point then we have essentially recommended that the Town declare itself lead agency and get started on the SEQR process. That process should and I really believe will, generate a lot of useful information in terms of defining this project much more clearly and give everyone a much better feeling for what it is we're working with here. I would therefore recommend that the Planning Board table this at this point until the SEQR process is finished so that we can have value and the use of that information in making our recommendation to the Town as to whether they should approve or not approve this rezoning and that subsequent developments.

Mr. Coppola: I will make a motion that we table this until the Town Board makes?until the SEQR report comes back so that we can properly inform the Town Board of our recommendation for this project.

Mr. Stringfellow: Fine; does everybody understand the motion? Is there a second?

Mr. Clauss: Second.

Mr. Stringfellow: We have a second, is there any discussion? Then I'll call for the vote ? all in favor of the motion to table discussion on this project until the completion of the SEQR process, say I. All in favor. Opposed? None opposed. That motion carried. I believe completes that agenda item.

LIAISON COUNCILMAN GENZEL

Councilman Boardway: Thank you Mr. Chairman. Councilman Genzel is unable to be here tonight and I'm acting in that position. I'm Councilman Boardway. We thank you for your actions tonight. I will take these recommendations back to the Town Board, hopefully our meeting on March 2, 2011 at which point in time I expect that we will be recognizing this as an unlisted action, we will be recommending listing ourselves as lead agency for SEQR purposes and getting the process that we have to begin. Mr. Hopkins succinctly told me and the folks in the crowd tonight that the SEQR process is certainly going to generate the public hearing at some point in time down the road. At that point obviously everyone's comments will be expected and appreciated. Other than that, Mr. Chairman, I have nothing else.

TOWN ATTORNEY KOBOLKA

Mr. Stringfellow: Mr. Kobiolka is under the weather, barely able to speak, and asked to be excused this evening.

DISTRIBUTION OF TOWN BOARD REFERRALS

Mr. Stringfellow: Are there any referrals from the Town Board?

Secretary Faulring: No.

Mr. Stringfellow: No new referrals from the Town Board. We are down to adjournment unless somebody has something else to bring up.

Mr. Skinner: I have one question for the liaison. I was going to ask Mr. Genzel but he's not here. Two meetings ago we in our minutes we were down to Mr. Brox's letter for reappointment and that's a Planning Board's decision; that's up to the Planning Board. And he had said don't bother, that the Town Board already appointed Mr. Brox. Not that I have anything against Mr. Brox or he wouldn't have been reappointed by us. But that's our recommendation to the Town Board.

Mrs. Hacker: Were there scheduling / budgetary issues. Was there a reason it came to the Board before we had our chance to send our recommendation?

Mr. Boardway: No, Ms. Vice Chairman. First I wasn't at that meeting so I haven't spoken to Councilman Genzel about that, but I will. We do have to set our budget by November of last year. So I know a line item for that budget was put in place back then. Why these comments came up with what they did?

Mr. Skinner: It wasn't about the monetary budget, it was just about the appointment on who we recommend, or if we recommend him or if we want to go another route.

Mr. Boardway: I'll find out. I'll find out exactly what he meant.

Mr. Skinner: We have the right to have our own appointment.

Secretary Faulring: Rich, you know what I think might have happened. With the "girls" dealing with all the business in the Town Office, some of this is new, when Mr. Brox faxed over his letter requesting appointment, I believe they took his letter and just gave it right to the Town Board. We had not had a meeting yet and the Town Board took action on his letter without our recommendation. I am not putting the blame on any of the girls in the office. They got it and put it on the Town Board agenda.

Mr. Boardway: And that is quite possible. Because I know when that did come up, when I saw it for the first time I was under the impression that the Planning Board had sent?

Mr. Skinner: It was never seen. That night we had just received this letter and we were going to take action and we were told he was already appointed so don't bother.

Mrs. Hacker: My question ? should we be looking at this in September, October for the November appointment of budgeting? Is that our?

Mr. Skinner: I would say bring it up earlier.

Secretary Faulring: Usually Mr. Brox's letter comes, like, in August because he always, he knows the end of August is budget month and he tries to get his letter in so he can be included on the budget. I don't know why it wasn't this year, I know other times he was told to "resubmit it again in November, December, it's too early." Last year he had some medical issues. I think it was just a mix-up, truthfully.

Mr. Stringfellow: The bottom line is that the Town Board has the authority to appoint the Town Planner, not the Planning Board. Now in the past the Town Board has usually waited for a recommendation from us, this time they didn't, there is nothing that says that they have to wait for our recommendation. I don't think anybody did anything wrong, we were just a little surprised.

Mr. Skinner: We have the authority, it's right in here.

Mr. Coppola read: "New York State Law Zoning and Planning: Appropriation for the Planning Board. The Town Board is hereby authorized and empowered to make such an appropriation as it may see fit for the Planning Board expenses. In the Town containing one or more villages or parts thereof?" that's not applicable to what we're talking about. "The Planning Board shall have the power and authority to appoint experts, clerks and a secretary and to pay for their services and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefore by the Town Board for such Planning Board." So the Town gives us our budget and we make the appointment for the expert that we work with.

Mr. Stringfellow: It certainly sounds that way. I was not aware of that part of State Law.

Mr. Skinner: It's right in there. It's in the Code.

Mr. Boardway: Which is my understanding also. It's similar with the Zoning Board of Appeals, also. Like I said I will speak with Councilman Genzel and find out exactly how that matter came to the Town Board for a vote. But speaking on my own, my impression was that when it came up for a vote it was with this Board's recommendation already.

Mr. Stringfellow: Is there anything else to be brought to this Planning Board tonight? If there's nothing else can I have a motion to adjourn?

Mr. Coppola: I'll make the motion to adjourn (7:49 PM).

Mr. Cartechine: Second.

Mr. Stringfellow: Motion made and seconded. All in favor? All were in favor to adjourn.

Respectfully submitted,

Mike Cartechine

Secretary