

PRESENT: Patricia Hacker, Chairman
David Stringfellow, Vice Chairman
Michael Pohl, Secretary
J. David Early
Jeffrey Mendola

EXCUSED: Margaret Andrzejewski

ALSO:	Kelly Vacco	Town Attorney
PRESENT:	Brien Hopkins	Councilman – Town Board Liaison
	Karl Simmeth	Councilman
	Richard Brox	Planning Consultant
	Paul Speich	CAC Liaison
	Anne Gallagher	Owner/Operator Amy’s Place
	Bryce Bixby	Architect – Amy’s Place
	Kim Bingman	Amy’s Place
	Dana Darling	Darling subdivision

MINUTES

Mrs. Hacker asked if there were any corrections or additions to the minutes of December 9, 2003:

Mr. Stringfellow: page 1, second line of second bullet under correspondence should be corrected to read ‘it has never been completely finished.’

Mr. Early: page 4, Town Attorney Vacco – line 10 a comma should be added ‘and as the Town Board likes to do, they do not vote on the matter on...’

Mr. Stringfellow: page 2, Site Plan Review – line 5 Mr. Gallagher should be corrected to Ms. Gallagher.

Mrs. Hacker asked for a motion, Mr. Mendola made a motion to accept the minutes with these corrections, seconded by Mr. Early, all in favor.

CORRESPONDENCE

Secretary Pohl reported the following correspondence:

- Letter to Supervisor Eagan from Paul Jusko submitting his resignation from the Planning Board
- Letter dated December 10, 2003 to Town Board from Patricia Hacker submitting recommendation for Planning Board officers
- Letter dated December 11, 2003 to Town Board from Patricia Hacker with recommendation for Schunk duplex
- Letter dated December 11, 2003 to Nicholas Charlap from Patricia Hacker requesting 9 additional as-built site plans
- Letter dated December 16, 2003 to Patricia Hacker from Scott Kinsman at Foit-Albert regarding Darling subdivision
- Letter dated January 1, 2004 from Maurice Emerling, Hickory Meadows LLC regarding modification of #14 lot line
- Letter dated December 24, 2003 to Kevin Maxwell from Town Clerk thanking him for his service on the Planning Board
- Other correspondence to be read at agenda point

LIAISON – COUNCILMAN BRIEN HOPKINS

Mr. Hopkins introduced himself and reported that he has been appointed Town Board Liaison to the Planning Board, following his election as Councilman in November 2003. He reported from the Town Board meeting of January 7, 2004:

- By motion renewed Richard Brox’s contract for Planning Consultant
- Adopted by resolution a schedule of fees for 2004
- Approved the recommendation of Planning Board officers, and appointed Patricia Hacker as Chairman
- Accepted resignation of Paul Jusko from Planning Board
- Approved and passed Local Law #2 2003 and Local Law #3 2003
- Set Public Hearing for February 4, 2004 for proposed Local Law #1 2004 to amend the limitation on obstructions in required open space.

SITE PLAN REVIEW – 5699 HERMAN HILL ROAD, AMY’S PLACE

Mr. Pohl read the following correspondence:

- Letter dated December 18, 2003 from Bryce Bixby to Chairman Patricia Hacker
- Letter dated January 7, 2004 from Scott Kinsman at Foit-Albert to Chairman Patricia Hacker

Mr. Brox said that he did not resubmit his letter as the drawings were amended at the last meeting they attended .

Mrs. Hacker: on the lighting, what kind of lighting do you have?

Mr. Bixby: forward throw of lighting, directed onto the lot.

Mrs. Hacker asked for discussion.

Mr. Stringfellow: I move that we recommend approval of the site plan as submitted, seconded by Mr. Pohl. All were in favor of the motion.

SITE PLAN REVIEW – 8032 BOSTON STATE ROAD, CARTER’S FLORIST

Mr. Pohl read the associated correspondence:

- Letter dated December 18, 2003 from Chairman Hacker to Martin Barrett

Mrs. Hacker: we did receive a package suggesting the parking spaces, but no size is indicated.

Mr. Mendola: we need lot location and adjacent properties

Mr. Brox: all setbacks, side, rear and front yards

Mr. Early: maybe we should the send the tenant a letter also so that they know what is expected.

Mrs. Vacco: no, I wouldn’t recommend doing that, they don’t have standing before the Planning Board, only the owner of the property.

Mr. Brox: I would suggest that in the letter simply ask him to comply with Chapter 97 – Site Plan Review Requirements, he doesn’t have to go through Conceptual and all, he just has to give us a drawing of what is physically, really there, and laid out properly, nothing is going to change. We aren’t going to make him put in drainage, we aren’t going to make him put in landscaping because it’s only a change in tenancy, but you want to know what’s there, so if and when that restaurant opens, we make sure it’s going to comply.

Discussion followed regarding this multiple use parcel.

Mrs. Hacker: the parking situation is the real problem, and our thought was that if we addressed it before another new tenant went in there, this would be the time to address change of use. They came to us with a sign application, which was up before we got the paper work.

Mr. Hopkins: that sign never really changed, they fit that right in to where the old sign was.

Mr. Mendola: I think that is part of the 90-day temporary. Do we want to invite Mr. Barrett to the next meeting?

Mr. Stringfellow: I think we should, because looking at this drawing, I’m not sure he knows just what he should submit.

Mrs. Hacker asked that a letter be sent to Mr. Barrett requesting the updated survey, with the requirements that are set in Chapter 97, Site Plan Review, and also request that he be in attendance, for discussion, so as not to interfere with the 90-day temporary permit.

DISTRIBUTION OF TOWN BOARD REFERRALS

CVS PHARMACY – 7170 BOSTON STATE ROAD

Chairman Hacker asked that all members review this package prior to the meeting of January 27, 2004.

Mr. Brox: look at it in general, making sure that it complies with the Site Plan Requirements. I’ll be doing that as well as Foit-Albert. I didn’t see a SEQR report.

Mr. Pohl read the following correspondence:

- Letter dated December 29, 2003 with the referral from the Town Board
- Letter dated December 10, 2003 to Dennis Kramer from General Capital Group

CODE ENFORCEMENT OFFICER KRAMER

Chairman Hacker: Mr. Kramer is recovering from some surgery, and so is not in attendance this evening. We wish him a speedy recovery.

NON-AGENDA ITEMS

DARLING SUBDIVISION

Mrs. Vacco: the local laws have been passed, the Town Clerk has to prepare the Local Law, and then be signed by him and then by myself, I'm waiting for the papers so that I can sign, and then he files it with the Secretary of State.

Mrs. Hacker: can we have Mr. Darling address these issues and bring them back to us right?

Mrs. Vacco: you can go forward with the pre-application

Mr. Darling: when I make the changes, do I go right to Foit-Albert or bring them back here?

Mrs. Hacker: the proper procedure is through this Board.

Mr. Early: has the zoning been pursued?

Mr. Darling: the zoning is going to be pursued after the acceptance of the subdivision, that's the way the Board wanted me to through it.

Mrs. Hacker: That's the way the Code is written. We misunderstood it.

Mr. Darling: When I resubmit, and they go to Foit-Albert, and the letter comes back to you; like this letter dated the (December) 18th, and I'm just getting it now; can I directly get in contact with Foit-Albert to make the changes?

Mrs. Hacker: We're not allowed to let you pre-empt the Board, I know it might be a timesaving factor as far as your concerned, but this Board should see the paperwork from our paid associates before you do. We have to officially receive it before we forward it to you.

Mr. Darling: Is there anything that is defined about street lighting in the Code? You were discussing street lighting in subdivisions and intersections, but is it defined.

Mrs. Vacco: Look at Section 104-37 & 38 – Installation of Street Lights and the Filing of Plans under the Subdivision of Land; it speaks to requirements for street lighting in the Code.

PLANNING BOARD MEMBERSHIP

Mr. Pohl read the following correspondence:

- Letter dated December 24, 2003 to Jeffrey Mendola from Deputy Town Clerk Ellis advising of appointment as regular member of Planning Board, term to expire February 1, 2008
- Letter dated February 8, 2004 from Town Clerk Shenk with resumes of Planning Board appointee hopefuls, David Bernas and Richard Hody.

Discussion followed regarding the resumes of David Bernas and Richard Hody.

Mr. Stringfellow: I know Dave Bernas, he was on the Emergency Squad, and he's an Assistant Fire Chief in North Boston, and I've seen him manage fire scenes and do it well.

Mr. Early: will his work schedule interfere with Planning Board meetings, as mine does occasionally.

Mr. Stringfellow: he owns and runs the battery store in North Boston.

Mrs. Hacker: Does anyone know Mr. Hody?

Secretary Faulring: I don't know him, but his letter has been on hold for quite sometime. It was submitted when Mr. Jusko was still Chairman, and he didn't think it fair to appoint someone as an alternate for who knows how long, so he asked to keep Mr. Hody's letter on file, which he has just recently updated.

Mr. Brox: His resume shows that he has worked for several firms that I am familiar with.

Mr. Stringfellow: But it doesn't look like he stays in one place too long.

Mr. Mendola: When you're hired through contracts, you work through the finish on that contract and then usually go on to another.

Mrs. Hacker: Please acknowledge their letters, invite them to the next meeting and then stay for a short interview with the members of the Planning Board.

Chairman Hacker: Anything else to bring before this Board?

Mr. Mendola: What about the letter from Emerling, do we need to do anything else with that?

Mr. Stringfellow: What is the next step on that?

Mrs. Vacco: That was tabled until the issues of drainage were addressed by the Town Engineers. Mr. Emerling has indicated that the issues have been/are going to be addressed and planning to continue in the spring. Now they're asking us to review the modification of lot #14 again.

Mr. Mendola: I think we should have a letter from someone other than Mr. Emerling saying that the issues have been taken care of. And I thought we made it clear that we weren't going to give him this strip going all the way to the top.

Mrs. Hacker: Maybe we should send a letter to Mr. Emerling saying that we would like to speak to him, as to the progress of the drainage situation and, then after that fact, address the lot size change. I really don't see the need for a 75-foot easement or right of way to the power line.

Mr. Pohl: If I remember correctly, the changes that were made were more temporary changes, and I would like to see a permanent solution to see if that right of way is going to be needed; not the full 75 feet, give them enough land to address any drainage issues.

Mr. Hopkins: In the last 5 years, with the trees that have been cut down, what used to be just runoff has now created small gullies. Residents in Hickory Meadows are complaining now, if they build up above, the situation is only going to get worse.

Chairman Hacker: anything else?

Mr. Stringfellow: Where do we stand on the street lighting situation in Hickory Meadows?

Mrs. Vacco: Mr. Maxwell said that the Board decided not to require them.

Mr. Simmeth: I have the minutes where it states the general consensus was that the street lights weren't needed in the subdivision, that they weren't a common occurrence and I find that odd to believe because there are street lights in all the subdivisions in the Town. That was in the Planning Board minutes of 1998.

Mr. Hopkins: Was this passed?

Mr. Stringfellow: The subdivision was approved, without street lights.

Mrs. Hacker: My belief is that we never addressed the lighting.

Mr. Early: That subdivision was bounced around so much because of the water situation, it came and went, came and went, that probably took four years, and somewhere along the line I believe it just plain got overlooked.

Mr. Simmeth: I talked to Town Clerk Shenk about this, and I asked if the street lighting section wasn't part of the code. Mr. Shenk said that he doesn't feel that its been changed, so he feels that they had that same code back when it was approved. So I'm thinking that maybe the Town Attorney should send a letter to the developer stating that this was missed, this is how the law reads, and we do require those street lights in there.

Discussion followed about what recourse this Board may have.

Mrs. Vacco: Would the Final Plat that was approved, and filed with Erie County, show if it had street lights in it?

Mr. Brox: The final plat would not show it, but the Engineering drawing submitted would show it, the plat only shows the lots. Mr. Kramer should have those.

Mrs. Vacco: I will look into any recourse the Planning Board can take or the Town can take when something has erroneously been approved with an unintentional mistake by the Planning Board at the time, and whether or not there is a remedy.

Chairman Hacker: Any other business?

Mr. Early: Was anything decided about the Eckis turnaround?

Mrs. Vacco: I think we should have Mr. Eckis on the next agenda, send him a letter saying that we would like to address the issue of filing of the revised map cover with Erie County, and that he needs to provide proof that he has done that; and ask that he be in attendance at the next meeting.

Mr. Pohl: Does the engineer have to review it?

Mrs. Vacco: It is not a review. It is an approved subdivision. There's not being a review of the subdivision, its simply a technical issue at this stage where they're looking for proof that it is a subdivision. You have treated it as a subdivision, all that they are asking now is, now that he has that little piece of paper where the Erie County Health Department says 'yes, check, you are a subdivision,' he can now take that map cover that has everybody's signatures on it and file it with Erie County, and that's all that needs to be done at this stage.

Mr. Early: Back to the turnaround, has he addressed that with anyone about taking care of the turnaround?

Mrs. Hacker: That will be our question to Mr. Eckis when we talk to him?

Mr. Stringfellow: If the only issue is whether he filed this thing or not, then we should invite him to either send us proof that he filed it or come to the meeting. But if there is another issue with the turnaround then we should just ask him to the meeting.

Mrs. Vacco: He has not addressed it with me, or I don't think with Highway Superintendent Kreitzbender.

Mr. Simmeth: Is the Town treating it as an actual subdivision?

Mrs. Vacco: Yes, the Town has always treated as a subdivision, when the Planning Board passed it and stamped as a subdivision.

Mr. Simmeth: So, according to our Code, and seeing as that's a subdivision, do they need street lights on that street? I think of subdivisions down in the valley and they're in the light district in the valley.

Mrs. Vacco: He's a large tract parcel subdivision, by our new subdivision law,

Mr. Brox: Because it was an existing public right of way, the street lighting doesn't apply because it was already a public road.

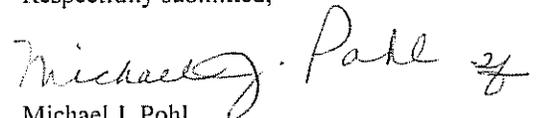
Mr. Stringfellow gave a brief history to Mr. Hopkins regarding circumstances that brought about the development of this turnaround.

Discussion continued.

Chairman Hacker asked for a motion to adjourn.

Mr. Stringfellow made a motion to adjourn at 8:39 PM. seconded by Mr. Pohl. All in favor.

Respectfully submitted,


Michael J. Pohl
Secretary

MJP:tjf