

## Planning Board Minutes January 25, 2005

BOSTON PLANNING BOARD JANUARY 25, 2005

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Michael Pohl, Secretary

Margaret Andrzejewski

David Bernas

J. David Early

Jeff Mendola

ALSO Kelly Vacco Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Joseph DeMarco

Chairman Hacker called the meeting to order at 7:30 PM.

### CORRESPONDENCE

Secretary Pohl reported the following correspondence:

- Letter dated January 20, 2005 from Town Clerk Shenk to Michael Pohl advising of his reappointment to the Planning Board ? term to expire 2012
- Letter dated January 21, 2005 from Richard Hody submitting his resignation
- Letter dated January 24, 2005 from the Conservation Advisory Council regarding sidewalk installation and maintenance in the hamlet areas of Town
- Town Board minutes of January 5, 2005

#### COUNCILMAN HOPKINS ? LIAISON

Councilman Hopkins reported the following from the Town Board meeting of January 19, 2005:

- Referred rezoning request of John and Susan Szalay at 8873 Boston State Road
- Approved Michael Pohl's appointment to Planning Board
- Public Information Hearing scheduled for February 16, 2005 at 7:00 PM. for Dana Darling request for rezoning

#### JOSEPH DEMARCO ? LANDSCAPE PLAN FOR 5647 HERMAN HILL ROAD

Secretary Pohl read the correspondence from Richard Brox dated January 15, 2005.

Mrs. Hacker said that she and Mr. DeMarco had talked and that he is willing to work with the Planning Board in order to get this matter done. He said that he was under the impression that this evening was just a work session; a kind of getting started meeting.

A very lengthy discussion followed.

Mr. DeMarco: The plan that was faxed to me shows nine parking spaces. I thought four was enough?

Mrs. Hakcer: Four spaces are enough, but the area where the nine are indicated will remain open?

Mr. DeMarco: Yes. I will do the lawn, but back behind the building is the swale. And I thought I didn't have to screen back there because it backs up to commercial property.

Mrs. Hacker: No you don't have to screen, just have lawn up to the building.

Mr. DeMarco: I also plan to have lawn up to the house and install a fence between the building and the house.

Several discussions followed.

Mrs. Hacker: I would make a motion that we approve the landscape plan with the following requirements:

- The required storm detention and drainage is maintained as required by the engineers
- The landscaping will include:
  - o Lawn area on west side of the property and across back to stay at 7.86' X 152.50'
  - o Lawn area on north side 132' and up to the back of the building
  - o Lawn area on east side is to be 10' wide along property line
  - o Lawn area on south side is to be at least 55' in length from the east corner toward the center of the property at a setback of 20' feet from the Right of Way, which should keep it in line with the front east corner of the existing building
- Building shape and entry/overhead doors to be indicated as prior plans had shown
- Completion date is no later than July 1, 2005

Mr. Bernas: I second the motion.

Chairman Hacker: All in favor?

Mr. Stringfellow: I am opposed. All others were in favor of the motion.

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Mrs. Vacco: It would behoove you and make the job of this planning board much easier; the angst that you see them going through is because time and time again an applicant has come to this Board, they have promised to do what the Planning Board has asked them to do, and then they have not followed through, and have dragged their feet. So they are putting good faith in you that you are going to accommodate them by the time that they need it to be done. I can guarantee you that if it is not done by this time that the Town Board will send Mr. Kramer out there to cite you. It won't be because they want too, but it will be because they have too, because the applicants have to start being held accountable. Again, people come with the best intentions and when they say, "yes, I'm going to do it," and I'm sure they mean it at the time and then life gets in the way and their business gets started and it doesn't happen and it doesn't make anyone happy in the long run.

DISTRIBUTION OF TOWN BOARD REFERRALS

Secretary Pohl read the following correspondence:

- Letter from John and Susan Szalay requesting the rezoning at 8873 Boston State Road and approving that Penny Menz represent the application
- Referral from Town Clerk Shenk with attachments

Secretary Faulring: Ms. Menz will be out of town on February 8, 2005 and asked if she could be on the agenda for February 22, 2005.

Mrs. Hacker: That's fine. Please send the usual letter of acceptance and ask that she be present at that meeting.

Discussion followed regarding the shared driveway, and, is this considered a duplex.

Mrs. Vacco: This is a double, not a duplex.

Mrs. Hacker: Any other questions before we adjourn?

Mr. Bernas: Mr. DeMarco, he's going to be back with a completed plan on July 1, 2005?

Mrs. Hacker: The project is to be completed by July 1, 2005, but he doesn't have to bring us anything more. Mr. Kramer will have to enforce that it is.

Mrs. Vacco: Just to let you know that I talked to Michael Metzger to let him know the Planning Board's feelings on the signs at CVS. The Zoning Board of Appeals looked at it differently than the Planning Board.

Discussion followed.

Mrs. Vacco concluded: There will be no further signage granted for CVS. There is nothing that we can do about what was approved. We all have to work together through Mr. Kramer and what they said is going to up, is what goes up.

Discussion followed about a meeting between the Planning Board and the Zoning Board of Appeals prior to situations like this, should it occur again; or just a liaison from the Planning Board to the ZBA.

Mrs. Vacco: The problem with the ZBA, is because of the very nature of what it does; I can't be the attorney for the Zoning Board of Appeals because I am the attorney to this Board; and because that Board looks at appeals that people take from rulings that this Board makes. You can't have people sitting on both Boards because of the conflict of interests.

Mrs. Vacco advised the Board that the Public Hearings are open to anyone and that anyone may speak for or against the application.

Discussion followed.

Mrs. Andrzejewski made a motion to adjourn at 8:21 PM, seconded by Mr. Pohl. All in favor.

Respectfully submitted,

Michael J. Pohl

Secretary

MJP:tjf