

Planning Board Minutes July 12, 2011

BOSTON PLANNING BOARD JULY 12, 2011

PRESENT: David Stringfellow. Chairman

Patricia Hacker, Vice Chairman

Robert Chelus

Keith Clauss

Joe Litwin

Jennifer Lucachik

Paul Ziarnowski

EXCUSED: Rich Skinner

ABSENT: Mike Cartechine

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Russ Metcalf Boston Fire Company member

Marty Schwanz 9015 Pearl Street ? Boston Fire Company member

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Mrs. Lucachik and Mr. Chelus to serve as regular voting members for this evening's meeting.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of June 14, 2011.

Mr. Stringfellow said there were some typos and a couple of things that needed clarification. He had these marked on his minutes and gave them to Secretary Faulring.

Mrs. Hacker made a motion to accept the minutes of June 14, 2011, with those changes, seconded by Mr. Clauss and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- ? Code Enforcement Officer Ferguson's June end of month report
- ? Updated Town Hall Directory

Other correspondence at point.

BOSTON FIRE COMPANY ? REVISED SITE PLAN

Mr. Stringfellow: As I read from the minutes of when we approved the site plan, it was approved with a porch on the front of the building subject to the condition that you would need to get a variance for that. As I understand now your intent is to build a building without the porch.

Mr. Metcalf: We designed and handed in a second site plan without the porch and it was approved by the Planning Board last month and was sent to the Town. That was my understanding.

Mr. Clauss: I thought we voted on it at the last meeting upstairs.

Mr. Stringfellow: I thought so too.

Mr. Kobiolka recapped timeline of project:

- ? Submitted in March, 2011
- ? Planning Board recommended approval with conditions
- ? Received variance in May, 2011 for front yard setback

o with the condition that the Fire Company resolve the easement issue be with Marilyn Will, either by getting a deed from Ms. Will and/or by getting a written agreement

? Reviewed by Town Board in June, 2011

? Fire Company withdrew variance for the front yard setback

? Approved a second site plan by the Planning Board without the front porch

? Since that time the easement issue has not been resolved

? Since that time the Building Inspector cited the fire company for two violations of the Town Code: Sections 101-1 and 101-2 (relating to dumping of fill on the property)

? On the original approved site plan there were trees on the northwest corner of the property, those trees have been taken down

? Therefore the plan that was approved no longer exists

Mr. Kobiolka: I believe the Fire Company is down here requesting re-approval of their plan.

Mr. Metcalf: We understand we are here at your request.

NOTE: As this issue has been discussed in two previous meeting, from here forward in the minutes PBC will indicate Planning Board concerns/comments made by Planning Board members, Councilman Genzel or Town Attorney Kobiolka; BFC will indicate Boston Fire Company response (if heard and understood from the tape):

PBC: *No new plans received to show any changes in the site plan, have to have those changes on paper

*101-1 No permit for removal of debris

BFC: *It states that you can do it as long as it is in preparation of a structure

PBC: *Violations of the Town Code will be at the Town Court on July 25, 2011

BFC: *We're prepared to appear in Court

PBC: *On the site plan approved, dated 1/21/11, there were two evergreens up front that have been removed that have to remain; there is now fill covering where those trees would have been by a foot or so deep

BFC: *Not really no; you can still see the stumps

*Yes the trees are gone

*There was some damage to one of the trees during the control burn

*There was also a visibility concern for (fire) trucks pulling out onto the road and vehicles coming down the hill (Mill Street)

*The trees will be replaced, but a little further back

*Do you want the same species of trees?

PBC: *Check that with Mr. Brox

*Now wait until building is built

*Was anything sent to Planning Board mentioning these changes?

BFC: *No

Mr. Stringfellow: As far as I'm concerned, the question of whether somebody has an easement through your lot or not, is a legal question for you to resolve if she pursues it and it (the easement issue) has nothing to do with the site plan or the variance as long as you build what you say you're going to build.

Discussion continued on the subject of the easement; the purchase of additional property by Ms. Will; and Town Board action.

PBC: *Believe we approved site plan with porch, and if no variance was received they would have to come back with an

updated site plan without the porch

*Now we have to consider the trees that have been removed

*Removal of soil need to be addressed? Is separate Court matter.

*Does that fill bring your property up to the grade that you proposed?

BFC: *Section 101 ?move soil in preparation of a building structure?

*Didn't move soil all around the property, we filled the basement, again in preparation of building

Several individual conversations around the table followed.

PBC: *Environmentally we have a whole sheet of details, demolition and erosion control details, and not one of them was followed

*no silt fence

*the plans show the details that weren't followed

BFC: *The DEC has been there twice

*It's less than an acre

Mr. Stringfellow: My recommendation is that we ask them to revise the site plan to eliminate the trees that have already been removed; ask them not to come in with a new site plan until we have had a chance to let Mr. Brox make some suggestions; porch has been removed; something to replace trees, we would like Mr. Brox to make some suggestions, or your architect.

Mr. Stringfellow: continued

We do not want to create a safety hazard with the trees. If you want to take the porch off, and come up with some suggestions to replacing the greenery of the trees.

Mr. Stringfellow: I would move that we table this and ask you to come back with those revisions to a new site plan. Are you comfortable in making your own suggestions as to what would replace those trees? I prefer that, rather than having the Planning Board Consultant make those suggestions.

Mrs. Hacker: I would like Mr. Brox's input on what he would recommend. Maybe they could even meet or discuss that ahead of time.

Mr. Stringfellow: I would rather not start setting up private meetings outside the Board. So come back with your revisions that eliminate the porch and in some way compensate for the trees that were lost and whatever you consider appropriate. Mr. Brox will review that and may have different opinions, but we will work that out when you come back.

Mr. Stringfellow: I will move then that we table this and wait for a response to the Boston Planning Board. Is there a second?

Mr. Clauss: Second. All were in favor of the motion.

Mrs. Hacker: Did we have any discussion on their signage?

Mr. Stringfellow: No, there's no sign proposal.

A lengthy discussion followed regarding the Boston Fire Company project and what is entailed for any new construction:

- ? Live burns done for training
- ? Signage
- ? Lighting
- ? Demolition permits
- ? Whose responsibility is it? Is it the Planning Board's responsibility to report this as a Code Enforcement responsibility?
 - o Ethically, yes.
- ? They are ready to build ? stakes are in the ground
- ? Fill
 - o Same thing happened with North Boston Fire Company
- ? DEC is the entity that requests SWPPP

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel: Nothing tonight. Town Board meeting is tomorrow night I will report next month.

TOWN ATTORNEY ? MR. KOBOLKA

Mr. Kobolka: Nothing tonight.

NON - AGENDA ITEMS DISCUSSIONS

Town Engineer

Mr. Stringfellow: In the past several months I have been confused, lost or whatever in our dealings with the Town Engineer:

? In the past the Town Engineer took care of SWPPP, Drainage calculations and SEQR considerations

? We don't have the capability to do that

? If those things were going to be of concern at the Planning Board meeting, the Town Engineer should be here and take care of it

? This Town Engineer, I think still does those things, but he doesn't come to our meetings and we never know where he is in doing them

? I would like to add a couple of sentences in all of our recommendations to say, "we did not consider SWPPP, Drainage calculations and SEQR. Consider our recommendation separate from those things" then the Town Engineer can make the recommendations on those things to the Town Board and the Town Board can handle the two recommendations anyway they want

? I keep getting confused?

Mrs. Hacker: Can't we get him to give us that recommendation before we act on a project; require it to be in to us before we?

Mr. Stringfellow: Yes, we can or we're going to be sitting here reading something that the Town Engineer faxed to the secretary two hours before the meeting; none of us have had a chance to see it and all it says is he isn't done yet ? stall. I don't want the Planning Board to be the ones sitting here stalling and stalling, because the Town Engineer's recommendations are getting funneled through us. Let him go right to the Town Board and we will do what we can do; do our job and give our recommendation, and he can give his.

Mr. Kobiolka: Would you feel more comfortable if he were here at these meetings?

Mr. Stringfellow: Here and prepared, yes. But if he comes and says "I haven't finished the work yet," where are we? The Planning Board never had problems like this before. Whatever the engineering firm was before ? they got their work done.

Mr. Genzel: The firms you're talking about in the past cost \$100,000.00, \$150,000.00 for the year. Now you've got a guy out of Salamanca, that's why he isn't here as much. He comes up and schedules things for one day ? highway, drainage, water districts, parks... I guess it comes down more to scheduling and when he receives something to review and the time you want answer back. Do have an example of where we're delayed because of him?

Mr. Stringfellow: To the best of my knowledge the Dollar General still isn't done. The SWPPP that he is working on now it's?I don't know where it went?

Mr. Genzel: We, the Town Board, approved it with stipulations that had to be taken care of. Their SWPPP form wasn't complete, they were missing things.

Mr. Stringfellow: I just think it would make it much simpler and neater for the Planning Board if we do what we're capable of doing and let the Town Engineer do what he is capable of doing.

Mr. Genzel: I thoroughly agree. I don't think any of your decisions; or your job is to take the Code and make sure what you're given is within your parameters.

Mrs. Hacker: If we did something tonight with the fire company, we'd have to do it contingent on the approval of the Town Engineer, the Town Board gets it tomorrow night; they're not going to get any more information in two days than we're going to get. There's going to be a stall somewhere.

Mr. Genzel: The Town Engineer hasn't seen these fire company plans.

Mrs. Hacker: I get where you're coming from David and I understand that you're taking us off the loop, but I think that it's just going to make it a more difficult thing to handle at the Town Board level.

Mr. Kobiolka spoke but was not able to be understood from the tape.

Mrs. Hacker: What about Conceptual, saying that we will look at Conceptual, but until these items are addressed by the Town Engineer, these seven items, we cannot act on it. Can we make that call, legally can we do that? This Board has looked at everything in Conceptual, but this, this and this, because it won't be the same for every project, these "3" items have to be addressed before this Board will act on it and make any recommendation to the Town Board. And that means approval from the Town Engineer, however long that will take.

Mr. Chelus: It shouldn't even come to us if there are those "3" things aren't taken care of.

Mrs. Hacker: At Conceptual there are grandiose ideas; they haven't even started to follow the Code. A lot of them don't even know that they have to be addressed by the Town Engineer.

Mr. Kobiolka and Mr. Genzel agreed to talk to the Town Engineer about being in attendance at Planning Board meetings and set up a schedule.

Spreadsheet

Mrs. Lucachik stated that she has created a spreadsheet for herself to help her more easily keep track of where each project stands in the process of Site Plan Review. She offered to share it with the other members of the Planning Board if they wanted.

All members present appreciated her offer and were receptive to the idea.

Bison Cycles and Sales

- ? Sign in front window
- ? Sidewalk gone
- ? Shrubbery gone

Mr. Stringfellow: He called me and I stopped by today. I guess that he had gone back to his engineer to review what they had last time, and the guy gave him pretty much the same thing again. I handed him the sheets that start "Welcome to the Town of Boston" and these are the things you have to submit. I think this is going to be another one of these do-it-yourself site plans.

Discussion followed regarding the goings on at 8032 Boston State Road.

Stone Creek Landscaping

- ? (Old Keen's Market)
- ? Complaints received about the concrete block storage units extending into the right-of-way
- ? Within 10 feet of the pavement
- ? Liability
- ? There wasn't supposed to be anything this side (roadside) of the gate

Mr. Stringfellow asked if there were anything else for this evening's meeting.

Being none Mr. Clauss made a motion to adjourn (8:25PM), seconded by Mr. Litwin and carried.

Mr. Stringfellow: We are adjourned and will move on to the Work Session for Long Range Planning.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees