

Planning Board Minutes July 13, 2010

BOSTON PLANNING BOARD July 13, 2010

PRESENT: David Stringfellow, Chairman

Robert Chelus (Alternate)

Keith Clauss

Mark Coppola

Rich Skinner

EXCUSED: Patricia Hacker

ABSENT: Mike Cartechine

Joseph Litwin

ALSO Jeff Genzel Councilman ? Town Board Liaison

PRESENT: Michael Kobiolka Town Attorney

Thelma Faulring Secretary to the Boards and Committees

Henry Prentki 6474 Willow Drive

Ann Susan Prentki 6474 Willow Drive

Ronald J. Yormick 6405 Deanna Drive

Mark Matyas 6444 Willow Drive

Mark Schiralli 6470 Deanna Drive

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

MINUTES

Mr. Stringfellow asked if there were any additions or corrections to the minutes of June 22, 2010.

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

GENERAL CORRESPONDENCE

Secretary Faulring reported the following:

- ? Code Enforcement Officer Ferguson's June end of month report
- ? Notice of Planning and Zoning Board Summer School Schedule ? mailed to members June 17, 2010

DISCUSSION ? PROPOSED MOBILE HOME COMMUNITY

Correspondence:

- ? Engineer James Hannon review date July 7, 2010
- o Mr. Hannon's review was distributed to members

Mr. Stringfellow: To review: the people requesting to establish another mobile home community submitted a request to rezone two lots from the present zone to the R-4 zone which is the proper zoning for a mobile home community. The Town Board referred that to the Planning Board. When we started getting into it, both the Town Attorney and the Town Engineer had reviewed and have concluded that a request to rezone was not the right, they should have submitted a request to establish a mobile home community, and that has not yet been done. When that is done the Town Board needs too, under the New York SEQR, the State Environmental Quality Review Act, the Town Board needs to either assume the position as Lead Agency and poll all the other agencies in the County and State, who might want to be Lead Agency, before they can declare themselves Lead Agency. Then it goes into the SEQR process and come up for reviews and Public Hearings, etc. So we have been advised at this time that the Planning Board should do nothing until that process has been completed. So tonight we really have nothing to discuss on the proposed mobile home community issue. Anything else? Any of you who came are welcome speak. Please be brief, because we cannot take any action on what you say anyway.

Ron Yormick: - Deanna Drive

? Wondering what the next step is. What are we looking for? Is it something from the developer to develop this land or exactly..?

Mr. Stringfellow: As I understand it the developer has to go back and submit an application to establish a mobile home court, instead of simply applying for rezoning; and then it will go into establishing Lead Agency under the SEQR process and then we'll be where we thought we were a few weeks ago, and then we can move on.

Mr. Yormick: And he can present this, anytime, to the Planning Board or does he present this??

Mr. Stringfellow: He presents that to the Town Board.

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Mr. Coppola: Which is (Code Section) 70-A ?Establishment of a mobile home court district.?

Mr. Clauss: Will it come back to us eventually?

Mr. Stringfellow: It will come back to us eventually. It looks like it will take awhile and it just is not appropriate for us to go any further with it right now.

Question from a resident: How long will it take?

Mr. Stringfellow: I don't know how long it will take the applicant to submit a request to establish a mobile home community.

Secretary Faulring: Who was that, that asked the question please?

Mr. Stringfellow: Please come up to the microphone and give your name and address please.

Susan Prentki ? Willow Drive

? the property would be involved

? I'm representing all the people on Willow Drive who object to this rezoning or the trailer park

? We want to make sure that we will be informed so that we can express ourselves

? We don't want this slid under, without us knowing about it

Mr. Stringfellow: Neither the Planning Board or the Town Board has any desire or any intention of sliding this under any?Thelma, as adjoining property owners will they be notified?

Secretary Faulring: At Public Hearing time, which is at Town Board level. As far I understand neighboring, adjoining property owners will be notified, the same as I do for Zoning Board.

Mr. Stringfellow: Will there be published Public Hearing notices?

Secretary Faulring: Absolutely.

Mrs. Prentki: Okay that's what we wanted to know. So you think what, a month?

Mr. Stringfellow: After the applicant submits the proper application, then the Town Board has to accept it at one of their meetings, and they only meet once a month in July and August; then they have to send out notifications to all the other agencies that might want to be Lead Agency, and they have to give each of those agencies 30 days to respond. If all of them respond sooner, they can move on, but in most cases some of them never bother to respond so you have to wait for the 30 days to expire. Then the Town Board can declare themselves as Lead Agency, then they can submit it back to the Planning Board for consideration.

Mrs. Prentki: We have a petition of more than 20 people. Just the people along the road, but we feel that if also going to effect anyone in our development, because of the traffic that might be involved, roads that might have to be put in, drainage problems. We can get more on the petition.

Mr. Stringfellow: I appreciate your concern and willingness to come out and at least say what you think. So many times Public Hearings come up and nobody speaks at all; I don't expect that to happen in this case, but there are a lot of Public Hearings that go that way and it's very disappointing.

Mrs. Prentki: No we feel strongly about this. It went through it in 1995, we went through the same similar problem, the entire neighborhood?we still feel the same way. Still have the same original homeowners, we've been there over 30 years, a lot of the people have been 30 to 40 years already and still feel the same way. No trailer park, we don't mind housing, single family housing, but 110 is ridiculous, squeezed that many houses or trailers in that area, don't seem like it's going to work. We all feel that way.

Mr. Stringfellow: You will get a chance to express those feelings; in a sense you have, we have heard you.

Henry Prentki ? 6474 Willow Drive

? He?s got 70 days to redo this again?

Mr. Stringfellow: I think he?s got as long as it takes to redo it; he could decide never to redo it if he wanted to.

Mr. Prentki: I thought that you said that he had 70 days, or something to resubmit it.

Mr. Stringfellow: Once it has been referred to the Planning Board, and the Planning Board has determined that we have all the information that we need to base a decision on, then we are limited to 60 days in which to return our recommendation to the Town Board. Basically on things like this, it?s the Town Board that takes the action, the Planning Board is simply an advisor to them. Anything else on this subject?

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel: I hoped to have a copy of the planning process package that we have been working on, but the supervisor?s assistant wasn?t in today. I get 11 copies up to Thelma for the next mailing and then you can review it, sign and there will be an area for comments. Planning Board, ZBA members, Town Board, we?ll get a copy out to everybody. If you have any comments or suggestions?

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Mr. Coppola: Can they be made available for pick-up rather than waiting for the next meeting.

Mr. Genzel: She should be in tomorrow and she can make the copies. Tell us what you think, give us comments, if you have no comments just write no comments, just as long as you sign it so we know that everybody has looked at it.

Mr. Genzel: We?re going to start some bank stabilization and erosion control down at Colonial Drive. Some mapping has already been done, and a design, they?re going to stabilize the whole bank down through there, about 900 feet, I think, so that should start soon.

Mr. Genzel: Water line project on the East Hill are finishing up, should be completely finished by the end of July. Any other questions for me?

Mr. Stringfellow: Those of you who pick up a copy, please let Thelma know so she doesn?t have to mail them out.

TOWN ATTORNEY KOBIOŁKA

Mr. Kobiolka: From the engineer's report dated July 7th, 2010 item #4, where he recommends that this Board should recommend via motion, to the Town Board, that the Town Board make a preliminary classification of the project as a Type 1 because it involves more than 25 acres. He recommends that the Town Board establish themselves as Lead Agency and notify all involved, interested agencies of the Town Board's intent to assume Lead Agency status. That's when the notifies all the agencies whether it be Erie County Health Department, Erie County Sewer Department, the school district, so that everybody knows what is being proposed and those agencies would a chance to have their input into the project. So we need one of the Board members to make that motion.

Mr. Stringfellow: If no one else, I will make that motion.

Mr. Coppola: And so this is?

Mr. Kobiolka: This is just so the is able to assume Lead Agency, so that they can notify the other agencies and work agency to agency with them.

Mr. Coppola: But we discussed the change, we initially discussed the change, now we're going back in the agenda to discussion. We're changing the whole aspect to where establishment of a mobile home court district, is this necessary in order for us?they have to resubmit a lot of stuff, is this necessary for us to make this motion to get this ball rolling? Do you know what I'm saying David?

Mr. Stringfellow: I think so and I'm confused there too. If we should not be acting on their application to rezone, but should be waiting for them to apply to build a mobile home court, then why do recommend to the Town Board to become Lead Agency when they?

Mr. Coppola: I have no understanding of why we should do the recommendation at this point in time when we've already established that they asked for rezone, they can't do that, they have to apply for a mobile home?

Mr. Claus: This recommendation applies to a rezoning request which isn't in the game anymore.

Mr. Kobiolka: The way the applicant did the application it should have come in two ways, one for the request for the rezoning and one for the establishment of a mobile home park. It is titled just for rezoning and that 's why the (Town) Board initially sent it down; and that's why it just came with a short form EAF; it should have come in with a long form and it involves more than 25 acres; the Town Board should have made a request for Lead Agency at that time, and this project wouldn't have been down here just yet. So what we're doing is asking the applicant to submit the application properly. If that's what he wants to do.

Mr. Skinner: Then maybe we should wait for if and when that happens, take action then.

Mr. Kobiolka: That would just delay the whole process and the project would just continue to be here without moving forward and without a final determination one way or the other; so in order to keep the project rolling?

Mr. Chelus: It's basically saying it shouldn't have come down here in the first place, we're sending it back?

Mr. Coppola: We're sending it back anyway so I see no need for a motion.

Mr. Stringfellow: Should we make a motion that if this applicant submits a proper application, then the Town Board declares itself Lead Agency?

Mr. Kobiolka: You could do it that way, yes.

Mr. Stringfellow: Is that the right thing to do or not?

Mr. Kobiolka: The preferred way would be as the Town Engineer wrote it up.

Mr. Coppola: The Town Engineer isn't a legal advisor though.

Mr. Kobiolka: Right, but I would go with his recommendation.

Mr. Genzel: If you read the letter the application should be for a proposed home community, the name of the action that appears on the EAF; the Board should recommend via motion the following three things. He's going for a zoning change.

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Mr. Stringfellow: So the Engineer is saying that they don't have to submit a new application, we should simply consider what they submitted to be an application for establishing a mobile home park.

Mr. Coppola: Right and I don't feel that's proper. It needs to be resubmitted.

Mr. Clauss: It has to be resubmitted right? They already did the rezoning request, now they have to bump it up and specifically for a mobile home park.

Mr. Kobiolka: But you do have a lot of that information already contained in the package, it's just a matter of having the Town Board declare itself as Lead Agency and have the applicant resubmit it as a mobile home park. And the Town Board is still going to come down here for your recommendation.

Mr. Stringfellow: I think we're all a bit confused?

Mr. Coppola: I would make a motion to recommend to the Town Board that this needs to be resubmitted as the establishment mobile home court, and I would leave it at that.

Secretary Faulring: You already have one motion on the floor. If there is no second, that motion fails.

Mr. Stringfellow: Is there a second to the first motion?

All members responded: No.

Mr. Stringfellow: Then the motion dies for a lack of a second. Please repeat your motion.

Mr. Coppola: I make a motion that we recommend to the Town Board that this whole project is resubmitted as the establishment of a mobile home park.

Mr. Skinner: I'll second that.

Mr. Stringfellow: Is there any discussion? All in favor? All were in favor of the motion.

Mr. Kobiolka: That's all that I have.

DISTRIBUTION OF TOWN BOARD REFERRALS

Secretary Faulring: There are none.

Mr. Stringfellow: Is there anything else for this evening? Is there a motion to adjourn?

Mr. Coppola: I make a motion to adjourn.

Mr. Stringfellow: I'll second that. All were in favor.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees