

PRESENT: Patricia Hacker, Chairman
David Stringfellow, Vice Chairman
Margaret Andrzejewski
Jeff Mendola

EXCUSED: J. David Early
Paul Jusko
Kevin Maxwell
Michael Pohl

ALSO PRESENT: Dennis Kramer Code Enforcement Officer
Kelly Vacco Town Attorney
Dennis Mead Councilman
Paul Speich CAC member
Dean Tybor Contractor – Subway Shops

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

MINUTES

Mrs. Hacker asked if there were any additions or corrections to the minutes of June 24, 2003. Being none Mr. Stringfellow made a motion to approve the minutes, seconded by Mrs. Andrzejewski. All in favor.

CORRESPONDENCE

Chairman Hacker reported the following correspondence:

- Letter dated June 27, 2003 to Town Board recommending changes to Town Code Book as submitted by Code Enforcement Officer Kramer
- Letter dated June 26, 2003 to Deputy Code Enforcement Officer Lisowski recommending approval of wall sign at 6752 Mill Street
- Letter dated June 25, 2003 advising Town Board of Planning Board summer meeting schedule
- Letter dated June 27, 2003 to Dean Tybor advising receipt of floor plans, and request for site plans
- Letter dated June 27, 2003 to Town Board recommending approval of addition at 9776 Trevett Road
- Letter dated June 27, 2003 to Town Attorney Vacco requesting legal opinion on rezoning request at 5785 Herman Hill Road
- Letter dated June 27, 2003 to Town Board requesting Nick Charlap be advised that he has not complied with approved site plan; and request for no parking signs at this location
- Letter dated July 3, 2003 to Paul Jusko from Erie County Department of Environment and Planning regarding Erie-Niagara Framework for Regional Growth
- Other correspondence to be read at point in agenda

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board meeting of July 16, 2003:

- Approved rezoning request of Ronald Wierzba
- Approved rezoning request of Brian and Rochelle Wendling
- Approved addition at 9776 Trevett Road
- Approved Planning Board summer schedule
- Referred to Planning Board – ATT Co-location at 6405 Ward Road
- Denied request ATT for co-location at Cole Road Tower

Councilman Mead, con't.

- Charlap situation:
 - Mr. Mead talked with Mr. Charlap and explained that a site plan cannot be changed, once approved. Mr. Mead recommended to Mr. Charlap that he contact the Town Attorney regarding the changes that had been made and request a further review by the Town Board and the Planning Board, and asking for approval on those changes.
 - The Town Board members approve of what Mr. Charlap has done on the premises
 - Councilman Wiktor has contacted Erie County Highway Department for parking signs on both sides of Route 391
 - Town Board has directed the Code Enforcement Officer to follow-up at Charlap's Dairy
- Town Attorney Vacco stated that she has drafted a resolution for 'no parking' signs.

- Town Hall Beautification

- Committee had been formed at a previous meeting
- Plans from Water Valley Nursery were displayed in Planning Board room

Mrs. Hacker asked if a Planning Board member was to be on the committee? Mr. Mead: 'no'.

Mr. Stringfellow commented that if a business in Town were doing what the Town Board is doing the process would go through the Planning Board.

- Lynn Zachmann, an Arborist on CAC was consulted as to the types of trees and the placement

Mr. Mead apologized and said that the Planning Board was a Board that was supposed to review the plans and make any recommendations

- The Town Board felt that it was necessary to move as quickly as possible because of the reaction of Town residents when the trees were cut down
- There will no change in the parking layout

Mr. Stringfellow commented that every business in Town wants to move as quickly as possible, but can't until they go through the Town Board and the Planning Board.

Mrs. Hacker stated that she has had calls asking about was going on with the front of the Town Hall. She said that she has told them that process will come before the Planning Board for a recommendation. And, now if I get another call I'll have to say the even though you read it in the 'Sun' the Town Board has decided to proceed on their own without any involvement of other Boards in Town.

Mrs. Hacker asked if the plans were on display for public viewing? Mr. Mead –'no'.

Mr. Mead went on at length for the Town Board's reasoning behind the decision to move forward. He also commented that the Town Board has contacted the Lion's Club and Chamber of Commerce for fundraising for the clock.

DISTRIBUTION AND PRELIMINARY DISCUSSION OF TOWN BOARD REFERRALS**ATT CO-LOCATION ON 6405 WARD ROAD**

Chairman Hacker read the letter of request from John Pappano, representing ATT and the Town Board referral.

Chairman Hacker distributed the revised construction drawings received at the Town Hall earlier in the day. She commented that Mr. Jusko said that everything looked in order.

Chairman Hacker asked that Mr. Pappano be sent a letter advising receipt of both packages, and discussion will be on the agenda of August 19, 2003; and ask him to be in attendance on that evening.

HICKORY MEADOWS RIGHT-OF-WAY

Chairman Hacker read the letter of request from Maurice Emerling and the Town Board referral.

Mrs. Hacker asked that a letter be sent to Mr. Emerling acknowledging receipt of request and advising of placement on the agenda for August 19, 2003, and asking that he be in attendance that evening.

Hickory Meadows, con't

Mr. Mendola asked what the purpose of the Right-of-Way is.

Mrs. Vacco said the same as on Hillcroft. There are lots that are close to the sub-division, but are not part of the sub-division.

Mr. Kramer added that 75 feet would give him road frontage for at least one building lot, and possibly developing another sub-division. He added that he did not believe on the original plat that this access was 75 feet wide and therefore would be changing the approved sub-division, which would have to be changed at County level.

Mr. Speich stated that according to the Master Plan, that area above the sub-division may be a 'view shed sensitive area'. It runs from Omphalius Road right down into Boston, maybe the Board should take that into consideration. Mrs. Hacker said that she would review the Master Plan.

CODE ENFORCEMENT OFFICER KRAMER - Mr. Kramer had nothing to report.

The following questions were asked of Mr. Kramer:

Charlap's

Mrs. Hacker said that from the last meeting it was her understanding that the C.E.O. Kramer would be addressing the concerns of this Board, especially the parking. Mr. Kramer said it was his understanding that he wait until the Town Board reviewed the Planning Board's request and then do as instructed.

Mr. Mead said that a sign was posted 'additional parking' pointing to the back parking lot.

Discussion followed regarding Charlap's parking.

Marcia Baeumler – rezoning request

Mrs. Vacco said that she is continuing to work on the legal opinion requested by this Board. She will send her legal opinion to both the Town Board and the Planning Board.

Mrs. Hacker reiterated the situation: should a re-zoning take place to C-1 can it revert back to R Zone.

Mr. Mead said the same situation is going on at Keen's old market. Mr. Kramer stated that Boston Country Charm (Keen's) has been cited, as was Marcia Baeumler.

Mrs. Hacker asked if the Board members could be made aware of these citations for matters that come before this Board?

Mrs. Vacco suggested sending the Code Enforcement Officer and the Deputy Code Enforcement Officer reports' to the Planning Board members.

Mrs. Vacco said she would work on completing the legal opinion for the Baeumler request.

Proposed Subway Shop

Dean Tybor, contractor representing the Subway Corporation stated that Raymond Miller, owner of the property in Boston plans to sell the property and has opted out of the lease. Therefore Subway is withdrawing its application for this location.

Mrs. Hacker asked if there were any further business?

Being none, Mr. Mendola made a motion to adjourn at 8:20 P.M., seconded by Mr. Stringfellow. All in favor.

Respectfully submitted,

Patricia J. Hacker
Patricia J. Hacker
Chairman

PJH:tjf