

BOSTON PLANNING BOARD

July 24, 2001

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
Thomas Edington
Jeff Mendola
David Stringfellow

EXCUSED: J. David Early
Michael Pohl

ALSO PRESENT: Michael Perley, Town Attorney
Dennis Kramer, Code Enforcement Officer
Pat Marcello – Early Bird Schools
Phil Marcello – Early Bird Schools
Joseph Terrizzi – property owner of proposed Early Bird School location
Lisa Wandass – Hickory Meadows
Dr. Joseph Wandass – Hickory Meadows
Debbie Pritchard - Hickory Meadows

Chairman Jusko called the meeting to order at 7:31 P.M.

MINUTES

Chairman Jusko asked if there were any additions or corrections to the minutes June 26, 2001. Being none Mrs. Hacker made a motion to approve the minutes, second by Mr. Stringfellow. All in favor.

CORRESPONDENCE

Mr. Maxwell read the following correspondence:

- received from Town Clerk Shenk referral of Nicky C's site plan review
- received from Town Clerk Shenk referral of Randall Barker site plan review
- received from Town Clerk Shenk Richard Boyd building permit request
- to North Boston Fire requesting formal survey of property with location of trailer, driveway, pole barn and all permanent facilities, set backs and adjoining neighbors
- from Pat Marcello outlining her education and back ground with Early Bird Schools
- from Town Clerk Shenk referring Early Bird application

LIASION – COUNCILMAN MEAD

Mr. Mead was not in attendance at this evening's meeting.

BOSTON HILLS

Chairman Jusko referred members to Mr. Perley's letter stating his formal opinion regarding the sub-division requirements for Boston Hills Sub-division. Mr. Jusko noted that Mr. Eckis is requesting to be on the August 28, 2001 agenda.

HICKORY MEADOWS

Chairman Jusko referred members to a memo from Mr. Perley. It stated that the sub-division was approved on the drawings submitted which included drainage ditches, not a drainage system.

Mr. Perley made the following comments:

- there has been a substantial change in the law since 1990
- this Board has continuing jurisdiction over that sub-division
- drainage can be changed, but it will be done with proper implementation, not piecemeal or haphazardly
- new home owners cannot individually install drainage pipe, nor can the Highway Superintendent

Chairman Jusko stated that at the time of this sub-development approval the wording included 'standard ditch per Town Code'.

Mrs. Wandass stated there are presently four new homes in this development and those homeowners are willing to install and pay for this installation. Mrs. Wandass asked if there could be an amendment to the previous approval.

Dr. Wandass stated that a drainage system would be more aesthetic, would improve the property and that the current drainage ditches are a danger to the children in the area.

Mr. Perley concluded with the following recommendations to the property owners at Hickory Meadows:

- four homes would not be considered piecemeal, but this is a Town Road and any project has to be completed properly and by Town Code
- a meeting should be set up with homeowners, Town Attorney Perley, Highway Superintendent Kreitzbender, and Town Engineer Robert Harris in attendance.
- Drainage recalculation be completed
- Address pipe style and size
- Address type of system
- Do it right the first time
- Keep this Board apprised of decisions and progress
- File any decision for any future reference

Mr. Maxwell asked that a formal request be filed with the Highway Department and the Planning Board.

Mrs. Hacker made a motion to table further discussion, second by Mr. Edington. All in favor.

EARLY BIRD SCHOOL

Chairman Jusko reviewed this Board's discussions from the meeting of June 26, 2001:

- Additional lighting is needed
- Parking lot surfacing
- Extension of concrete slab, which has been changed as requested

Chairman Jusko stated that due to an insufficient amount of revised site plans, not all members received a copy prior to tonight's meeting. These plans were displayed and reviewed at this time. Chairman Jusko also noted that a Public Hearing has been scheduled by the Town Board, for August 15, 2001. Mr. Perley said that if this Board is not ready to make any recommendation the Public Hearing would be opened and recessed.

Mrs. Hacker asked where the additional lighting is located. Mr. Terrizzi said there is a street light type light at the entrance which lights nearly all of the parking lot.

Mr. Maxwell stated that a 'durable, dust-less material in automotive use areas' is required by Town Code. He added that he is not satisfied with a gravel driveway and parking lot. Mr. Maxwell added that the Code also states that a parking area is to be graded and drained to disperse surface water.

Mr. Terrizzi said that a load of gravel has been brought in to the parking lot in an effort to address these concerns.

Early Bird School, con't

Mr. Maxwell asked if the current parking lot could handle the amount of traffic with a maximum of 44 children being dropped off and picked up. He estimated that there would be about 30 cars, in and out daily, in addition to the approximately 8 employee vehicles. Mrs. Marcello said in most cases there are 2 children per car, so that estimate would be just about half.

Mr. Maxwell concluded that with the addition of some trees for screening from the surrounding residential area, that his main concern remains to be the parking lot covering and the drainage.

Mrs. Hacker asked if the suggested milling material is adequate, and what is needed. Mr. Perley said that the Code does not specifically say that paving is required, just a 'dust-less, durable material'.

Mr. Maxwell suggested that this become a contingency on approval by this Board. He added that over time milling material does become a solid asphalt type of surfacing.

Mr. Edington asked if the lighting is now sufficient. Mrs. Marcello said that this is the similar type of lighting at the other facilities and is more than adequate.

Mr. Jusko asked if the facility is State licensed and State inspected. Mrs. Marcello said the facility is inspected in every aspect and the lighting has been sufficient; and that insurance is her responsibility.

Chairman Jusko asked for a motion to refer to Town Board with contingencies, or a motion to hold for further review.

Mr. Maxwell made a motion to recommend approval to the Town Board for a Special use permit for the Early Bird School with the following contingencies:

- Town Engineer Harris review and accept existing drainage
- Installation of a durable, dust-less material in the parking area, as required by Town Code
- Adequate lighting is provided, with the Town reserving the right to re-address this issue if lighting is deemed inadequate.

Mrs. Andrzejewski asked if referral to the Town Board, without a complete set of plans would set precedent for other Special Use permit applications. Mr. Jusko said that each project has its own merit; and, Mr. Perley added that if another special use request is ever received for this property, that request would also go through the same process.

Mr. Stringfellow seconded the motion. All were in favor.

Mr. Perley suggested, as this is a Special Use Permit request, that this Board allow the Early Bird School to operate for a year and adjust their program and review one year from December 31, 2001. Mr. Maxwell made Mr. Perley's suggestion a into a motion, second by Mrs. Hacker. All in favor.

CODE BOOKS

Chairman Jusko asked that a request be sent to Town Clerk Shenk asking for a copy of all Local Laws, to be added to the out dated Code books. The secretary was directed to make a request for all Local Laws from 1994 to date.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that the Boston and Patchin Fire Companies are concerned about the fire protection at the Eckis sub-division. They would like to request that a pond be installed at Boston Hills sub-division. Mr. Kramer said that there is an access road from Rice Road which could be used for 8 to 9 months of the year, and a gas company road. Mr. Jusko said that the gas company is not opposed to fire protection, but some of the gas company road is directly over a pipeline which would not support the weight of a tanker truck. Mr. Maxwell said that with the runoff from the expressway a pond would be a good idea.

C.E.O. Kramer, con't.

Mr. Kramer said that he has been in contact with Mr. Trask, attorney for Mr. Latona, who has told Mr. Kramer that due to some financial stress the driveway has yet to be moved, but entered an agreement that the driveway will be moved. Mr. Perley said that he has this agreement and guarantee in writing from Mr. Trask.

Mr. Maxwell recapped from previous meetings. At the time Mr. Eckis requested a change of lot line, this Board approved it contingent on the 'T' turn around being completed; then, Mr. Eckis requested additional lots, this Board made an approval contingent on the installation of a cul-de-sac to Town specifications. Mr. Maxwell asked, 'what is being done?'

Mr. Stringfellow asked if Mr. Eckis could just add additional lots. Mr. Perley said 'not without approval by this Board'.

Mr. Kramer said that he has spoken with a representative from the D.E.C. regarding Mr. Bernardi's activities at the end of Willow Drive. The DEC representative said that there is no way Mr. Bernardi should allowed to build any additional homes in that area. Chairman Jusko asked that this recommendation be forwarded, in writing, to this Board. Mr. Kramer would ask for written statement.

NON-AGENDA ITEMS

Randall Barker -- requesting to build a 40 foot by 80 foot building at 7380 Boston State Road

Mr. Jusko expressed concern with the % of lot coverage. The lot is 125' by 378'. Mr. Perley said that commercial development is allowed to have more than one principal building on the lot. Mr. Perley did say that he has not determined the lot coverage. He added that Mr. Barker has two individual taxed lots, which may have to be merged or redesigned to accommodate residential coverage and meet set back requirements.

Mr. Kramer said that 40% of the lot could be covered.

Mr. Barker said that he would like to have the additional building for loading and unloading crates, and to keep this equipment out of the weather. Mr. Jusko asked that Mr. Barker be on the agenda for August 28, 2001.

Nicky C's requesting change of use, from store/deli to retail food establishment, at 7178 Boston State Road.

Chairman Jusko asked that a letter be sent to Mr. Charlap, stating that following a preliminary review of the application the following information is requested: site plan of property showing parking, traffic flow, and address the requirements of the site plan review.

Boyd Trailer Park -- Mr. Perley explained that Mr. Boyd has removed a trailer, and has replaced it with a larger trailer. He added that the larger trailer is not in conformity of Mobile Home Court Law. Mr. Perley said that he would contact the Boyd attorney and request a site plan for this lot.

Chairman Jusko asked if there was any other business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn the meeting. Second by Mr. Edington. All were in favor.

Respectfully submitted,


Kevin G. Maxwell
Secretary