

Planning Board Minutes July 25, 2006

BOSTON PLANNING BOARD JULY 25, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Jeff Mendola

EXCUSED: J. David Early

Robert Chelus

ABSENT: Bill McGirr

Santo Tricarico

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

William Ferguson Code Enforcement Officer

Mark Henneberg Applicant ? 8964 Boston State Road

Nicole Henneberg 8964 Boston State Road

Chairman Hacker called the meeting to order at 7:31 PM

MINUTES

Mr. Stringfellow made a motion to accept the minutes of June 27, 2006, seconded by Mr. Bernas and carried.

CORRESPONDENCE

Secretary Kirst read the following:

- Planning Board letter dated July 18, 2006 to Deputy Code Enforcement Officer Lisowski regarding the banner at CVS and the empty sign standard at, now formerly, Carter's Florist
- Noted received "Storm water Management Program" advising of 2006 and 2007 sessions

DISCUSSION ? REZONING REQUEST ? 8964 BOSTON STATE ROAD

Secretary reported the following correspondence:

- Planning Board letter dated July 20, 2006 to Mark Henneberg requesting that he be in attendance at this evening's meeting
- Town Clerk Shenk's letter dated July 14, 2006 advising of change of date of Public Hearing from July 12, 2006 to August 9, 2006
- Scott Kinsman, Foit-Albert Engineer, review dated June 30, 2006
- Mark Swacha, Foit-Albert Engineer, review dated June 29, 2006

Mrs. Hacker: The Board is missing some paperwork on this project, we need to get the paperwork in order to proceed.

Secretary Faulring provided a copy of Mr. Brox's review and Mr. Kinsman's review for Mr. Henneberg; and a copy of Town Code Section 97 "Site Plan Review" was given to the applicant.

Mr. Henneberg: I know we need a new site plan; but when there is no new building, all we're doing is roofing a shed and siding a shed to give it more curb appeal?

Mrs. Hacker: Right, but we do need to have a detailed deed (survey) of the property that shows adjoining property owners, existing buildings. What was received needs to be completed with the items that we need ? what was addressed by the Engineer, the Planning Consultant, those items, and what

needs to be addressed according to the Site Plan Review should be returned to the Secretary by August 15th for mailing to the Planning Board members for their review.

Mr. Stringfellow: The requirements, for a site plan, are in the Town Code; when we get your site plan each of us reviews that site plan line by line to be sure that what you've provided meets that Code, get a copy and make sure what you submit meets that.

Mr. Kirst: The more you can show us, will make the process easier. All the details lights, drainage, trees, existing, those that may be removed, proposed, anything you can show us.

Mr. Henneberg distributed booklets of before "clean-up" and after "clean-up" pictures of the property

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Mr. Henneberg: You were talking about environmental impact, we cleaned some 100 cars off that property and it was truly a junkyard. We're starting from scratch, all we've basically done is cleaned this property up, we're not changing any drainage, we're not doing any big comprehensive plantings, we just want your permission to park 5 automobiles?

Mr. Downey: The problem is that once you start changing zoning, you change it; even though to you it doesn't physically look like it, you're actually changing it and so you create a legal requirement to do it; they're not picking on you, and it gives them a baseline?

Mr. Henneberg: We're just anxious to get going, we've already been delayed due to an incorrect mailing for the Public Hearing.

Mr. Ferguson: That has been rescheduled for August 9, 2006.

Mr. Downey advised Mr. Henneberg to get a copy of the Code or obtain it from the Town website.

LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins: Nothing other than as Mr. Henneberg said there was a mix up in the mailing for the two public hearings, so they both have been postponed until August 9, 2006 at the Town Board meeting.

OLD BUSINESS

Kid's Country Child Care ? 7346 Boston State Road ? Nothing received

Mrs. Hacker: In addition to the letter regarding the sign at CVS and at Carter's Florist at 8032 Boston State Road, there have been comments on the sign on the building that sold used cars at the corner of Herman Hill Road and South Abbott Road; the empty sign standard at Ranco, on Boston State Road on the curve opposite B-Kwik; and the dumpster at the duplex on the corner of Boston State Road and Lu-Don Drive.

Mr. Bernas: We used to receive monthly Code Enforcement reports, is that not going to happen anymore?

Secretary Faulring: I will start again.

Mr. Bernas: On the Henneberg issue, in this particular case they presented a survey, now if Richard Brox and Foit-Albert don't have a problem accepting it as a conceptual plot plan, then I don't either, but is it adequate? The Code doesn't really say whom it should be drawn by, only that it should be drawn to scale. Are these applicants aware that there are professionals available to do this and minimize the amount of time and expense put into it.

Discussion followed in relation to several projects that a professional site plan was not received.

Mr. Stringfellow: Dave, conceptual plot plans are relatively informal and hand drawn drawings are often enough, if it's a small project. When you turn the page to Final Site Plan, it clearly says "bearing the certification of a registered surveyor, engineer or architect."

Mr. Kirst: We can't tell someone "you can't submit unless you've paid someone to produce it."

Mr. Downey: As was discussed, if they don't know what they are doing, they need to find out. So part of the onus is on them. Common sense is that you are going to want to know the distances from lot lines. As far as the Engineer and Mr. Brox, if they are happy with it, and there is enough there to deal with, I don't necessarily see a problem; if you want to change it now is the time to do it. In the past that has

worked out, parting thing is this ? you have people that come in and they don?t read what the Code says, and if they don?t know they don?t ask questions and then maybe they do get miffed, but then they have to find out what they need to know and maybe that?s the time to seek professional help. What they?re doing now, and what we?ve discussed is that they have to have a survey, a real survey when they come in. That?s the beginning.

Discussions followed:

- on what is expected of the applicants.
- regarding informing the Code Enforcement Officer of decisions that were made at Planning Board
- stamped survey is required that can be copied for minor additions or changes to the property

Mr. Stringfellow: Have we given this applicant all the items that we want, or is he going to come back and say ?I gave you the two items that you asked for, and then we tell him well now we need these items take care of.?

Discussion, once again, followed ?do we give the applicant a check-off list to follow during the site plan review process?? Some kind of guidance.

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Mr. Downey did not fully accept the idea that a survey should be copied, as many people have their property surveyed, then cutout other parcels and sell those additional parcels.

Mrs. Hacker: Mr. Hopkins, when Mr. Henneberg is at the Town Board for Public Hearing, please advise him that the Planning Board and the Code requires a stamped, original survey.

Mr. Ferguson: I will be at the property this week, I will advise him

Mrs. Hacker asked if there any further business for this evening?

Being none, Mr. Stringfellow made a motion to adjourn at 8:22 PM, seconded by Mr. Bernas and carried.

Respectfully submitted,

Tim Kirst

Recording Secretary

TK:tf