

Planning Board Minutes July 27, 2004

BOSTON PLANNING BOARD JULY 27, 2004

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Margaret Andrzejewski

J. David Early

Richard Hody

Jeff Mendola

EXCUSED: David Bernas

Michael Pohl

ALSO Kelly Vacco Town Attorney

PRESENT: Dennis Kramer Code Enforcement Officer

Brien Hopkins Councilman ? Town Board Liaison

Richard Hawkins Councilman

Kim Bingman Applicant

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

MINUTES

Chairman Hacker asked if there were any corrections or revisions to the minutes of June 22, 2004.

Mr. Hody: Page 4, line 11: insert "the" between is and way, near the end of that line.

Mr. Mendola asked that he be changed from absent to excused for the June 22, 2004 meeting.

With those corrections Mr. Hody made a motion to accept the minutes, second by Mr. Stringfellow. All in favor.

CORRESPONDENCE: Mrs. Hacker reported the following:

- Received letter dated July 21, 2004 from Highway Superintendent Poore regarding a seminar that will be conducted on July 27, 2004 at 10:00 a.m. regarding the Giant Hog Weed situation in Town.
- Noted received letter dated June 30, 2004 from Scott Kinsman of Foit-Albert regarding review of CVS construction plans.
- Received from Erie County regarding the drainage and driveway at proposed CVS Pharmacy.
- Received from New York State regarding the NYSDOT Highway Work Permit at the proposed CVS Pharmacy.

Mr. Early stated that workers at the present CVS told him that construction is not going to start until spring.

Mr. Kramer: The sewer needs to be moved to meet Erie County specifications at the cost of about \$120,000. I sent a letter to them today regarding zoning conformation and that the building permit would be issued when the fee is received.

- Other correspondence to be read at point in agenda.

BRIEN HOPKINS - LIAISON

Mr. Hopkins had no report this evening.

Mrs. Hacker asked Councilman Hawkins if he had anything to report.

Mr. Hawkins reported on the seminar on Giant Hog Weed and its potential danger.

DUPLEX ? 8899 BOSTON STATE ROAD

Chairman Hacker reported the following correspondence:

Letter of request dated June 3, 2004 from Kim Bingman.

Letter dated July 9, 2004 to Foit-Albert requesting them to review the application for the proposed duplex

Letter dated July 9, 2004 to Richard Brox requesting him to review the application for the proposed duplex.

Letter dated July 22, 2004 to Kim Bingman requesting that she be in attendance this evening.

Received letter dated July 20, 2004 from Richard Brox.

Noted received: Notice of Decision from the Zoning Board of Appeals Public Hearing on February 5, 2004;

Town Board minutes from June 4, 2004 indicating rezoning from C-1 to R-3

Discussion followed regarding the application. After review of the Town Board minutes it was agreed that the Zoning was changed to R-3.

Ms. Bingman was asked to supply the following additional information:

- Distance between the proposed duplex and the buildings to the north and south
- Elevations of existing and proposed grades
- Existing and proposed sewer and water connections

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Duplex ?8899 Boston State Road

- SEQR
- Letter from current owner of property stating that Ms. Bingman can represent this application.

Mr. Stringfellow made a motion to table discussion until the information is received, seconded by Mr. Early. All in favor.

DANA DARLING SITE PLAN ? DISCUSSION

Chairman Hacker reported the following correspondence:

Letter dated June 28, 2004 from Richard Brox.

Letter dated February 23, 2004 from Foit-Albert.

Letter dated March 4, 2004 from Richard Brox.

Discussion followed.

Mrs. Hacker asked that a letter be sent to Mr. Darling requesting the following additional information:

- Detail on sheet #9 shows the sewer and water pipes within the R-O-W, however the Plat Plan, sheet #1 clearly shows the sewer pipes going outside the R-O-W on easements into the private properties on the inside of curves. Please refer to Town Code, page 12703, Section 127-3, second sentence.
- Phase 2 ? a number of lots are lettered with ?A?, however a number of these lots drain to the back of the property, which would be drainage plan ?C?.
- Traffic Study is required for Final Plat Plan.
- Preliminary Plat Plan, before this Board can approve it, must be approved and signed by the Highway Superintendent.
- Reversed curves at 4?9 require a minimum of 100-foot tangent section between the two reversed curves ? not met.
- Boundaries of the existing improvement districts are not shown.
- Code requirements for showing the elevation of points no more than 100 feet apart, if the slope is less than 2%; some of this lot is less than 2%.
- Address Town Code Section 104 ? 11 Item 5.
- The datum plane that is being used must be approved by the Town Engineer.
- Town Code requires that typical lot size be shown.

TOWN BOARD REFERRALS

Joseph DeMarco ? 5647 Herman Hill Road

Chairman Hacker reported the following correspondence:

Town Board referral dated June 16, 2004 from Town Clerk Shenk.

Letter dated July 22, 2004 to Foit-Albert requesting their review and written reply.

Letter dated July 22, 2004 to Richard Brox requesting his review and written reply.

Mr. Kramer: He would like to put an addition on the garage so that he can park his vehicles inside. He owns the house too, which is a rental property.

Chairman Hacker asked that a letter be sent to Mr. DeMarco advising that his application has been received and discussion will be included on the agenda of August 24, 2004. She also asked that a copy of Chapter 97 from Boston Town Code be sent to Mr. DeMarco for his review.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer: Where do we stand with Nick Charlap's?

Mrs. Hacker: We are still waiting for him to address the 9 items that were sent to him in the letter of May 27, 2004.

Chairman Hacker asked that a letter be sent to Mr. Charlap, along with a copy of the May 27th letter, advising him that these revisions need to be made and submitted to this Board for approval, before Mr. Kramer extends the Temporary Certificate of Occupancy.

Code Enforcement Kramer, con?t.

Mr. Kramer: Theresa Betz from the day care in North Boston has been in touch with me regarding the retention pond at that location. She would like to move it because that it is too close to the building, and there is standing water, which is drawing mosquitoes.

Chairman Hacker asked that a letter be sent to the Town Engineer asking them to review the situation as it is now and send a written opinion of the possibility of moving the pond.

NON-AGENDA ITEMS

Chairman Hacker asked that, following the September 14, 2004 the members of the Planning Board stay for a work session, to coordinate a list of what we want to see in letters from the Engineer and Mr. Brox, and other matters.

Chairman Hacker asked for a motion to adjourn.

Mr. Stringfellow: I have a couple of things that I would to discuss. Cul-de-sacs versus ?t? turnarounds. The Highway Superintendent prefers ?t? turnarounds. My preference is a cul-de-sac. But the Code says differently.

Mrs. Hacker: This is something that can be discussed at out work session.

Mr. Stringfellow: My other concern is Willow Drive. From the only map that I was able to find, Willow Drive right now, the dead end section of it is 395 feet long. In our Code it says, ?dead end streets designed to be such permanently shall not be longer than 400 feet unless otherwise authorized by the Planning Board.? Now that sounds to me that the Highway Superintendent cannot go and accept an extension of Willow Drive, because he is making it longer than 400 feet, and we have not approved it.

Mr. Hopkins: He hasn't accepted it. He said he would accept that T? turnaround. He hasn't taken anything out of the Planning Board's hands.

Discussion followed.

Mrs. Vacco: The New York State Law says that the dedication and acceptance of roads, and the maintenance and the responsibility of roads and highways, in any Town falls, under New York State Law, to the Highway Superintendent, who is elected not appointed.

Mr. Stringfellow: We have 19 pages of street and highway specifications in our Code, and all we need, according to you, is one sentence that says, anything the Highway Superintendent will accept.

Mrs. Vacco: I am offended by that comment; this discussion is not on the agenda and I will not address it this evening.

Discussion followed regarding cul-de-sac versus T? turnaround.

Chairman Hacker: Is there any other new business for this Board this evening.

Being none, Mr. Stringfellow made a motion to adjourn at 8:55 p.m., seconded by Mrs. Hacker. All in favor.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf