

## Planning Board Minutes June 12, 2007

BOSTON PLANNING BOARD JUNE 12, 2007

PRESENT: David Stringfellow Vice Chairman

Tim Kirst Secretary

David Bernas

Bill McGirr

Jeff Mendola

EXCUSED: Robert Chelus

Patricia Hacker

Santo Tricarico

ALSO Brien Hopkins Councilman ? Town Board Liaison

PRESENT: Brian Downey Town Attorney

Richard Brox Planning Consultant

Jeff Kuhn Applicant ? Boston Valley Square

Ken Kloeber P.E. ? Boston Valley Square

John Schleyer Krog Corporation ? General Contractor ? Boston Valley Square

Karen Loretto 5598 Southside Drive

Theresa Gresco 5545 Ripple Drive

David Blank 5584 Southside Drive

Jean Banko 7162 Boston State Road

Richard Banko 7162 Boston State Road

John Marchinda 5642 Southside Drive

Pat Marchinda 5632 Southside Drive

Scott Blesy 7140 Boston State Road

Tim Dinse 7146 Boston State Road

Bill Gross 5590 Southside Drive

Sharon Gross 5590 Southside Drive

Richard Hawkins Town Councilman

Bill Eagan Town Supervisor

The meeting was moved to the Courtroom, due to the attendance exceeding the capacity of the Planning Board room.

Vice Chairman Stringfellow called the meeting to order at 7:39 PM.

#### MINUTES

Mr. Kirst made a motion to accept the minutes of March 27, 2007, seconded by Mr. Bernas and carried.

#### CORRESPONDENCE

Secretary Kirst listed, but did not read the correspondence, received via several mailings and in members' folders this evening:

- Planning Board letter dated March 28, 2007 to Code Enforcement Officer William Ferguson regarding the requested as-built site for 7346 Boston State Road
- Town Board letter dated April 20, 2007 to J. David Early thanking him for his many years of service on the Planning Board
- Planning Board letter to Town Board advising of cancellation of May 22, 2007 meeting
- Town Board letter dated May 18, 2007 to Bill McGirr advising him of his appointment as a regular member of the Planning Board

- Town Board referral dated June 7, 2007 with request for appointment to Planning Board by Jonathan King
  - o Letter to be sent to Mr. King requesting his attendance at the June 26, 2007 meeting for interview at 7:10 PM
- Foit-Albert letter dated April 20, 2007 regarding the rezoning request of the North Boston Fire Company at 5638 & 5646 Herman Hill Road
- Town Attorney Downey letter dated April 24, 2007 regarding ?Conflicts of Interest? of members of the Planning Board
- Town Attorney Downey letter dated April 30, 2007 regarding the proposed Boston Valley commercial project
- Various packages on required 4-hour training for Planning Board members
- National Flood Insurance Program Workshop information pamphlet
- Updated Town Hall / Boards Directory
- Code Enforcement and Deputy Code Enforcement Officers? End of Month reports for March, April and May 2007

#### BOSTON PLANNING BOARD JUNE 12, 2007

#### SITE PLAN REVIEW ? BOSTON HOLDINGS LLC

Vice Chairman Stringfellow advised those in attendance that this was only Conceptual Plot Plan Review and that nothing would be approved tonight. This Board will review it, feedback any comments, then they submit a Final Site Plan which will be reviewed at a later Planning Board meeting. Since there are relatively a large number of people in the audience, we will first have the proposal, anyone who wishes to speak will be allowed to do so; come up to the microphone, give your name and address and limit your comments to no more than three minutes, in order to give everybody a chance.

Ken Kloeber ? Engineer for the project:

- Minor changes to the Conceptual Site plan due to discussions with the Town Engineer
- Discussions with Richard Brox regarding some of the landscaping issues
- Basically the Plan stands as it is for your comments

- We do have some different architectural renderings that we would like to show the Board and then answer any questions

- In summary it's a proposed 24,000 square foot building, leas-able space, the footprint of the building is 26,300 because of the front overhang and walkway area

- We are proposing at this time 160 parking spaces ? we have a question ? does the Planning Board have the authority to modify any of the Code requirements for site plan approval? There is a section of Town Code that says parking for ?discount stores? requires twice as much parking as any other retail store, that we think is way out of line.

Mr. Kloeber was referring to Town Code Section 123-103 K.

John Schleyer displayed a rendering of the exterior design of the building and gave an overview:

- 24,000 square foot facility
- 80 feet deep
- 300 feet in length
- 16 feet high approximately to the eave of the building
- Two architectural features on each end of the building
- Hip roofs on each end that will actually be higher than the 16 feet
- Center portion will have a gable, an architectural feature on the center
- Construction of the front façade will be a mixture of brick columns, an overhang or walkway will be constructed of clapboard siding and a combination of some dry-fit earth efface motifs above each column
- Trim pieces around the eaves for the hip roofs
- Clapboard siding under the windows, they will be aluminum style store-front windows
- The sides and the rear of the building will be a combination of different types of decorative masonry block
- The colors are arbitrary and could change, we anticipate using a decorative combination of split-face masonry block, smooth faced single scored block and some other architectural block that kind of ties everything around so that it looks uniform and so is more appealing from the sides and a little more appealing from what you normally see on the rear of a plaza

· The overhang is 8-feet in depth and will probably have soffit lighting to create a promenade effect

Mr. Stringfellow: What do propose for the trash dumpsters?

Mr. Schleyer: We will have dumpster enclosures and they will be set back on the rear of the property that will be screened from the neighbors with a combination of berms and landscaping. We're going to keep the dumpster enclosures on "that side" of the road so they will be screened, they won't be right up next to the building.

Mr. Kloeber: Obviously, individual stores will have small dumpsters that will service each of the stores. There's an issue if they're on that rear road, behind the building, the trucks have to get to those dumpsters to lift and tip them. They can't be placed up against the hill, because the trucks can't make that turn to lift and tip them; they would have to angled into the hill or put them square against the building. I don't think we need a full 24-foot driveway around the back of the building; if half of that was taken up with dumpsters, occasionally against the building, and two cars passing one could pull into that space and then back, and likewise that 12 foot against the building could be used for unloading goods for the stores.

Mr. Brox advised Mr. Kloeber that parking for a shopping center would apply in this case ? Town Code Section 123-103 D.

Mr. Kloeber: Then we would modify the site plan and reduce that down to 120 parking spaces.

Mr. Downey: It is my understanding that this Board does not have the authority to change the Code. The only two ways would be to have a Local Law or seek a variance. It appears to me that Town Code Section 123-103 D is what applies here, item K appears to be referring to a separate building for a food or discount store. I will check into that further.

BOSTON PLANNING BOARD JUNE 12, 2007

Mr. Kloeber: The Board should have received letters from the Town Engineer, one based on the Environmental review that everything that is submitted is in order and is subject to a coordinated review by SEQR agencies; that to my understanding has not gone out. The other letter from Foit-Albert on the site plan review was basically all was in order on the site plan, we met the Code ordinances. There was one comment in the letter about the setback.

Mr. Kirst read paragraph 2 from the Foit-Albert letter.

Mr. Bernas: If there is fill brought to the site, the building height might be significantly different in relation to the neighborhood behind it.

Mr. Kloeber: The existing elevation will generally be the existing elevation, we're going to be cutting the back half of the grade and filling the front half of the grade, so we're not bringing the building up 3, 4 or 5 feet.

Mr. Brox: The plans that were submitted to me for review. Ken, I responded to your letter and sent you a marked up landscaping plan. Unbeknownst to me that had not been cleared through Mrs. Hacker or the Board, don't do it again unless I've got permission to get it. Because then it appears that I'm doing work for you on the side to get it approved, and I don't want that intent being made.

Mr. Kloeber: I will publicly state that was certainly not the intent.

Mr. Brox: In addition to the landscape plan; I think it would be appropriate for the access points to be part of the parcel between the parking lot and Brunner's and access to the rear parking lot, other than just the easement out to Herman Hill Road should show, and now that we understand that you are only going to have a 120 car parking lot requirement that could be worked in without any difficulty. The other issue is the 24-foot driveway behind the building should stay for fire emergency, if nothing else. If it's only a 12-foot driveway the fire truck is going to be right next to the back wall of a possible burning building.

Mr. Mendola: You would have a fire truck 12-foot away from a 16 foot high building.

Mr. Kloeber: We would put the 12-foot lane further from the building; the dumpsters up against the building and the travel lane further away for exactly that reason. In terms of the neighbors, the scale of the project, we're trying to minimize paving, parking area, driveways, not maximize it.

Mr. Brox: Some parts are curbed, others are not curbed. On a final drawing please clearly indicate what is, what isn't curbed and I would recommend that the Board consider that the northbound lane of Route 391 have a pull-off for a right turn, rather than just an immediate right turn off the highway.

Mr. Kloeber: The intention at this point is that the islands would be curbed, the rest of the parking lot would not be curbed. We've had discussion with the D.O.T., which of course will be their call, the Board may make a recommendation but it's a State controlled highway. At this point the feedback is that they would not require a right turn lane. The traffic numbers are such that are on a borderline, they're kind of in a gray area of what would be required.

Mr. Stringfellow: Is there any difference between what the D.O.T. requires and what they will allow?

Mr. Kloeber: There can be, it depends on the project. In this situation if the Town makes their desires known, the D.O.T. would look at the basis of making that recommendation ? what is the volume of traffic, what?s the standard for turn lanes, the D.O.T. would look at numbers, in the end it?s going to be their final call.

Mr. Mendola: You?ll need to show what kind of lighting is going to be in place, what type of lighting on doors, and the fact that the lighting is going to stay on the property and not interfere with the neighbors. On the landscaping plan there?s a 10-foot berm with nothing on it, which didn?t look adequate to screen a 25-foot tall shopping center.

Mr. Kloeber: The preliminary plans showed plantings, and that basically was to screen the house towards Boston State Road. The issue is ? how high do you make the berm, because it becomes at some point overpowering when you look in from Boston State Road. What we?d rather do is fill in the top of the berm with plantings; basically what we did was we took the top of the hill, behind the project, and extended that elevation out as a berm.

Mr. Mendola: When you get to signage, please read that section very carefully. When I look at this plan, it still looks like a huge strip plaza.

Mr. Kirst: Seeing past projects that Jeff (Kuhn) has done, I think that landscaping is the least of our concerns. The 10-foot berm is a good shield from the neighbors, there?s no light poles back there; it?s all illuminated between Brunner?s and the buildings. I think it will be a nice piece of property.

Mr. McGirr: Is there any reason the dumpsters can?t be at the ends of the building and made to blend in with the building?

Mr. Kloeber: We looked at placing them at the ends of the building on the back road adjacent to the parking area so the trucks would have a straight pull into it, that?s okay if you only have two dumpsters, but with numerous possible tenants in there you may have a situation where each one has its own small dumpster.

Mr. McGirr: You only have 4 stores.

Mr. Schleyer: That?s conceptual, it could be more, and this design shows 8 doors.

BOSTON PLANNING BOARD JUNE 12, 2007

Mr. Kloeber: The lighting, the sides, rear and the ends of the building, what we're planning is basically wall-mounted downwash units so that there is not a lot of trespass light to neighbors. We've also done a light intensity study of the parking lot itself. The lights will be situated and will be what's called cut-off fixtures, that is box fixtures with cut-off and situated so that there will be zero light trespass outside the parking area.

Mr. McGirr: If you cut parking down to 120, where will you be taking that from?

Mr. Kloeber: I don't know, we will have to look at that ? maybe the ends of the building. We'll be losing some parking spaces with the landscaping suggestions that Mr. Brox had made, with the islands, and adding some green space.

Mr. Brox: There is no berm behind the building except at the extreme Boston State Road end where they are filling in that depression. Behind the building is a hillside that exists today, they're just regrading it, so you come from the backyards of the neighbors, straight out past the property line and then down hill from there to the building. The finished floor elevation of the proposed building is 8 28 and ½ adding 16 feet for the building plus the parapet comes up to 8 44 and ½ and the top of the hillside is 8 40, so the top four feet of the building, if you were laying on the grass, would be visible. If you were inside the house you're going to see the entire building, the roof, all the pipes, all the air conditioners, so all that has to be considered in screening.

Mr. Hopkins: But we haven't seen the landscaping plan yet.

Mr. Brox: The grading plan doesn't change between landscape plan and the signed plan. That was why I wanted to recommend more screening behind the building.

Mr. Mendola: So what I'd like to see is a 3-D conception of what the neighbors will be seeing from the top of the hill.

Mr. Stringfellow: The primary consideration in this project is that there are a lot of people living right along this building and the proposed extensions of this project. They have been looking out onto a nice, green, open, field for a long time. The owner does have a right to do what he wants on his land, I would really encourage you to do the best you can to minimize the impact on those people and to make the back as nice looking as you can, along with the front. I picked the house on Southside that is closest to your building and simply did an elevation view from a rear window of that house. I assumed that the floor is about 2 feet above ground level, and a person standing on the floor would be five feet higher, and I did a second floor six feet above that and I looked at what his view of the building would be as it is now and the answer is: from the second floor you see the whole building right from the ground up; from the first floor you don't see the bottom three feet or so, but you see the rest. It will take considerable height, there is about 14 feet of property that belongs to this project before the hill breaks off steeply, and that in my opinion is where you need to look at plantings.

Mr. Kloeber: About the screening ? it certainly is our intention to provide screening. Everything we do, everything we build causes impact to somebody, and you can't do a project whether it's a residence or a shopping center that doesn't impact somebody. We certainly want to try to minimize that, but we can't avoid it and we can't remove that impact altogether.

Mr. Stringfellow said that comments would be allowed from the audience; they were instructed to step forward state their name and address and to keep their comments to 3 minutes.

The following were all opposed to the proposed project:

William Gross ? 5590 Southside Drive

Theresa Gresco ? 5545 Ripple Drive

Tim Dinse ? 7146 Boston State Road

David Blank ? 5584 Southside Drive

Karen Loretto ? 5598 Southside Drive

Pat Marchinda ? 5632 Southside Drive

One or more of the following comments were expressed by the neighboring property owners:

- Proposed project very close to residences
- Many empty buildings in Town already
- Put it on Herman Hill Road
- Proposed site has not been mowed for months
- Increased traffic
- Digging on that parcel created excess water
- Drainage problems
- Left hand turns, off of and onto Boston State Road, will be even more hazardous
- Loss of privacy

Mr. Stringfellow tabled further discussion and closed this portion of the agenda at 8:44 PM.

#### BOSTON PLANNING BOARD JUNE 12, 2007

#### LIAISON ? COUNCILMAN HOPKINS

Councilman Hopkins reported the Town Board referred the proposed project at 7074 Boston State Road

#### DISTRIBUTION OF TOWN BOARD REFERRALS

Distribution of site plans for proposed project at 7074 Boston State Road.

#### OLD BUSINESS

7346 Boston State Road ? Kid?s Country Child Care

Mr. Downey: She?s been before the court. They requested more documents for Code Enforcement to resolve that matter, so the matter is on-going.

#### NON-AGENDA ITEMS

Revise Summer Schedule

Following discussion it was decided to schedule meetings for July 10, July 24 and August 14 and August 28, 2007. If new information is not available or received in time for distribution, a meeting or meetings would be cancelled.

Landscape ? Boston Valley Square

A lengthy discussion followed with the Planning Board members, Mr. Brox, Mr. Downey, Mr. Kloeber, and Mr. Schleyer reviewing the one available landscape plan.

ADJOURNMENT

Mr. Stringfellow made a motion to adjourn at 9:25 PM, seconded by Mr. Bernas and carried.

Respectfully submitted,

Tim Kirst

Secretary

TK:tf