

PRESENT: Patricia Hacker, Chairman  
David Stringfellow, Vice Chairman  
Michael Pohl, Secretary  
David Bernas  
Robert Chelus  
J. David Early  
Tim Kirst  
Jeffrey Mendola  
Paul Speich

ALSO PRESENT: Kelly Vacco Town Attorney  
Dennis Kramer Code Enforcement Officer  
Brien Hopkins Councilman – Town Board Liaison  
Richard Brox Planning Consultant  
Andrew Gow Project Engineer – Tanglewood Acres

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

### MINUTES

Mr. Stringfellow mentioned that ‘perspective’ members should be ‘prospective’ members, with that change, and being no other corrections or additions, made a motion to accept the minutes, seconded by Mr. Bernas and carried.

### CORRESPONDENCE

Mr. Pohl reported the following:

- Town Board letter of May 18, 2005 to Doug Merritt regarding CVS directional signs
- Zoning Board of Appeals notice of Public Hearing on June 2, 2005
- Letter to Town Board from Margaret Andrzejewski resigning from Planning Board
- Letter dated April 28, 2005 from Joe Tocke to Town Board regarding concerns at proposed Darling Subdivision
- Code Enforcement Officer Kramer – May End of Month report
- Deputy Code Enforcement Officer Lisowski – May End of Month report
- Town Board Minutes from regular meetings:
  - April 20, 2005
  - May 4, 2005
  - May 18, 2005
  - June 1, 2005
- From Erie County advising of meeting on June 17, 2005 – Regarding Eden Agriculture District
- Pamphlet from New York State – ‘Quality Communities Program – Open Space and Saving the Land for Environmental Benefit’ – Tuesday June 21, 2005
- Association of Towns and State of New York and New York Planning Federation – Summer School tentative agenda

Secretary Faulring said that she had been instructed to ask all members to access the internet to pull Town Board Meeting minutes, instead of copying for each member – to save paper.

### LIAISON – COUNCILMAN HOPKINS

Mr. Hopkins reported from the agenda meeting of June 13, 2005:

- Town Board members would like Planning Board to have Subdivision check-off list ready to go very soon
  - Would like 2 members of Planning Board and 2 members from Zoning Board to work together on this project
- Town Board members would like to know what the opinions of this Boards’ members regarding the suggestion of lot size change in R-A zoning

Lengthy discussion followed.

### SELECTION OF REGULAR MEMBER FROM ALTERNATES

Paper ballot resulted in three-way tie. Discussion took place following old business, so as not to delay proceeding with the agenda. Mr. Chelus was recommended for appointment as a regular member.

**PROPOSED TANGLEWOOD SUBDIVISION**

Mr. Pohl read the correspondence:

- June 1, 2005 letter from Engineer Andrew Gow requesting inclusion on agenda; and, Preliminary Plat Plan for proposed Tanglewood Subdivision
- Planning Board letter of June 6, 2005 to Richard Brox requesting review and reply
- Planning Board letter of June 9, 2005 to Scott Kinsman @ Foit-Albert requesting review and reply
- Planning Board letter of June 9, 2005 to Andrew Gow requesting that he be in attendance
- Richard Brox reply of June 13, 2005

A lengthy critiquing of the Site Plan submitted determined the following concerns:

- Site Data – 7 lots listed – 4 lots shown on survey
- Bearing distance of easterly section of line between lots 2 and 3 not shown
- Identify length of stub R.O.W Lot 4
- West property line runs approximately north/south, not the N27° 07'39"E shown
- Cul-de-sac
  - Center is not on the extended centerline of the approach road
  - 7 foot difference in elevation across the cul-de-sac
  - Transition from the approach road to the cul-de-sac is not a 45° arc of 80.47 foot radius at the outer edge of the R.O.W.
  - Drainage is shown as 18" from catch basin eastward and northeastward along the full length of the property line between lots 2 and 3. Engineer stated that drainage would be only to the swale that drains northeastward through lot 2. Clarify this on the preliminary plat
  - Surfacing width, type and elevation are not shown
  - Pavement radius is 55 feet – 60 feet is required
- Width of Gas Company easement R.O.W. is not shown
- Tanglewood Drive
  - Show correct R.O.W. width, as it enters subdivision
  - Legally established centerline elevation is not shown
  - Clearly identify existing road pavement width
  - Sizes and inverts of sanitary sewer
- Sizes and inverts of sanitary sewer laterals and storm sewers are not shown
- Utilities
  - Include services for existing house
  - Show gas lines if natural gas service to lots is available
  - Water mains location and size not shown
  - Electric and telephone pole locations not shown
  - Sewer and water service to the lots are not shown
- Adjacent un-platted land
  - Show approximate direction and grade of the slope
  - Character and location of buildings
- Adjacent platted land
  - Refer to subdivision plat by name
  - Show approximate % of build up
  - Show typical lot size
  - Show typical dwelling type
- Show elevation datum and bench marks
- Show date of survey
- Provide preliminary draft of deed restrictions
- Provide storm water management plan, including:
  - Pre-development runoff
  - Post development runoff
  - Retention and/or detention facilities
  - Erosion control during and after construction
  - Pollution mitigations
- Zoning of adjacent properties
- Show proposed lot grades and street grades
- Provide preliminary draft of deed restrictions

- Legend / Abbreviations
- Identify:
  - Which sewer district for easement
  - Watercourses
  - Ditches
  - Wooded area
  - 200' wide conservation easement
- SEQR
- Dedicated public use area or recreational fee paid per lot
- Is a water district extension needed
- Show signature line for Highway Superintendent

Mr. Gow's responses:

- A lot of this information is shown on the constructions drawings, which has 5 pages
- Conservation easement is to the Town of Boston
  - Will provide proof to the Planning Board
- SEQR Process
  - Long form or short EAF?
  - Per Mr. Pohl, Muffett Mauche George said the long form will be required even if items have to be answered N/A

Mrs. Vacco: Once the Preliminary plat is approved, at that point in time we would start SEQR and declare lead agency on it, at least get the preliminary plat approved.

- Several road widths shown on different maps – we are still trying to determine
- Have determined that it is in an existing Water District
- Cul-de-sac:
  - Will be cutting and filling
  - Will be somewhat tilted

Several discussions took place between Mr. Gow and members of the Board looking at specific items on the Plat submitted.

Mrs. Hacker advised Mr. Gow to follow Code for Subdivision of Land. 14 copies will need to be submitted for proper distribution.

Mrs. Hacker made a motion to table discussion until receipt of updated Preliminary Plat Plan, seconded by Mr. Stringfellow and carried.

### **OLD BUSINESS**

#### **Nick Charlap's**

Mrs. Hacker distributed as-built site plan for 7264 Boston State Road.

Mrs. Hacker: The letter of May 27, 2004 stated no 'parking stripes,' we did not specifically ask for the words 'no parking.' The stripes are there; the words are not and will not be added. This is according to what was asked for in our letter. Discussion followed regarding the wording of the letter and discussions.

Mrs. Hacker read all items of the May 27, 2004 letter, and stated that she believes that Mr. Charlap has met all items that were asked for. She asked for any discussion.

Lengthy discussion again followed regarding the parking of vehicles on the Road Right-of-Way.

Mrs. Vacco advised the Board members that Mr. Charlap has retained Legal Counsel, and does intend to sue the Town, if this plan is not approved as built. She added that under the circumstances she is very confident that Mr. Charlap would win a Court case in this matter.

Mrs. Vacco stated that a letter could be sent to the State Police expressing this Board's concern with the potential safety hazards of the this particular parking situation; and ask that the State Police patrol and ticket all illegally parked cars. The Board members agreed that this letter would make them aware of the concerns and relieve this Board of any repercussion.

Mrs. Vacco said that she would write this letter on behalf of the Planning Board to the State Police.

Mrs. Hacker made a motion to accept the as-built site plan submitted by Nick Charlap, noting that the words 'no parking' as shown on the site plan will not actually appear on the pavement, seconded by Mr. Bernas.

Voting was as follows:	Mr. Bernas	yes
	Mr. Early	abstain
	Mrs. Hacker	yes
	Mr. Mendola	yes
	Mr. Pohl	yes
	Mr. Stringfellow	yes

Mrs. Hacker commented that she was getting a 'lot of flak' from several townspeople, including elected officials, about the Planning Board's treatment of Nick Charlap. They've insinuated that '3 Girls' or 'Carter's Florist' or 'Nana's Nook' wasn't given this treatment and they all have a very similar parking situation at their places of business.

Mr. Pohl commented that this was a very long, drawn out process. We shouldn't be holding a developer's hand. There was a lot of politics involved and there shouldn't have been. We need to take a stand earlier. It's a bad example of how projects should be run.

Mr. Bernas added that those persons who want/need to complain should come before this Board and make their comments to the entire Board, not solely to Mrs. Hacker.

Mr. Mendola: This is the first example of someone who had a site plan, got approval and decided to do something different and basically disregarded our requests, and still got a C.O.

Mr. Pohl asked to have added to Old Business for future agendas:

- Kid's Country Child Care – 7346 Boston State Road – still waiting for as-built site plan
- Szalay Rezoning Request – Secretary Faulring reported that they have withdrawn the request from the Town Board
  - Mrs. Hacker reported that Mr. Szalay is dumping cement blocks and debris into the creek in such a matter as to plug up the culvert where a driveway might be installed.
  - Mr. Kramer advised Mrs. Hacker to contact Rebecca Anderson at the D.E. C. or a return call to the person complaining and they in turn call the D.E.C. Mr. Szalay told me that he has a permit to do that.
- Joe DeMarco – 5647 Herman Hill Road – has until July 1, 2005 to complete landscaping
- Rosiek-Green Rezoning Request – Secretary Faulring reported that the request has been withdrawn from the Town Board as Small Animal Hospitals has been added to C-1 Zoning Classification by Local Law

**NON-AGENDA ITEMS**

**CODE ENFORCEMENT OFFICER KRAMER**

**Tanglewood Subdivision**

Mr. Kramer: If this for 2-family or single family dwellings?

Mr. Gow: The letter of intent stated single-family dwellings.

**Tony Bernardi**

Mr. Kramer: The Town has taken over the turnaround that Mr. Bernardi has created. His intention is to sell two lots. I believe that he would have to conform to subdivision regulations because of the road extension that created frontage. Discussion followed.

**Nick Charlap**

Mr. Kramer: If you're going to accept Mr. Charlap's as-built site plan, then at his court appearance on Monday, June 20 I am going to ask for a dismissal.

**C.V.S.**

Mr. Kramer: They have a Temporary Certificate of Occupancy, due to expire the first part of July. They have cleaned up the tires and the culvert pipe. The Town Board has sent a letter regarding the directional signs, we are going to meet to determine placement of the signs.

Being no further business Mr. Stringfellow made a motion to adjourn at 9:07 PM., seconded by Mr. Mendola. All in favor.

Respectfully submitted,

*Michael J. Pohl*  
 Michael J. Pohl  
 Secretary

MJP:tjf