

## Planning Board Minutes June 26, 2007

BOSTON PLANNING BOARD JUNE 26, 2007

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Bill McGirr

EXCUSED: Robert Chelus

ABSENT: Jeff Mendola

Santo Tricarico

ALSO Anna Kobialka Deputy Town Attorney

PRESENT: Richard Brox Planning Consultant

Tim Dinse PO Box 290, N. Boston

Barbara Crotty 5578 Southside Drive

Paul Milley 7135 Boston State Road

Eva Milley 7135 Boston State Road

Jennifer Kuhn Boston Valley Square

Donna Kuhn Boston Valley Square

Jeffrey Kuhn Applicant - Boston Valley Square

Ken Kloeber Engineer - Boston Valley Square

John Schleyer Architect - Boston Valley Square  
Robin Young Boston Valley Square  
Dana Darling Boston Valley Complex  
Sean Hopkins Attorney - Boston Valley Complex  
Garrett Hacker Engineer - Boston Valley Complex

Chairman Hacker called the meeting to order at 7:32 PM.

#### MINUTES

Mr. Bernas: Page four, second paragraph, second line ? should be ?re-grading instead of regarding.?

With that correction Mr. Stringfellow made a motion to accept the minutes, seconded by Mr. Bernas and carried

#### CORRESPONDENCE

Mr. Kirst reported the following:

- Planning Board letter dated June 14, 2007 to Jonathan King requesting an interview with the Board
- Planning Board letter dated June 12, 2007 to Town Board advising of additional meeting in July and August
- Other correspondence at point in agenda

#### SITE PLAN REVIEW AND DISCUSSION ? BOSTON HOLDINGS LLC ? BOSTON STATE ROAD

Mr. Kirst reported the following correspondence:

- Neighboring property owners letter dated June 14, 2007 advising of meeting with Jennifer Kuhn, Jeff Kuhn and Ken Kloeber to discuss concerns
- Ken Kloeber letter addressing concerns of neighboring property owners; and included a revised site plan, lighting fixture description and pictures, and privacy fence description and pictures.

Mr. Kloeber reported the following:

- The submittal for this evening included a somewhat revised parking, and the lighting plan to show that there is zero-trespass onto the neighbors
- We will do very minimal grading on the slope
- Dumpsters will be in corrals behind the building, this will be better for the pick-up company
- Do not recall saying we would be moving the roadway away from the Crotty residence, but moving the drainage path totally to Jeff's (Kuhn) and away from the property line so that it wouldn't impact her at all
- All the residents, except the Crotty's and Milley's, wanted the fence. We went back and took photographs, which will be in the presentation; and we are willing to do either fencing, or landscaping or trees. It was discussed about raising the fence two feet, but the fence ordinance is 6-foot in the Town of Boston, raising it would require a variance, but we have to have a decision, whether they want a six-foot fence, 6½ -foot fence, 7-foot fence ? I don't see raising the fence up more than a foot above ground level, at that height you could mow or have plantings at the bottom.

BOSTON PLANNING BOARD JUNE 26, 2007

Mr. Kloeber, continued

- Proposed that the fencing be on the neighbors property:
  - o The further you go away from their homes the land drops, so the fence becomes less effective
  - o Gives them ownership of the fences, they have complete control of it, in the event that the Kuhn property changes ownership
  - o Better obscures the view
  - o Treated lumber, 50-year fence
  - o If they don't feel that's to their benefit we will put it on our property, with maybe the exception of the Blank property, because of the trees
- Changing back of the building from a split-faced block building to a smooth-block building that will color-wise coordinate with the rest of the building
- Plan to eliminate all curbing on the property, the islands will be blacktopped to the edge
  - o It's more in keeping with the project and the intent and other things going on in Town

Mr. Kloeber gave a computer generated presentation, his comments included:

- This perspective shows that there is a lot of relief to the building
- Displayed a site plan that detailed the Milley, Gross, Blank, Crotty, Loretto and Young properties
- From the McNally property you can't see the building, they've said that they don't want any fencing or landscaping
- Robin Young to the south of the McNally's, the building or the parking is not visible; at Phase 2 if she wants a fence we will put a fence up
- Loretto's property is very heavily screened with vegetation
- Gross property ? you can see the hip roofs and the top of the roof of the building
- These pictures are as close as we could possibly get perfected on these ? this fence is a six-foot fence, if it were raised up six inches or a foot you could see how much more that would screen
- No rendering from the David Blank property because you can't see it, with the landscaping and the shed, if Mr. Blank feels he wants a fence we will put one in, but I question its effectiveness because of the drop-off
- From the Crotty's ? you don't see anything unless you're standing on the pool, otherwise you don't see any of the project from the backyard, the land drops off very steeply so any fence on the property line would not even be visible
- From the Milley's property ? directly in front of the fencing where the pool is ? the panoramic view showing back toward the building, all existing trees. Their concern is not so much looking at the project or parking, but the noise from Boston State Road, we're trying to help derive some screening there that's not directly caused by the project
- Rendering of berm that would be in place
  - o Elevation at 30
  - o Looking out from the Milley property, that would just cover Boston State Road, additional plantings would be dressing on it, nothing more gained in screening
- View from across Boston State Road
  - o We've included street trees, parking lot trees, height of parking lot lights

John Schleyer added his comments:

- Stepping in the façade
  - o To break the long continuous appearance of the building
- The 8-foot covered walkway, the length of the building, it does not extend past the ends of the building
  - o The two ends of the building ? that fascia is basically 8-feet from the glass point
  - o The next bay over steps back, 2-feet the width of these pilasters
  - o The pilasters will be created, which are brick, that will be 2-foot 4 by 2-foot 4, and above them will be a dryvit or stuck-fell façade which will have a motif on the top to create a little bit of structural flair
  - o At the ends of the building we will take that 2-foot 4 and step that fascia back then come back out and then come across and the center portion will be pulled back at the same dimension, it comes back out down two bays then the end bay kind of steps back
- Materials
  - o The front fascia will be a combination of dryvit motifs above the columns
  - o There will be some horizontal clapboard siding at the base of the fascia
  - o There will be some trimming that we are developing, that will face the corner from where the soffit and the fascia meets, we'll add some architectural details

BOSTON PLANNING BOARD JUNE 26, 2007

Mr. Schleyer, con?t.

- o The hip roofs will be a 4 on 12 pitch on the sides, a little bit steeper in the front, they will be sheathed with an architectural shingle to keep a more residential feel, we took away the metal roof
- Colors have not been decided
- The two ends bays of the building will have a combination of different kinds of decorative masonry - split-face masonry, single-scored smooth masonry
- In back we will replace the decorative masonry with the smooth masonry, but still keep the same color scheme around so that everything will tie together

Mrs. Hacker asked that anyone wishing to speak should announce their name and address and limit their comments to two minutes.

Tim Dinse ? 7146 Boston State Road

- You don't have the right to limit to two minutes, a three minute limit has been established
- Mr. Kuhn, you talked with neighbors behind you, but I'm in front
- I assume that you have the Storm Water Pollution Prevention Plan SWPPP, you have that filed?

Mr. Brox: That does not need to be filed until they get a building permit. That is filed with the DEC.

Mr. Dinse: With the DEC, but the Town will be required to take over in 2008, just so the Town knows about it. Is there a drainage plan

Mr. Brox: They have put together their drainage plan and they show a detention basin on their property. They are not allowed to let anymore water to leave their property, in the cubic foot runoff than leaves right now, that's the reason for the detention basin. They have to work with the Town and New York State DOT and DEC, they don't have that done yet.

Barbara Crotty ? 5578 Southside Drive

- I own the property lowest connecting to Mr. Kuhn's
- My property does go beyond the pool, it does dip down, it does have seven trees on it that I am concerned about, it also has two utility poles on it that I am concerned about. If I have a berm behind my property and there is drainage seeping back on property, the utility poles are already tilting because it's in a soft area. I have been in contact with the utility company and they are going to brace it up. So if there is any more water on that property, not only will I loose my trees, but endangering the utility poles as well
- I would like to know where the berm is going to start, how high the berm is going to be, where it's going to end
- Now you mention a retention basin ? we had a retention basin the last time this project was initially started and we ended up with a mosquito infested area.

Mrs. Hacker: All that information will be on the final plans and we will be looking at those items too.

Mr. Brox: On their drainage plan, behind your residence, what they show is one power pole on your property and one very close to your property line. What you will have is a swale continuing to take the water, as it runs now, because that can't be changed, they can't block the water that is leaving your

property, that's the law. The water will continue to leave your property as it does now, it will just flow in a little different pattern. You will be able to see that on the drainage plans when they are completed, the preliminary plans look like it will work.

Robin Young ? 5606 Southside Drive

· I don't want a fence now, but in Phase 2 if I want one, do I get it?

Mr. Kloeber: Yes, definitely.

Mrs. Milley ? 7135 Boston State Road

· What kind of trees are going to be planted?

Mr. Kloeber: Probably white pine along the property line, whether you want a deciduous tree, broadleaf tree or conifer, we'll have to discuss that with Mr. Kuhn.

Mrs. Milley: We have a lot of water too.

Mr. Kloeber: We have agreed to grade the Milley property so that the slope will come down to the base of those trees and will continue the drainage out toward the new swale on to Mr. Kuhn's property down to the retention (detention) basin. I have told Mrs. Crotty that we will move the drainage path away from her property line so that any drainage is totally on Mr. Kuhn's property so that any drainage leaving her property now will continue to leave her property.

Several discussions followed between the neighbors and Mr. Kloeber.

Mrs. Hacker: Are there any questions from the Board?

Mr. Kirst: None at this time

Mr. Stringfellow: None at this time

BOSTON PLANNING BOARD JUNE 26, 2007

Mr. McGirr: Nothing.

Mr. Bernas: You reduced the parking to 120 spaces, I'm counting only 109.

Mr. Kloeber: I'll check that.

Mr. Bernas: Why are the light fixtures positioned the way they are? In the first row, it seems that the lighting is lighting unusable space, the green space.

Mr. Kloeber: It depends on how the cut-off fixtures are oriented. The electrical engineer does an illumination study that places the lights most efficiently with the type of model he chooses. It's the red line on the plan.

Mr. Bernas: The driveway in back, is that 24 or 12 feet? 24 feet will be better for fire apparatus.

Mr. Kloeber: 24 feet and the dumpsters will be against the building, in corrals. They will stick out about 10 feet from the building.

Mr. Bernas: Nothing in our package about signage.

Mrs. Hacker: How many dumpsters?

Mr. Kloeber: Worst case scenario ? 8 for 8 tenants.

Mrs. Hacker: Will all the dumpsters be corralled?

Mr. Kloeber: Yes.

Mrs. Hacker: Is there separate corral lighting?

Mr. Kloeber: Against building, there will be lighting from the building.

Mrs. Hacker: Anything on the right turn lane?

Mr. Kloeber: No comment from the DOT.

Discussion followed on the right turn lane and its length.

Mrs. Hacker: What kind of lighting in the covered overhang?

Mr. Schleyer: In-soffit lights.

Mrs. Hacker: We will need to see the specifics on those lights.

Mrs. Hacker: Signs. What is the plan? Signs on each store front?

Mr. Kloeber: We will meet the Town requirement for signage. There will be a sign at the entrance, maybe with the major tenants on it. I don't know whether there will be any on the building; that may be up to each tenant.

Mr. Brox: I think that the Board would like to see a uniform sign plan, an oval or rectangle sign with varying colors.

Mrs. Hacker: How many lights on the back of the building.

Mr. Kloeber: They're on the lighting plan.

Mr. Brox: In response to Mr. Bernas' question on the parking spaces ? there are 123 parking spaces.

Mr. Brox:

- If the neighbors are in favor of the fence on their property, that each one of the neighbors give that to you in writing so that legally everyone is covered and that they know they are going to own the fence
- A sign plan for fascia or under-fascia signs and the entrance sign is something that is needed
- Strongly suggested that curbing be provided around the islands to protect the trees from the snowplows
- We need a complete landscape plan
- If you fill that backyard, be sure to put tree wells around the trees or you will kill them
- Based on the information that was generated tonight, I would recommend that the Board table discussion until all the documents are submitted
- Address the Storm Water Plan

Mr. Kloeber: Storm Water Prevention Plan is required by law five working days prior to construction. We are going to prepare the Storm Water Drainage Plan and have all the calculations, per the Town ordinance with submittal of the final site plan.

Discussions continued between the neighbors and Mr. Kloeber.

Mrs. Hacker asked that these questions be addressed in a one on one basis with Mr. Kloeber.

Mrs. Hacker made a motion to table discussion until the completed documentation is received, seconded by Mr. McGirr and carried.

BOSTON PLANNING BOARD JUNE 26, 2007

7074 BOSTON STATE ROAD ? SITE PLAN REVIEW

Chairman Hacker asked Mr. Darling for the presentation.

Garrett Hacker ? E & M Engineers and Surveyors

Sean Hopkins ? Sponsors attorney ? 5500 Main Street, Williamsville

Mr. Hacker:

- Mr. Darling is proposing a 5-acre commercial development
- Three phase project
- Mr. Darling would like to thank you for meeting with us on a pre-preliminary basis
- o We have incorporated your suggestions into this plan
- We have submitted
- o An engineer?s report
- o Storm Water Pollution Prevention Plan
- o Storm Water drainage complete study, including storm water quantity and quality
- o Full site plan
- o Utility plans
- o Landscape plans
- o Lighting Plans

- o Full Environmental Assessment Review, although the short form was only required
- o Wetland delineation of the project
- o New York State DOT project review letter from the Regional Hydraulics Engineer regarding the culverts we are proposing to place through the site

Mr. Hacker: Since our last discussions with the Board we now have DEC approval for piping that drainage channel. We have included letters from Mr. Webber, the parcel owner, authorizing Mr. Darling to submit on his behalf. The comments that were addressed were from Scott Kinsman at Foit-Albert, March 20th letter and also a letter from Richard Brox. We feel that we adequately addressed those issues.

Mr. Hopkins:

- The site plan submitted by Mr. Hacker is showing three phases
  - o Dana (Darling) is not interested in building a lot of speculative space that may sit empty for a long point of time
  - o Phase 1 is approximately 4,000 square feet
  - o Phase 2 ? if and when Phase 1 is successful
  - o Phase 3 ? approximately 20,000 square feet of storage feet ? we're looking for some input because that would either require re-zoning or the Zoning Board of Appeals for a Use Variance
- We would ask that this Board, as well as your professional staff, provide whatever guidance, and we would pursue any strategy that you have suggested

Mrs. Hacker: Any public questions or comments?

Mrs. Hacker : Questions from the Board?

Mr. Bernas: The watershed issue ? in the DEC letter, you said that it was wrong. Not comfortable until I see something in writing from them.

Mr. Hacker: I can show you the permit that we were applying for and these were the comments that letter addressed.

Mr. Hopkins: The comments that were issued by NYS DEC, Garrett went back and did an exhaustive study of that watershed; the hydraulics; looked at storm water runoff; storm water quantity. We had a

comprehensive meeting with the DEC, based on their input we submitted for the permit and have now received the permit required. We will make a formal submission of that letter and how we addressed it.

Mr. Bernas: Sign position, wouldn't it be more appropriate having it face the other way?

Mr. Hacker: It's just a conceptual location, final location can be revised.

Mrs. Hacker: We need more information on the signage.

Mr. Hacker: The architectural plan should show the sign.

Mr. Hopkins: We can certainly submit a sign analysis per your Code. We heard your other comments earlier this evening.

Mr. Bernas: Is there any timetable for the phases?

Mr. Hopkins: Phase 1, we are interested in beginning as soon as possible. Phase 2 would certainly be dependent on how successful Phase 1 is. Phase 3 is kind of a stand alone, not really dependent on either Phase 1 or 2. The important thing for this year is proceeding with Phase 1.

BOSTON PLANNING BOARD JUNE 26, 2007

Mr. Bernas: Suppose he finds that it is easier to find tenants for the storage/warehousing space?

Mr. Hopkins: I think that may take a little bit longer as that property is not properly zoned for the zoning code, so it will take one of two things that I previously mentioned. Mr. Darling understands that will take longer than Phase 1 and we're fine with that.

Mr. Bernas: The dumpster located in Phase 2, building B, you have delivery 1 and delivery 2, what is that?

Mr. Hacker: Those are just delivery areas for shipments, an area that delivery trucks can back into, they will be closed off, concealed; it's also the location for the dumpsters.

Mr. Hopkins: And the dumpsters will be properly screened per your zoning code.

Mr. Bernas: Building A ? the northeast corner appears to be only 5-feet from the side lot line. On the legend ? the site data ? it said driveways required 25 feet provided 5 feet, is that a typo?

Mr. Hacker: We later found that the side set back for driveways is not 25 feet, I'm not sure what it is if anything. That side yard set back is per your zoning.

Mr. Bernas: The landscaping plan looks good. Will that all be done in Phase 1?

Mr. Hopkins: We would envision that the landscaping would be done in phases. If we are nearing a phasing line it would be done with the earlier phase.

Mr. Bernas: The handicapped spaces ? I would suggest that a chevron space on each side of the handicapped space be provided to allow for entrance/exit from handicapped vans that are parked next to each other.

Mr. Hacker: We have met the ADA requirements for spaces and accessibility.

Mr. Bernas: Just a point generally that traffic is going to be a huge concern, especially with a proposed drive-in restaurant, something like a Tim Horton's would cause a nightmare.

Mr. Hopkins: The overall 12,000 square feet of mixed commercial office use, we're only envisioning a small portion of Phase 1 would be available for what you call a drive-thru type use. We're not even sure what it would be, we're showing it conceptually just to disclose the possibility.

Mr. McGirr: Where the 24-foot driveway is, is there a house sitting there now?

Mr. Hacker: There is an existing house that is going to be removed.

Mr. McGirr: Most of this will be hidden from 219 traffic; coming down the Expressway it will be visible. The house that is there won't be affected until Phase 3, maybe there is something you can do to hide it from them.

Mr. Hacker: Mr. Darling has been in contact with that one neighbor regarding this project and there were no objections by the property owner.

Mr. Hopkins: We will see if we can obtain a letter from that individual, but Mr. Darling has met with the individual; but we can certainly look at that in terms of providing landscaping / screening in Phase 1.

Mr. Hopkins: The other thing that I want to note relative to the comment of Tim Horton's ? we can disclose to this Board that the site is not suitable to Tim Horton's, what they're looking for now is stand alone stores, that's probably the type of use that would generate the most traffic and what you would

be most concerned with, and we're certainly comfortable with the condition saying that it can't be Tim Horton's if the Board thought that was appropriate.

Mrs. Hacker: Thank you, that's very good information, it was a concern.

Mr. Stringfellow:

- You have not shown the actual setbacks of the buildings
- Front elevation shows three doors, the site plan shows four doors

Mr. Hacker: That site plan is conceptual; we're not sure how many tenants we will have. Four would be the maximum

Mr. Stringfellow: On your landscape plan you show trees, shrubs and so on as symbols, but there is no legend to tell me what kind of tree, shrub or whatever.

Mr. Hopkins: That will be added, if it's not there.

Mr. Stringfellow: Proposed site plan, sheet 2 of 12 does not show legend.

Mr. Hopkins: We will be sure that's added.

Mr. Stringfellow: The site plan with the driveway that loops around building A, led me to believe that you will want some tenant that will want some sort of drive-in arrangement.

Mr. Hacker: That's correct.

BOSTON PLANNING BOARD JUNE 26, 2007

Mr. Stringfellow: Your site plan elevation view of that building shows a completely blank wall.

Mr. Hacker: We can have our architect put an elevation of the drive-thru side of the building.

Mr. Stringfellow: The elevations views that you have provided are only for building A, are building B and C identical?

Mr. Hacker: At this point the idea is to have them the same.

Mr. Brox: If they are phasing it, they can come back with elevations of Phase 2 and Phase 3, at that time they would have to show us the exact fascia or design of the buildings, and at that time we can coordinate between first buildings and other buildings.

Mr. Hopkins: I know that this Board is familiar with State Environment Quality Review. One of the reasons we have shown plans for the entire build-out of the site is to avoid what's known as segmentation, meaning coming back numerous times, different projects that would then add up to something that would then require more intensive environmental review. So we've shown all that, but are only looking for Phase 1 currently.

Mr. Stringfellow: Extending from the southeast corner of building A there is a long peninsula that looks like it is 3 or 4 feet wide, what is that?

Mr. Hacker: That is just going to be a painted delineation on the pavement, opposed to concrete curbing.

Mr. Stringfellow:

- In the engineering report, page 2 water supply first sentence - the arithmetic is incorrect
- In the second sentence ? arithmetic is wrong

Mr. Hacker: Something we revised in our calculations and not updated on the report.

Mr. Stringfellow: On the EAF form:

- There is a house on the property the box where it asks ?is it residential? is not checked
- o Mr. Hacker: It?s zoned C-1.
- Page 5 #19 ? what critical environmental area are we talking about?
- o Mr. Hopkins: That?s a critical environmental area that would have to be designated by the NYS DEC, I don?t believe there are any in the Town of Boston
- o Mr. Brox: What hey have to do is get letters from SHIPO, that there are no historical or archeological concerns and letters from the DEC that there are no opportunities for hunting, etc on the property.

o Mr. Hacker: We have done all that.

Chairman Hacker: Mr. Kirst?

Mr. Kirst: No comments

Chairman Hacker: Mr. Brox?

Mr. Brox:

- On your list of drawings the numbers on the pages don't match
- o Mr. Hacker: We've noticed that.
- They have exceeded the parking requirement by two cars
- Landscaping -The landscape planning on the overall site will have to be expanded.
- o Additional trees and shrubs in the front, around the perimeter, and in the parking areas
- o Blue Spruce on 20-foot centers will not provide screening
- o There are too many spruce trees indicated in the large island and no trees in the front
- o More maples or some other variety should be used in the parking lot islands and along the street
- o Spruce could replace the hosta along the entry road
- o Additional lilacs and other trees could be used around the detention basin triangle in Phase 3
- o All existing trees should be shown on the landscape plan
- Type and location of all signage should be shown
- o Landscaping around the ground sign should be shown on the landscape plan

Mr. Brox: The line that goes to the fire hydrant?

Mr. Hacker: It's a six-inch line.

Mr. Brox: Why are you using ductile iron instead of plastic for your water service?

Mr. Hacker: It's something we like to use; it requires no bedding, no special construction.

Mr. Brox: My recommendation would be if the Planning Board feels it appropriate, they could proceed to make the corrections and suggestions put forth tonight and return with their final plot plan showing a completed Phase 1.

BOSTON PLANNING BOARD JUNE 26, 2007

Mrs. Hacker: I will make a motion to accept the conceptual site plan and move to Phase 1 Final Site Plan, with everything completed as addressed. Seconded by Mr. Bernas and carried.

LIAISON ? COUNCILMAN HOPKINS ? Not in attendance this evening.

#### DISTRIBUTION OF TOWN BOARD REFERRALS

Plans for proposed commercial addition at 7166 Boston State Road were distributed.

#### OLD BUSINESS

Kids Country Child Care - 7346 Boston State Road

Mr. Kirst: Referred from CEO Ferguson a revised site plan submittal.

Mr. Brox: This is not an as-built site plan, this is just notes on the old site plan; and they show no landscaping existing or the areas where they are.

Mrs. Hacker made a motion to return a letter to CEO Ferguson requesting an actual as-built site plan, signed by a licensed engineer or surveyor; and to show landscaping as was approved in the original site plan, seconded by Mr. Stringfellow and carried.

Mr. Stringfellow made a motion to adjourn at 9:24 PM., seconded by Mr. Kirst and carried.

EXECUTIVE SESSION

Discussion followed on the request of Jonathan King.

Mrs. Hacker made a motion to recommend Jonathan King for appointment as an alternate member to the Planning Board, seconded by Mr. McGirr and carried.

Mrs. Hacker asked that a letter be sent to the Town Board with this recommendation.

Respectfully submitted,

Tim Kirst

Secretary

TK:tf