

## Planning Board Minutes June 27, 2006

BOSTON PLANNING BOARD JUNE 27, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Robert Chelus

Bill McGirr

Jeff Mendola

Santo Tricarico

EXCUSED: J. David Early

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Rich Hawkins Councilman

Richard Brox Planning Consultant

Dr. Mary Lee Fornes Applicant ? 7333 Boston State Road

Aaron Tiller Project Engineer ? 7333 Boston State Road

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

MINUTES

Mrs. Hacker made a motion to accept the minutes of May 23, 2006, seconded by Mr. Stringfellow and carried.

#### CORRESPONDENCE

Mr. Kirst reported the following:

Regarding 8964 Boston State Road request for rezoning

- Town Board referral dated June 22, 2006 included applicant's letter of intent, amended letter of intent, survey, deed, rough site plan and the short EAF form
- Planning Board letter dated June 23, 2006 to Foit-Albert Engineer Scott Kinsman requesting his review and written reply
- Planning Board letter dated June 23, 2006 to Planning Consultant Richard Brox requesting his review and written reply
- Richard Brox reply dated June 24, 2006

#### DISCUSSION TOWN BOARD REFERRAL ? 7333 BOSTON STATE ROAD

Chairman Hacker asked for comments from the Board members.

Mr. Stringfellow: Yes, I have several. The reports from Mr. Brox and Foit-Albert both indicate that this needs rezoning, this came up a year ago and we made a recommendation that this use be moved to C-1, and I believe the Town Board approved. Secretary Faulring read the Planning Board letter of recommendation dated April 14, 2005.

Mr. Stringfellow: Rather a large building, what animals do you anticipate treating here?

Dr. Fornes: This is going to be a small animal only facility. Basically, because there is no basement I need the extra square footage for utility rooms and the like on the main floor. That's why it's bigger than most would expect.

Mr. Stringfellow: How many employees at the busiest time?

Dr. Fornes: At the most, and that won't be when we first start out, 10 employees.

Mrs. Hacker: Will that change parking requirements?

Mr. Brox: No, she has plenty of parking.

Mr. Stringfellow: Double doors for supplies deliveries?

Dr. Fornes: Yes.

Mr. Stringfellow: The waiting room / reception area looks that it has an 18-foot ceiling. That's what you planned?

Dr. Fornes: Yes.

Mr. Stringfellow: How much of the land do you plan to landscape?

Dr. Fornes: I plan on cleaning up the entire site, at least putting in lawn in the flat areas, and cleaning up the underbrush to make it look nice. The entire piece will be cleaned up and we will definitely landscape the immediate surroundings, parking lot, around the building?

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Mr. Stringfellow: We would be very happy to see that lot cleaned up and kept mowed. If you plan to put lawn on some, but not all of it, please show that on the final site plan.

Mr. Stringfellow: I have a question on parking spaces. I calculated the interior square footage at about 6300 square feet. In looking through the parking requirements there is a requirement for doctors or dentists offices, is a veterinarian a doctor? There is also a requirement for other professional buildings and there is a requirement for uses not covered in that section. I don't know which requirement applies here.

Mr. Bernas: I had the same question as formerly the use didn't exist in the Code, as to what to call it, so it almost falls into the miscellaneous category.

Discussion followed regarding parking requirement.

It was decided to apply Section 123-103 G. of Town Code: 5 spaces per doctor and 1 space for each room used to treat the patient or in this case, animal. Veterinarians are doctors licensed by the State of New York.

Mr. Stringfellow: It meets the requirement for doctor / dentist, and it meets the requirement for things not covered in this section, the only requirement it doesn't meet is other professional, so if we rule that out then we are okay.

Mr. Downey: I missed the beginning of the discussion; if this use was incorporated into C-1 then a local law has to be passed and have a public hearing. If that wasn't done it's not there, and that has to be done. Discussion followed.

Secretary Faulring checked with the Town Clerk's office at this time for dates.

Chairman Hacker asked for the correspondence to be read:

- Richard Brox review dated June 23, 2006
- Scott Kinsman from Foit-Albert review dated June 23, 2006

Mr. Brox: Parking lot setback is not indicated.

Mr. Stringfellow: In a C-1 Zoning no accessory apartments are permitted, I believe the upstairs is supposed to be used as caretaker living space, is that permanent living space, or is that somebody there when animals need care overnight.

Dr. Fornes: There is no living space, it's storage, maybe an office, but certainly not anybody living there.

Mr. Stringfellow: The fence around the dog run area will need to be solid and at least 6-feet high. I would prefer to see the same thing around the dumpster.

Mr. Stringfellow:

- The shortest distance from the proposed building to an existing building is not shown
- The west property line is not shown
- The south parking lot is drawn correctly but it has the words 6 spaces = 60 feet, where it should read 4 spaces = 40 feet

- The west parking lot ? the dumpster and the fence around it are shown to cover the area where people are supposed to back into, to get out of the end parking spaces, maybe it could be moved back to make more room

- When you enter the driveway or drive by and look in, what you see right ahead of you is the dumpster, it would look nicer if the dumpster could be moved, maybe to the northwest corner and move the dog runs over

Mr. Bernas: For dumpster fires it needs to be exposed for access.

Mr. Brox: You're only going to see the fence, not the dumpster.

Mr. Stringfellow:

- The west side parking lot does not have any lighting shown

Mr. Tiller: There are wall packs on the building.

Mr. Mendola: On the Final, on the elevation we will need to see how far the lights will shine over.

Secretary Faulring returned with the following information:

A Public Hearing was held on May 18, 2005 at the Town Board meeting. On June 1, 2005 A motion was made, seconded, and carried for the adoption of Local Law 2 ? 2005 to amend Uses and Structures in C-1 Local Retail Business Districts to include ?Small Animal Hospitals.?

Mr. Stringfellow: Probably minor, but you show extending the corrugated metal pipe that is now under what driveway there is into the area, our highway department is trying hard to get rid of this metal pipe and put in HDPE, it would probably be good to find what they want in there before you build your construction entrance.

Dr. Fornes: I think the excavators talked to Erie County, and they said they may want a 15? pipe. We're getting the details.

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Mrs. Hacker: What is the height of the fence in the dog run area?

Dr. Fornes: Minimum 6-foot, maybe 7-foot.

Mrs. Hacker: The entrance for customer parking, what is the width of that?

Mr. Tiller: 20 feet.

Mr. Bernas: Is there an overall height dimension given on the building?

Mr. Mendola: No but it is not to exceed 35 foot height maximum height requirement, including the cupola.

Mr. Bernas: The handicapped parking space that is chevron marked, didn't we suggest on the Hodgson project, that the space be divided and put on each side of the parking space for easier exit from handicapped vehicles, from both sides?

Mr. Brox: It could be done in 5-foot diagonal striped sections.

Mr. Bernas: I have a question on driveway width.

Mr. Brox: 24 feet is preferred, but 20-foot is adequate.

Mr. Bernas: I think one of the considerations that we should have is ingress and egress to any of these places; and is 20-feet actually wide enough? If this isn't in Code, could it be?

Discussion continued comparing the traffic flow at the small animal hospital to the traffic flow at Evans Bank and the CVS Pharmacy.

Mr. Brox: The Code requires 350 square feet of maneuvering space per car, 10' by 20' for the vehicle and 10 by 15 behind.

Mr. Bernas: I'm more concerned with the driveway width.

Mr. Brox: 24 feet is preferred so that two cars can pass each other. It can be 30 if you want, it's a Planning Board decision.

Discussion followed.

Mr. Bernas: Are we going to run into trouble with harboring a dog?

Mr. Brox: No. This is an animal hospital, it's not a kennel, they are not raising them for breeding.

Mr. Bernas: What is the normal turnaround time for an animal under your care?

Dr. Fornes: On the average a regular appointment is 45 minutes to an hour. For a hospitalized patient an average of 1 to 2 days, occasionally one is there 2 to 3 days.

Mr. McGirr: Where are they housed inside or outside?

Dr. Fornes: They're kept inside, the only outside area is an exercise area for the dogs.

Mr. Brox: Getting back to the building height. The height to the eave is 18-feet 4 inches and I scaled it and allowed for drawing of 6 feet, so you're looking at 24 feet 6 inches from ground to feet. The cupola is exempt.

Mrs. Hacker asked for discussion on the driveway width.

It was the consensus of the members to have the driveway wider than shown on the site plan.

Mrs. Hacker described the preferred entrance: On the east side of the driveway from the entrance to the right hand turn going into the customer parking lot, approximately 70 feet. All members were in agreement with this description.

Mr. Mendola: You'll have to come back for sign approval.

Mr. Kirst: I realize this is a pole barn construction, is there a pole foundation around it?

Mr. Tiller answered Mr. Kirst, but was unable to be heard due to several other conversations.

Mr. Stringfellow: If there is nothing else from the Board, I would make a motion to accept the Conceptual Plot Plan and let them proceed; seconded by Mr. Mendola and carried.

Mr. Downey: On a related matter, there were two items that were brought up during that discussion, one being the provision for parking at an animal hospital; and, the other being the driveway width. Being that we are working on revising the Code is there any thought on bringing those two issues to the Code Review committee to peg the animal hospital into one provision or another.

Mrs. Hacker: I'm getting the feeling that the Board here does not believe that 20 feet is not enough for a driveway entrance, is there a section we could associate that with?

Mr. Downey: If we don't we can create one, that's the beauty when you redo the Code.

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Mrs. Hacker: Is 24 the preferred footage, or would we determine that based upon the type of business?

Consensus was to stay away from "gray" areas, be specific.

Mr. Downey: My suggestion would be 24 feet for all commercial.

Mr. Brox: Most towns in their design review require a 24-foot driveway, and then if it's a business that would require a wider driveway, a split driveway two 15 foot driveways with an island in the middle.

Mr. Downey: Going back to the provision for parking, do you want to peg the animal hospital in with the doctor's office so that it's in that section?

Mr. Stringfellow: Make we should include all medical professions "chiropractors, veterinarians".

Discussion followed.

#### LIAISON " COUNCILMAN HOPKINS

Councilman Hopkins reported from the Town Board meeting of June 21, 2006:

- Referred rezoning request of Mark Henneberg at 8964 Boston State Road from C-1 to C-2.

Mr. Downey: The irony is that if he wanted to have a gas station there, it is a special use allowed, that would be more obnoxious than a used car lot. But right now because the Code says that a C-2 is the only place you can have a used car lot, he was going to ask for a special use permit, that's not available, so he was going to go for a variance,?.

Mr. Mendola: Isn't his house on the same property, didn't we just go through the issue of having a residence in a C-2?

Mr. Brox: We just a made a recommendation. Discussion followed.

Mr. Downey: The benefit of rezoning is that you're not playing with variances ? with rezoning you are a C-2 or you're not a C-2, limiting uses.

#### ZONING BOARD OF APPEALS REVIEW OF PUBLIC HEARINGS

Chairman Hacker: I would like to take a look at the Edward Engels request for 7919 Lower East Hill Road.

Secretary Faulring read Mr. Engels letter of request for a recreational accessory building prior to the construction of a principle building.

Mr. Downey explained that this type of building is not a permitted use or structure in this Zoning, the intent is to use it as a cabin.

Lengthy discussion followed. The consensus was not in favor of accessory buildings prior to principle buildings.

Mrs. Hacker asked Mr. Brox to write a letter relating this message to the Zoning Board of Appeals.

Mr. Bernas: Does CVS have a permit for the banner across the front of their building?

Mr. Brox: Banners are not permitted by Code. Reference was made to Town Code Section 95-5 D.

Mrs. Hacker: Please refer that to Mr. Lisowski.

#### OLD BUSINESS

7346 Boston State Road ? Nothing received.

Mr. Mendola: Now that Carter?s Florist has moved, do we have any control over the sign posts that are still there?

Mr. Downey: If they abandon the use, then any permission they had gets abandoned. The question is ?how long??

I would have to check the Code for any time frame for abandoning. This is something that can be added or changed in the Code.

Mr. Mendola: My concern is not the poles, but that someone doesn't come along, rent that building and just put a sign.

Mr. Downey read Town Code Section 95-15 A. Discussion followed.

Mrs. Hacker asked that a letter be sent to the property owner at 8032 Boston State Road asking that the poles be removed until such time that a new sign permit is applied for, reviewed by the Planning Board and approved.

Mr. Downey: The Code Enforcement Officer would be the one to issue that letter.

Mr. McGirr made a motion to send the Code Enforcement Office a letter asking that the sign at 8032 Boston State Road be brought into compliance with Town Code Section 95-12, 13, 14, and 15, seconded by Mr. Mendola and carried.

Mrs. Hacker made a motion to adjourn at 8:58 PM, seconded by Mr. Mendola and carried.

Respectfully submitted

Timothy Kirst

Secretary

TK:tf