

## Planning Board Minutes March 22, 2005

BOSTON PLANNING BOARD MARCH 22, 2005

PRESENT: Patricia Hacker Chairman

David Stringfellow Vice Chairman

Margaret Andrzejewski

David Bernas

J. David Early

EXCUSED: Jeff Mendola

Michael Pohl

ALSO Kelly Vacco Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Richard Brox Planning Consultant

Tim Kirst Prospective Board member

Chairman Hacker called the meeting to order at 7:31 PM.

### MINUTES

Being no corrections or additions to the minutes, Mr. Stringfellow made a motion to accept the minutes of February 22, 2005, seconded by Mr. Bernas. All in favor.

### CORRESPONDENCE

Mrs. Hacker noted received:

- Code Enforcement Officer Kramer's February End of Month report
- Deputy Code Enforcement Officer Lisowski's February End of Month report
- Town Board minutes of the regular meeting of March 2, 2005
- Project Engineer report for the proposed insurance building at 7336 Boston State Road

#### LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins reported that the Town Board reviewed the SEQR Report, in depth with Muffett Mauche George.

Mrs. Vacco added that a positive declaration will be filed and EIS will be forthcoming. The rezone could be four to six months down the road. The project will not come back to the Planning Board until after the Town Board has issued their ruling on the rezone request.

#### DISCUSSION ? REZONING REQUEST OF ROSIEK AND GREENE

Mrs. Hacker read the correspondence:

- Letter dated March 9, 2005 from Planning Board to Foit-Albert Engineer requesting their review and response
- Letter dated March 9, 2005 to Richard Brox requesting his review and response
- Foit-Albert report dated March 21, 2005
- Richard Brox report dated March 11, 2005

Mrs. Hacker stated that the tax map does not match the deed or survey and the discrepancy has been referred to Erie County Mapping.

Mr. Brox stated that the survey does match the deed description, and that possibly the tax map is incorrect.

Discussions followed regarding:

- Rezone versus variance

- Discussion on health regulations
- o New York State Health regulations will apply
- Discussion on outdoor housing/exercise area
- Creation of noise pollution at Senior Citizens apartments

Mrs. Hacker asked that a letter be sent to the Veterinarian asking for a conceptual site plan, 12 copies due by April 12, 2005 for distribution and review and request that Dr. Fornes be in attendance at the meeting on April 26, 2005, providing that the plans are received.

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#### DISCUSSION ? ALTERNATE MEMBER APPOINTMENT REQUESTS

Mrs. Hacker read the following letters of request for appointment:

- From David Bernas, dated February 5, 2005, requesting appointment as regular member
- From Paul Speich, letter dated February 8, 2005, and resume
- From Robert Chelus, letter dated February 24, 2005, and resume
- From Clay Olds, dated January 21, 2005, and resume

Mrs. Hacker asked that a letter be sent to the Town Board asking that they appoint David Bernas to the Planning Board as a regular member.

Mrs. Hacker will schedule appointments for Paul Speich, Robert Chelus and Clay Olds prior to the meeting on April 12, 2005; and Mr. Kirst on April 26, 2005. Following these interviews the Planning Board will send their recommendation for alternate member appointments.

## OLD BUSINESS

### CVS SIGNS

Signs in question:

- ?Exit? sign and ?drive-thru pharmacy? sign on both sides of entrance on Boston State Road
- size of signage appears to be too big
- side drive-thru full service drop-off sign on the north side of the canopy
- 2 signs at exit onto Zimmerman Road ? one is drive-thru pharmacy, and one do not enter sign

Mr. Brox: Traffic signs do not count, enter and exit signs are permitted as long as they don't have advertising on them.

Mrs. Hacker: We approved the CVS/Pharmacy sign above the main entry; the CVS/Pharmacy on the left elevation above the entry; and, the street (pedestal) sign on Boston State Road.

Mrs. Vacco: The additional signs that were approved are food-shoppe, drive-thru pharmacy; will not be illuminated and will not exceed 18-inch high lettering.

Mrs. Hacker: As of today, nowhere is there food-shoppe on the building.

Mrs. Vacco: They have well exceeded their.. and I have told Michael Metzger that they have gotten their variance and now they want the variance varied, and if they request any variance to the variance it will in essence nullify the variance and they have the 3 signs that the Planning Board originally approved. There is an enforcement measure within the signage code. They can be fined \$250.00 per citation; they can be required to take the signs down. The window signs count as signs. The two huge signs that are on Boston State Road were not the ones that were approved. The additional signs that are on the front are also larger than 18 inches.

Mrs. Vacco: My recommendation would be that this Board send a letter to the Code Enforcement Officer requesting that he review the Planning Board approval of April 27, 2004 and the ZBA Decision of July 1, 2004. I would also recommend that the Certificate of Occupancy not be issued until this issue is resolved. I would ask the Code Enforcement Officer to report back at the next meeting.

CHARLAPS

Mrs. Vacco: The letter went out on March 18, 2005 and I attached a copy of your letter of March 9, 2004 requesting the as-built site plan; and stated that he needs to do it immediately.

Mrs. Hacker asked if there was any further business?

Being none, Mr. Stringfellow made a motion to adjourn a 8:13 PM, seconded by Mr. Early. All in favor.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf