

## Planning Board Minutes March 9, 2010

BOSTON PLANNING BOARD MARCH 9, 2010

PRESENT: David Stringfellow, Chairman

Mike Cartechine

Robert Chelus

Keith Clauss

Mark Coppola

Joe Litwin

EXCUSED: Patricia Hacker

Richard Skinner

ALSO Jeff Genzel Councilman ? Town Board Liaison

PRESENT: Kelly Vacco Deputy Town Attorney

Thelma Faulring Secretary to the Boards and Committees

Jim Hannon Town Engineer

Richard Brox Planning Consultant

Dana Darling Boston Valley Commons ? 7074 Boston State Road

Kenneth Manista GATCO

Nancy Anthon G.A.T.C.O. ? N. Boston Fire Hall

John Anthon G.A.T.C.O. ? N. Boston Fire Hall

Roland Georger Attorney ? G.A.T.C.O. ? N. Boston Fire Hall

Karl Schlifice G.A.T.C.O. ? N. Boston Fire Hall

James R. Carr Adjoining property owner of 7223 Boston State Road

Dave Dahl Reporter ? Hamburg Sun

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Alternate member Robert Chelus to act as a regular voting member for this evening's meeting.

## MINUTES

Mr. Coppola made a motion to accept the minutes of February 23, 2010, seconded by Mr. Cartechine and carried.

## GENERAL CORRESPONDENCE

Secretary Faulring reported the following:

- ? Code Enforcement Officer Ferguson's February End of month report
- ? Planning Board letter dated February 24, 2010 to the Town Board advising of the following:
  - o Recommendation for appointment of Robert Chelus as an Alternate member
  - o Recommendation for re-appointment of Richard Brox as Planning Consultant
  - o Meeting nights, at this time, will remain on the second and fourth Tuesday of the month, except July and August, dates for these months will be determined at a later date
  - o Election of David Stringfellow as Chairman; Patricia Hacker as Vice Chairman; and Mike Cartechine as Secretary for 2010
- ? Town Board letter dated March 4, 2010 advising of the appointment of Robert Chelus as an Alternate member of the Planning Board

## REZONING REQUEST ? 7223 BOSTON STATE ROAD

Mr. Stringfellow asked Mr. Carr for his concerns and comments being the neighboring property owner on two sides of the ?old North Boston Fire Hall.?

Mr. Carr: My concern is how you're going to zone it, if it's going to C-2, is there another option, or Special Use Permit or anything like that? Does it revert back to C-1 in case he decides to leave there someday?

Mr. Stringfellow: Once it is rezoned C-2, unless a request comes in to rezone it from the new owner.

Mr. Carr: Then what control do you have over C-2?

Mr. Stringfellow: Any use that is permitted in C-2 can go in there.

Mr. Carr: Then you or the neighbors have no say in what goes in there?

Mr. Stringfellow: As long as it is a permitted use in that zoning; that is why it comes to the Planning Board and is considered carefully. Is that correct Mrs. Vacco?

Mrs. Vacco: That is correct. Are you aware of the permitted uses in a C-2?

Mr. Carr: No, other than what John (Anthon) has going in, but I understand that it could be a gas station or a bar or anything like that, some all night use.

Mr. Stringfellow: It is zoned C-1 now, in C-2 any use that is permitted in C-1 zone is also permitted in a C-2. In addition?

Mrs. Vacco: It's a very lengthy list, I'll be truthful.

BOSTON PLANNING BOARD MARCH 9, 2010

Mr. Carr: That's why I was wondering if you or the adjoining property owners have any control?

Mr. Brox: The adjoining property owners would have input at the Town Board meeting to voice your concerns as to the use. The other thing that can be suggested to the Town Board is that they put certain controls or conditions in place. They can't make it a conditional zoning, that's illegal, but they can put terms and conditions into the zoning that will protect the owners of adjacent property and that should be brought up at the Town Board meeting, because they're the ones that do the rezoning, we're only advisory.

Mr. Carr: As far as John's business, it's fine with us, but we're looking down the road. So there is no footage requirement on what is what he has now is good for C-2?

Mr. Brox: What he has right now is grand-fathered in because it's an existing building. He does not meet the front yard setback from Boston State Road, but the fire department has been there long before the Town set its Code. So he doesn't meet that, but he's good on that anyway. There is a 15-foot minimum side yard requirement but again, the building is only 3 feet from the one side yard?

Mr. Carr: I have no concern with John, but if someone was to come in and demo the building, they have to?

Mr. Stringfellow: They would have to meet the Code at that time.

Mr. Stringfellow addressed the Planning Board members and asked for their concerns or comments.

Mr. Coppola: Mr. Brox, you said it's illegal; we can not put a stipulation in that if we change from C-1 to C-2 that if this owner decides to sell, it goes back to C-1? Can we put that stipulation in so if this business wants to move, it reverts back to C-1, automatically?

Mr. Clauss: Could that be done through a deed restriction?

Mr. Brox: I would say that you can recommend to the Town Board. The State of New York questions conditional zoning; because is that fair to a future landowner. You can recommend a deed restriction, and that runs with the land.

Mrs. Vacco: I have a recommendation and, again, I don't have a lot of history with this, but it almost seems to deserve very valid points that you have, Mr. Brox is right about spot zoning, they like continuity; has anybody considered adding this use to the C-1 Zone? It seems like it would be a lot easier, because it seems it is a business that fits better in C-1 than it does C-2. C-2 is industrial and commercial and this kind of business, and it might be an easier path to take if you were to attest this type of business to C-1 Zone permitted use

Mr. Brox: I think what they were looking at here was item 12 (Town Code Section 123-178 A. (12), wholesale sales and distribution, and if they're internet sales, they're more retail than wholesale.

Mr. Georger: We had this discussion when we started the whole process; we were hoping to avoid the rezoning, but because some of our customers are Dick's Sporting Goods and Bass Pro, the Building Inspector and the Town Attorney kind of agreed that between retail and wholesale we had to go with wholesale because of the nature of the use. I would agree that we wanted it to be in C-1, but the Code is what the Code is; but if down the road the Town wants to amending the ordinance we would be open to discussion, there's nothing on these two lists that we want but our desired use. The last thing I'd like to point out too, obviously C-2 is different uses but there are physical limitations to the property that would limit some of those uses like trucking terminal is not going to happen. Obviously there's an unknown with C-1 and C-2; there's a lot of uses in C-1 like retail sales that could have long hours like we don't have; there's dry cleaning permitted in C-1, gas stations by Special Use are permitted in C-1. So there are technically offensive uses in both zonings. The last thing that I might add is that they are both commercial districts, obviously they're different, and that's why we're here. My client has no intention of being out of business soon and clearly there's a little bit of unknown like there is with everything. And I would submit that one of us will be accessible and we will do everything that we can, once again we would be happy to discuss if there's an ordinance in the future to make it C-1.

Mr. Brox: One of items that was in the February minutes, as a condition of the zoning the Town Board put items in the rezoning that state the same things that are in the minutes: there will be no overnight parking permitted unless it's inside the building; the hours of operation are 7:00 AM to 6:00 PM with an occasional weekend. That assures the neighbors that they are not going to be open all night; they're not going to be open all night with lights shining in their yards all night; there's not going to be a lot of noise generated, except during normal business hours; and the Town Board can put those types of items into their rezoning of this particular property.

Mrs. Vacco: Because then they are speaking to hours; they're not speaking to uses on the land, they're speaking to hours of operation, particulars to a business as opposed to restrictions on use that would follow the land. That is okay.

Mr. Stringfellow: Would any of those be a problem to the owner?

Mr. Anthon: Well I'd have to see the list. But if I bought this piece of land and you told me I can't park my car there overnight, I don't think that would set well; on the flipside, we've already had discussions with the fire company, them having use of it so you don't want to write anything in there that's going to prohibit them from using it, and us being in violation. I'm sensitive to Mr. Carr, and respectful, as we want to be a good neighbor to him and certainly the last thing that

BOSTON PLANNING BOARD MARCH 9, 2010

we would want to see is anything in that building, at some point in the distant horizon that would be offensive to him and his family.

Mr. Brox: Another thing that I recommended in my letter on the rezoning, because it's non-conforming in its setback from the road, that all paving from the building and the right-of-way be removed and replaced with lawn and landscape, except for necessary. Will the loading bays in front be used?

Mr. Anthon: We're going to keep all four doors; that was one of the reasons that the building was attractive. We're a small family business and with a budget and what's attractive of the sixty buildings that we looked at in Erie and Niagara County, that one requires a low-some fixing up on the inside, to turn into some office space and inventory storage, the building is basically a sound shell so those four doors are going to be used. The trucks will come off the street so there won't be any traffic issues and the fire engine doors will go up, a forklift will come out, lift it off the back and zip it in and close it, so putting grass in front might make muddy ruts in the landscape.

Mr. Carr: I want to see him in there. I'm not trying to put restrictions on him by any means. If he leaves a vehicle parked there overnight it doesn't bother us, we want to see him in.

Mr. Anthon: Thanks, Jim. And likewise we want to be respectful; I would have no problem with this going back to a C-1 use if we had to sell it down the road. To be honest we've been in business for twenty-one years, so anything we can do to support a respectful treatment of the building for the Carr family, we're in.

Mrs. Vacco: You can make a recommendation to the Town Board and recommend that a reversion clause be put in and in the interim I'll do some research as to the possibility as to whether or not that would have some muster.

Mr. Clauss: We'd just the future buyer to go through the same process that these folks are. I think this is a great fix for that building, I don't know what else could go in there. But I have the same concerns once this goes to C-2, because David brought this up, if that is set in stone that's a little spooky. I was thinking Deed Restriction or something, a simple thing that has it go back.

Mr. Coppola: The other factor of the green space in front of the doors, regardless of what type of business goes in there; there's no room in front of that building.

Mr. Stringfellow: There are three or four bays facing the street; looking at the front of the building from Boston State Road, there is a man door to the far right of the building, maybe that could have a walkway and a little bit of green and some landscaping or something to make it look as nice as we can from the front.

Mr. Carr: There is a drainage swale right there, so I don't know if you could landscape that other than what we (fire company) had there.

Mr. Anthon: Maybe a f lower box or something.

Mr. Coppola: I don't think that should hold this up.

Mr. Stringfellow asked if there were any opposition to a reversion clause being added. No one opposed.

Mr. Stringfellow: Is there a motion?

Discussion followed regarding the wording of the motion.

Mr. Coppola: I make a motion the we recommend to the Town Board that the rezoning request be approved with either a reversion clause present, or in the alternative, conditions be placed on the rezone with respects to hours of operation, etcetera.

Mr. Cartechine: I'll second the motion.

Mr. Stringfellow: Motion has been made and seconded. All in favor?

All members present were in favor of the motion to recommend the rezoning request.

## REZONING REQUEST ? 7974 BOSTON STATE ROAD

Mr. Stringfellow: The next item on the agenda is rezoning at 7074 Boston State Road for the property Mr. Darling is developing behind Tim Horton's. Do we have something from the Town Engineer for this project?

Mr. Hannon: No. I'll make a verbal statement;

? I received a package from the Planning Board secretary that has the plans in

? I'm new to this project and I haven't really had a lot of time to catch up on the technical aspects of it

? I understand you're looking for a rezoning

? I've also looked at the long form EAF that was done and it looked like C-1 was the zoning at the time and there was no request for a zoning change, so I really didn't quite understand what we were looking at

? Maybe Mr. Darling can explain to me now or after the meeting and get caught up on it, because I'm behind the curve here a little bit

? Also I was wondering if the Phase 3 part is 3 acres, and it said 1 acre on the application

BOSTON PLANNING BOARD MARCH 9, 2010

Mr. Hannon: (cont):

? So I have a lot more questions than answers at this point

Mr. Stringfellow: I'm also wondering if we can rezone part of a lot.

Mr. Hannon: That was also a question and are there going to be separate owners for these phases? So if you're one owner are we looking at rezoning the entire parcel or just the parcel, the target parcel Phase 3?

Mr. Darling: The target parcel is Phase 3.

Mr. Hannon: I don't know if that's even legal, I was to the Town Attorney about that today. That's another reason that I didn't feel comfortable making a recommendation to the Board. It looks like if it were an approved SEQR move, we've already been through the long EAF, and this is a new action, then to me it looks like it generally complies with SEQR; it would probably be an unlisted action and we could take action on it if the Town Board. But that's not even an issue for the Planning Board. That's about all I really have to say on it; I'll need a lot more information and what's been approved? I see you've got Tim Horton's portion Phase 1, looks like it's 90% complete; and Phase 2 everything stops; and Phase 3 there's nothing there. Were there conditions like completion of construction, and storm water pollution prevention plan; that I got the plans on were supposed to be at some completion level before we proceed. Again, there are more questions than answers and I'm not in the position to give any advice now. We can work on that over the next 30 days, but that's up to the Town Board and the Planning Board. I need a lot more information. With what you all feel comfortable with legally and Code wise, as far as the rezoning goes, we're looking very similar to with the gentleman that was just here; if we're going to go to C-2, then we've got to go through the whole Public Hearing so all the adjoining (owners) have there say and is going in there.

Mr. Darling: What Mr. Brox suggested in the last item on his letter? would you explain that a little more?

Mr. Brox: We're all familiar with storage units? everyone who has a house wants to store stuff. To me that it's closer to retail than wholesale storage; you're renting out spaces on a retail level. My feeling is that personal storage units should be added to the C-1 district, and that eliminates the zoning problem because he's zoned C-1, he's got a site plan that's been approved, a multiple phase site plan that's been approved. I would strongly recommend against

rezoning one acre just because they want to put up three or four units. Rezone the whole parcel or don't rezone any of it. My strongest feeling is leave the site plan alone, leave it just the way it is and recommend to the Town Board that personal storage units be added to the permitted use (in C-1).

Mr. Coppola: That would be a change to Code.

Mr. Stringfellow: Before you go on many businesses rent these storage units. The guy who has vending machines will store his crackers, candy and so on in there and pick-up every morning with his truck; other businesses that don't have much storage at their business will store stuff there and come and get it frequently?

Mr. Coppola: Construction equipment, the one on Boston State Road by Chestnut Ridge, you see that roofing tar machine sitting out there by the side of the building all the time.

Mr. Brox: Okay we can handle that.

Mr. Stringfellow: But they are not C-1 uses.

Mr. Brox: No, what I'm going to suggest it could become under item 123-64 B uses subject to a special permit and it could be added in there as a permitted use by special permit and that limits it to personal storage with some sort or another?

Mr. Stringfellow: How is the Town Board going to know whether the guy renting one space out of 25 is personal or a business?

Mr. Brox: Do we really care? Because these are small units, you're not going to have a tractor trailer, half the size of a garage.

Mr. Darling: A tractor trailer wouldn't fit down the aisles?you wouldn't be able to get them back to where the storage units are and turn around and get back in there.

Mr. Chelus: you could get a cube van back there but you'd never get a tractor trailer.

Mr. Cartechine: Would you have to get permitted for more than one or two spaces at a time? Or would that not work?

Mr. Stringfellow: If it were a special use I would think that the Town Board could, but there again how are they going to police it?

Mr. Hannon: It's just as much or more work to do a Special Use Permit as just to rezone the whole thing to C-2; you still have to have a Public Hearing; you still have to go through all the motions; you might as well just rezone the whole thing C-2, your restaurant is compliant, the C-1 use in a C-2 is compliant and you've got the other portion of it where retail space I guess that you had where the tenant backed out. So that would all be compliant with a C-2 and of course your storage units. It seems to me the easier way to go.

Discussion followed regarding the issues of opening that parcel to all C-2 permitted uses.

Mr. Coppola asked for a description of the phases.

BOSTON PLANNING BOARD MARCH 9, 2010

Mr. Brox: It was a phased construction plan where the Tim Horton's and about 4000 square feet of retail space in Phase 1; Phase 2 would be a long row of offices and shops along the north property line where the parking lot is; and then Phase 3 was going to be the installation of 45 or 50 of these garage door units.

Mr. Coppola: Were there any requirements? Does this need to go back to the beginning?

Mr. Brox: I recollect that Phase 2 came in and got its design approval; but they haven't built anything yet.

Mr. Coppola: And you have a time limit on that also, which we talked about at the last meeting. But I don't know the beginning of this whole thing.

Mr. Brox: We knew from day one that this was going to be storage units and it was approved as the site plan had storage units in it. So we must have done something that?

Mr. Stringfellow: No, we only approved Phase 1, we did not approve all three phases, but we did not recommend that the Town Board approve all three phases; because Phase 3 had to have rezoning before it could be done.

Mr. Darling: It was recommended by this Board to go for rezoning of just that particular area. It was recommend by the last Town Attorney to do it just for these 3 acres, and I hope I didn't waste my time doing that, because it's costing me money.

Mr. Stringfellow: In the long term I would feel that the Town would be better off with just that back part of the property, which is bordered by the expressway and only has access through the front part; if that were C-2 and the front stayed C-1 then the front is retail business, it can't get into all the C-2 uses, but there again we're into the problem of how to rezone part of a lot.

Mr. Chelus: I see it all the time as part of property; it's written in the deed that it's zoned a certain way on the front portion and a certain way on the back portion of the parcel?

Mr. Brox: It's in the legal description. It's done all the time.

Mr. Stringfellow: I still have an issue with Phase 1; to the best of my knowledge that is still running into a ditch and into the creek, isn't it?

Mr. Darling: It's in a temporary detention basin. When the snow melts I'll check it out.

Mr. String fellow: The detention basin is there and is ready to be put in, the piping to is not there, and you had said when you came in for Phase 2 that you would do that as soon as you started on Phase 2, and you haven't started yet, and now you're asking for Phase 3 and Phase 1 still isn't done.

Mr. Brox: He's asking for the zoning on Phase 3, he can't do any building until he comes back with a site plan.

Mr. Hannon: Didn't the Site Plan Review include the detail??

Mr. Brox: It was sketch plan it wasn't his final site plan, it's got buildings and driveways but you don't have all the final engineering?

Mr. Hannon: No, he has a SWPPP, he has a complete site plan, and landscape plan, he has a complete set of plans, erosion control plan, it's been done, I don't know how much is installed or even if that matters to your Board. The plans are certainly, technically capable to be reviewed.

Mr. Darling: We're not here for site plan we're here to recommend or not recommend to the Town Board that it go for rezoning.

Mr. Hannon clarified that Phase 3 is on the set of plans distributed, all part of the same parcel, they all feed the same erosion control devices, and the same storm water management?

Mr. Darling agreed with all Mr. Hannon detailed.

Mr. Hannon: So it's kind of hard to separate them out in my opinion. That's part of my problem, is that I don't know what's been approved I guess like Phase 1 and 2 were approved and 3 wasn't and Phase 3 only requires the rezoning.

Mr. Darling: Right but Phase 3 has still not been approved for construction. Which is done by this Board, later and then they refer to the Town Board.

Mr. Coppola: So after the rezoning, he has to come back here?

Mrs. Vacco: Yes.

Mr. Coppola: So we can over all the drainage issues at that time?

Mrs. Vacco: Yes. It's like why would you do that now if it's not rezoned, it's a waste of your time.

Discussion followed regarding the drainage in Phase 1, Phase 2, and Phase 3.

Discussion followed regarding the installation of the flag pole in Phase 1.

Mr. Stringfellow: I have here the landscape plan as we approved it. I looked at this property on Sunday. If you look at the plan there are 7 4 inch red maples, I did not see a single tree on the property; there are Japanese Yews down the side that are not there yet. The pine trees are not there yet, the drainage is not done yet and Mr. Darling, my feeling is that if I were doing this alone I would say, "when you finish Phase 1 come back and ask for more." It's been more than a year now and

BOSTON PLANNING BOARD MARCH 9, 2010

none of those things have been done. You said they would be done for Phase 1 and now you're telling us, "approve Phase 3." Ask for the rezoning of Phase 3.

Mr. Darling: There were a few trees that were left out for visibility purposes, for people coming in and out; if you like I can put them in

Mr. Brox: Put them in.

Mr. Hannon: What about erosion your erosion control measures?

Mr. Darling: It's done now.

Mr. Hannon: Because of the snow and all?

Mr. Darling: Well there is no more?

Mr. Hannon: Is that whole Phase 2 and 3 stripped?

Mr. Darling: No. Phase 2 was part of it but that's all grown back in.

Mr. Hannon: So it kind of re-established itself. The only reason I'm asking is because we're going to lose this snow, we're going to runoff, you've got a driveway coming down Tim Horton's, you're going to have water flowing there, you're going to get erosion and I don't want to see the DEC coming in and shutting you down and then it looks bad for your Board too. They're getting very strict about all that stuff and I'm assuming that you have the Notice of Intent to say that they have approved?

Mr. Darling: Right.

Mr. Hannon: I would look at those conditions in your NOI, so you don't get nailed by them; I heard they're starting to check these.

Mr. Darling: I deal with them all the time; I'm a Site Contractor by trade.

Mr. Stringfellow: What is the feeling of the Board members; do you feel that we should go ahead and recommend to the Town Board to rezone that roughly 3 acre section for his storage building?

Mr. Clauss: On a personal note, I grew up in this Town; I've been here fifty years. I touched on this the last time. I liked the Town the way it was, a bedroom community. We have our basic needs here. If wanted something more you went to Hamburg for it, let them have the congestion. So I didn't care for the whole project and those strip malls I just don't like.

Mr. Coppola: My opinion, and this is the same as the last, when Phase 1 is done we'll move forward with Phase 3, as far as the rezoning, Mrs. Vacco is there something that we can do legally to?

Mrs. Vacco: Rezone you and I have had this conversation before about spot zoning, you can zone a parcel as long as you can't split a parcel and keep it under the same SBL # with half of it one zone and the other half another. You can.

Mr. Brox: The difficulty is the overall site plan is something that we have discussed and approved. Therefore the onus is on the Town, we told him this is a nice site plan and now we've got to give him the zoning to do it.

Mr. Coppola: But he's not done with Phase 1.

Mr. Brox: Or Phase 2.

Mr. Coppola: Was there any stipulation that he had to go 1 ? 2 ? 3?

Mr. Brox: No, not that I remember.

Mr. Coppola: But in Phase 1 there's a building there and the landscaping isn't done and what not. So he hasn't started building Phase 2.

Mr. Brox: You could make the recommendation that no action takes place at this time until conditions on Phase 1 and Phase 2 have been met, that's entirely the Town's prerogative.

Mr. Darling: But they don't even have to make that recommendation until I come back for a Site Plan Review. The rezoning has to take place.

Mrs. Vacco: If you agree with the fact that you're okay with rezoning it that would be your motion, that you approve of the application to rezone from C-1 to C-2, it doesn't state anything about your approval of any conditions that would be placed on Site Plan Review for each Phase 1 and 2. At this point in time the recommendation we approved the Site Plan at some point in time and we're now going to recommend to the Town Board that they address the issue of the rezone, and rezone it. You're never going to approve in it's current zoning; so you have intentions of getting it in front of you for Site Plan Review and working with it finessing it so something that's palatable, then you would have to send it to the Town Board and see if they're even interested in it, they may not be; and if that's the case then have nothing to review, unless he comes up with a permitted use with in C-1 and then that would be something different from what you approved and it would have to be addressed at that time.

Mr. Stringfellow: Is anyone prepared to make a motion?

Mr. Chelus: I'll make the motion that we recommend to the Town Board that we change the zoning from C-1 to C-2 at this time.

Mr. Cartechine: I'll second?

Roll call vote on the motion:

Mr. Cartechine        aye

Mr. Chelus        aye

Mr. Clauss        nay

Mr. Coppola       aye

Mr. Litwin        aye

Mr. Stringfellow    nay

#### 7041 BOSTON COLDEN ROAD

Mr. Stringfellow: STAR Service, nothing more has been submitted. Has anybody done anymore review of what was submitted? Are there any further comments?

Mrs. Vacco explained the variance process regarding a decision made by the Planning Board or the Town Board that is Code driven.

Mr. Spors was not in attendance for this evening's meeting.

Comments and concerns were basically the same as at the meeting of February 23, 2010 and not repeated at this time.

Mr. Coppola: I'll make a motion to table discussion until such time that Mr. Spors returns to us with the requested information from a previous meeting.

Mr. Clauss: Second. All were in favor of the motion.

#### LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported that a Special meeting was held earlier today with the Councilpersons, Town Attorney, Town Engineer, Code Enforcement Officer, Town Clerk Shenk, Planning Board and Zoning Board of Appeals Chairmen and the Secretary to the Boards

?        The purpose of the meeting was to

- o Get everybody on board with a procedure when applications are submitted
- o Code changes
- o Get the application process streamlined
- ? Discussion(s) resulted in:
  - o To develop two checklists which will include a cover letter and a flow chart
  - o Applicants need to be made to understand that the application may take up to 90 days

Other discussions included:

- ? members of the Planning Board do not have Code Books
- ? internet access at the Town Hall
- ? Supplying applicants with the Code Book via CD

(DEPUTY) TOWN ATTORNEY ? MRS VACCO

Mrs. Vacco made the following comments:

- ? Town Attorney Kobiolka has a conflicting commitment on second and fourth Tuesday
- ? It's nice to be back here, and believe it or not, the issues are almost the same as five years ago, when I was Town Attorney
- ? Will check reversion clause issues
- ? Asked Secretary Faulring to supply the Planning Board members with the Zoning Board of Appeals Overview which explains Area and Use Variances

Mr. Stringfellow asked if there were any further business for this evening.

Mr. Coppola made a motion to adjourn (8:48 PM). Seconded by Mr. Clauss and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees