

## Planning Board Minutes May 10, 2005

BOSTON PLANNING BOARD MAY 10, 2005

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Jeff Mendola

EXCUSED: J. David Early

Michael Pohl

ABSENT: Margaret Andrzejewski

ALSO Kelly Vacco Town Attorney

PRESENT: Dennis Kramer Code Enforcement Officer

Brien Hopkins Councilman ? Town Board Liaison

Richard Brox Planning Consultant

Richard Hawkins Councilman

Ron Bough Engineer ? Foit-Albert Associates

Robert Chelus Prospective member

Tim Kirst Prospective member

Paul Speich Prospective member

Theresa Betz 7346 Boston State Road ? ?Kids Country Child Care?

Chairman Hacker called the meeting to order, after the arrival of Mr. Mendola, at 7:40 PM.

## MINUTES

Being no corrections or additions, Mr. Bernas made the motion to accept the minutes of April 26, 2005, seconded by Mr. Stringfellow and carried.

## CORRESPONDENCE

Mrs. Hacker reported the following:

- Code Enforcement Officer Kramer's April End of Month Report
- Deputy Code Enforcement Officer Lisowski's April End of Month Report and inclusion of the April 26, 2005 Electric Inspection at the Sprague Mobile Home Park
- Erie County Department of Planning's letter to advise of the need for restructuring and list of the Review Planners
- Planning Board letter of April 27, 2005 to Town Board with recommendation of approval for the Hodgson Agency building at 7336 Boston State Road

## KIDS COUNTRY CHILD CARE ? 7336 BOSTON STATE ROAD

Mrs. Hacker: I have asked Mr. Bough to be here tonight to answer some questions that this Board has on the retention pond issue.

Ms. Betz asked why she has not received the Certificate of Occupancy yet. She stated that there were 4 items listed on the Temporary C.O. that have been met.

Mr. Brox: Ms. Betz needs to send us an amended site plan showing the relocation of the play yard and the relocation of the retention pond. Suppose the site plan issues didn't exist; you have met the four conditions for your Certificate of Occupancy, I would think that a C.O could be issued so that you can clear up your issues with the bank. But, before you can start construction on the retention pond you will have to submit an amended site plan for this Board's review. Also, because you have relocated the play ground already, you will need to move quickly to avoid receiving a summons for not having your site plan done properly.

Mr. Bough: There were a lot of issues regarding that play yard and one of them is the handicapped accessibility out that back door.

Ms. Betz: Now it's on the side of the building, and it's at ground level; there's no play area in back.

Mr. Bough: The drainage originally ran down, day-lighted on the side and ran out through an open ditch back to the retention pond. What's going to happen to that?

Ms. Betz: What it should be is behind the other tree that's standing there. The way it drains now, it just sits there; so it's not working. It just sits there and eventually drains into the ground.

Discussion followed about the drainage situation.

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Mr. Kramer: I have not issued a Certificate of Occupancy because the playground is not in the location that was on the site plan that was approved; and I know that if I issued a C.O. this Board would jump all over me, and question me as to why a C.O. was issued on a non-compliant site plan.

Mrs. Hacker: Mr. Kramer, you're exactly right, we would have questioned you and I appreciate that you're here tonight to give us that explanation.

A lengthy discussion followed.

Mrs. Hacker requested that an as-built site plan be submitted to the Secretary by May 18, 2005 in order to be on the agenda for the May 24, 2005 meeting.

Mr. Mendola made a motion to table discussion until receipt of requested as-built site plan, seconded by Mr. Stringfellow and carried.

#### OLD BUSINESS

Nick Charlap's

Mrs. Hacker read the summons issued to Mr. Charlap by Code Enforcement Officer Kramer. Court appearance date is May 23, 2005 at 6:00 PM.

Mrs. Hacker stated that she had met with Mr. Charlap and had a work session. Mr. Charlap has agreed to submit an as-built site plan with the 10 items requested in the letter of May 27, 2004. He did have a question on the number of handicapped parking spaces.

Mr. Kramer: Two would be sufficient.

Parking in the right of way remains an issue.

Mrs. Vacco: You have asked for an as-built site plan, just as you asked Ms. Betz for. If those conditions are met, you will then have to approve the as-built site plan.

A lengthy discussion followed.

Councilman Hawkins: I have had inquiries from people in Town, what is the Planning Board doing to Nicky Charlap? Why didn't they make Three Girls Café, and Carter's Florist and Nana's Nook do the same thing with the parking situation at the right of way?

Mr. Mendola: What happens when the winter comes and he moves those tables, and goes to a winter site plan arrangement.

Mrs. Hacker: Nothing.

Mr. Hopkins: We all agreed at a previous meeting that he does need to move that stuff in order to plow. The amount of cars and customers also goes down in the winter.

Mrs. Hacker reviewed the items asked for in the letter of May 27, 2004. She stated that if he meets those requirements, we will not ask for anything more.

C.V.S.

Mrs. Hacker stated that she has received calls regarding the tires that are piled up behind the store.

Mr. Kramer: They have been issued a temporary C.O. conditional on final grading and landscaping, I would guess when they get to complete the landscaping those tires will be gone.

LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins apologized for being tardy, but he wanted to attend his daughter's recital.

Mr. Hopkins reported from the Town Board meeting of May 4, 2005:

- Approved, upon Planning Board's recommendation, site plan for 7336 Boston State Road for Hodgson Agency
- Made decisions on C.V.S. signs:
  - o Do Not Enter sign is to be moved
  - o Enter/Exit sign is to be installed on Zimmerman Road side

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- o Directional Enter/Exit sign on Route 391 is to be moved closer to the road, for visibility purposes
- o 1 sign is to be removed

#### APPOINTMENT REQUESTS

Following discussion Mr. Bernas made the motion to recommend, to the Town Board, the appointment of Mr. Speich, Mr. Kirst and Mr. Chelus as Alternate Members to the Planning Board, seconded by Mr. Stringfellow, and carried.

Discussion followed regarding Alternate #1, Alternate #2 and Alternate #3 appointments.

Mrs. Hacker chose not to appoint Alternate 1, 2 and 3 at this time, but reserved the right to do so in the future.

Mrs. Hacker thanked the new members for their interest, and welcomed them to the Planning Board. Introductions were made around the room.

Mrs. Hacker asked if there were any further business for this Board.

Being none, Mr. Stringfellow made the motion to adjourn at 8:33 PM, seconded by Mr. Mendola. All in favor.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf