

# Planning Board Minutes May 10, 2011

BOSTON PLANNING BOARD MAY 10, 2011

PRESENT:

David Stringfellow. Chairman

Patricia Hacker, Vice Chairman

Robert Chelus

Keith Clauss

Joe Litwin

Jennifer Lucachik

Richard Skinner

EXCUSED: Mike Cartechine

Mark Coppola (submitted letter of resignation)

ALSO PRESENT:

Michael Kobiolka, Town Attorney

Jeff Genzel, Councilman ? Town Board Liaison

Thelma Faulring, Secretary to the Boards and Committees

Richard Brox, Planning Consultant

Sean McDermott, Representative for CVS ? 14600 Detroit Avenue, Lakeland, OH

Chairman Stringfellow called the meeting to order at 7:30 PM and appointed Mrs. Lucachik and Mr. Chelus to serve as regular voting members for this evening?s meeting.

## MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of April 12, 2011. Mr. Clauss made a motion to accept the minutes, seconded by Mrs. Hacker and carried.

## CORRESPONDENCE

Secretary Faulring reported the following:

Previously mailed:

Planning Board minutes dated January 9, January 23, June 12 and June 26, 2007 ? relating to the application of Boston Holding LLC for proposed commercial project on Boston State Road ; sub lot now proposed for Dollar General Store

Code Enforcement Officer?s April End of month report

Training information form Erie County Development and Planning

Town Board letter dated May 4, 2011 referring back to the Planning Board Amended Application for BMH LLC for continuation and review of the SEQR process

FYI ? Mark Coppola has submitted a letter of resignation to the Town Clerk

## C.V.S. ? PROPOSED SUBDIVISION OF PROPERTY

Sean McDermott- Zaremba Group

developer for C.V.S

we did not develop the store in question here

C.V.S. has asked us to come in and help them complete lot split

we have been in front of you before ? June 8, 2010 ? at which time there were several requests made that we have adhered to

proposing to split one parcel to three

we were asked to show proof that Mr. Miller was willing to accept ? that letter has been presented

the other request to restripe the parking lot to meet what was approved on the site plan originally

we've done that as well

the third request had to do with parcel 3

concern with the develop-ability

(Note: Mrs. Hacker and Mr. Stringfellow, current members of the Planning Board, and Planning Consultant Brox were present at the meetings when the original site plan was approved.)

Mrs. Hacker:

stripping was a major issue

has been done, but should have been done at the beginning

personally have a great issue with subdividing that property off because I don't feel the Board would have approved the plan the way it was, had we not had that extra property

great discussion to where you had that water retention pond

the amount of area that was covered

we worked long and hard on this project and I don't think we would have ended up with the same size building , the same parking areas that we see now if we didn't have that much property in the back; that was a very big part of the approval

Mr. McDermott: When the original developer was in they never depicted anything being separated off?

Mrs. Hacker: Never.

that was part of the Master Plan

our feeling was that saved the issue that this Town has with the creek

what can and can't be done there

how much danger there was with putting that much blacktop in

so we used that area as part of the original plan

we're currently working on another site

when originally proposed to us, a lot was originally cut out for future development

we took that into consideration when we allowed that

now that lot is coming back to us with real reason

my personal feeling is if the Board would consider cutting this off

I would like to see that there is an honest use for it

whether or not we have a real body that would pay taxes and maintain the property is my issue

I was here on the original plan and we worked long and hard on this

Mr. Brox: My comments will echo Pat's (Hacker):

the original scheme did not envision any splits because of:

the topography

the creek

the need for storm drainage

snow removal

that fact that there were sewer easements in this parcel that made it possibly undevelopable, other than parking expansion for the store

when they came in with "let's get rid of the excess land, we don't need it anymore?"

the one little parcel that's landlocked, unless the guy didn't want it, you couldn't get rid of it, he took it

the possible developable parcel

the feeling is generally that "if you had you had a viable purchaser that was going to build something on it

the Planning Board would certainly look at with more favor than they will at the present time

the real fear is that C.V.S. would get rid of that sub-lot, chop off that parcel and once it's chopped off:

cease paying taxes

revert to the County or the Town

therefore become a burden to the Town to maintain or mow, or become a weed field

right now as a responsible corporate owner, C.V.S. has to maintain it and mow it and take care of it

the Town doesn't mind having you do that because you own it

Mrs. Hacker: That drive comes out there and that is a very highly used driveway when you drive Zimmerman hill; it is speedway 1-0-1 and if that's overgrown?

Mr. Clauss: Is it mowed now?

Mrs. Hacker: It's mowed back, along the drive.

Mr. Clauss: Is it mowed to the creek?

Mrs. Hacker: It doesn't go to the creek; just the drive where you pull up to see if anyone is coming up or down.

Mr. Brox: That could be a hazard and if the Town want it cleaned up, they could request that, and the owner would have to clean it up.

Mr. Clauss: That's what I was getting at. I'm new to this project and I'm wondering if when C.V.S. was approved, was it a stipulation that they were going to keep that land?

Mrs. Hacker: We took it as part of their whole site and it made sense to put the drive out that way when that was part of their land. If you take part of that land off and it's just a skinny little drive where they come in, we would have looked at it differently. We liked having that much square footage extra, it made perfect use of that spot.

Mr. Clauss: And we don't have specific use for it right now, they just want to split it off again. I'm just trying to catch up.

Mr. Stringfellow: The first proposal they came in with for splitting it off ? at that time they were going to split off including the detention pond and so on; and we said ?that?s not just going to fly.?

Mr. McDermott: I don?t know who put that together.

Mr. Stringfellow: The first proposal was that they would split off both 2 and 3 and simply give them to the neighboring landowner. When the only neighboring landowner is a creek you kind of wonder what they mean.

Mr. McDermott: It was never the intention to cut of parcel 3. After better understanding some of this I did talk with C.V.S., and at the time they cannot subdivide parcel 3 and just subdivide parcel 2. If a viable use comes along for parcel 3?the big deception that they had was the concern that they would dump this and not pay taxes; they don?t have that reputation, they?re a pretty good corporate steward, so that really threw them for a loop But we understand the concern from the Board from the planning perspective; so at the current time they?re moving forward with just with splitting parcel #2, but want to be on the record in saying that parcel 3 as it is proposed does meet zoning?so in the future if there is demand for that parcel development?

Mrs. Hacker: Absolutely address it.

Mr. Stringfellow: Does anybody on the Board have a problem with their splitting off parcel 2 and giving it to Mr. Miller, knowing that we now have a signed letter from Mr. Miller saying that he will accept it?

Mrs. Hacker: No issue on that.

Mrs. Lucachik: No.

Mr. Clauss: No.

Mr. Litwin: No.

Mr. Skinner: No.

Mr. Skinner: A few meetings back Thelma said she wasn't sure about the signature.

Secretary Faulring: Mr. Miller hand delivered the paper with his signature; before that all we had was a faxed copy of the letter, and I had no way of knowing if that was Ray's signature or not; but he did hand deliver the letter to Mr. Ferguson.

Mr. Genzel: What's the whole point of it? Why are you doing it, Just to give away land? I don't really understand the whole reasoning behind this.

Mr. McDermott: Not to go into private details; but when the project was originally conceived, Mr. Miller had rights somewhere in his? that portion of the property. In the contract documents it said that was a swap and after the building was to be built it was going to be split and return a portion of the land. That's why this happened, it's a contractual obligation.

Mrs. Hacker: Would it have been set up that way so that land would have made it enough of area to cover this building? Does anyone on this Board know? Just to save the money of splitting it off in the beginning, would that be the reasoning?

Mr. McDermott: We think it was an oversight. That's what we think. We didn't do it, I don't know?

Mr. Kobiolka: I don't understand the planning process, if Mr. Miller had contractual rights in that parcel why would C.V.S. want it if that space wasn't needed for the subdivision, or was that needed for the subdivision?

Mrs. Hacker: It was included in it.

Mr. Skinner: Was it needed?

Mr. McDermott: No, parcel 1 meets the Code to stand alone on itself.

Mrs. Hacker: We always had issue with it, we thought in the beginning it was somewhat of an awkward chunk that was going to be there and only good to Miller, but it was part of the piece so we didn't attack it anyway. My feeling is that piece of property is a whole lot different than this piece of property.

Mr. Stringfellow: It is useful to Mr. Miller or perhaps Kirst Construction who borders on the other side, but to nobody else, because it has no frontage.

Mr. Stringfellow: I will make a motion that we amend the site plan to show a breakoff of parcel 2 from the site and recommend that the Town Board approve amending the site plan in that way.

Mr. Skinner: And C.V.S. retains the right to 3?

Mr. McDermott: There is no 3.

Mrs. Lucachik: The motion right now is on parcel 2?

Mr. Stringfellow: Yes. Is there a second?

Mr. Chelus: I'll second it.

Mr. Stringfellow: We have a motion and a second. Any discussion? No discussion, all in favor say aye.

All were in favor of the motion.

Mr. Stringfellow: My feeling is pretty much the same as the other two, being here from the beginning. It's a lot that is not going to be easy to build on. Part of it is in floodplain, there's a sewer easement through the middle of it; but if C.V.S. simply advertises it for sale and can sell it and someone comes in with a site plan that meets the Town's requirements, I don't see any problem. We can't just give you a blanket that we approve something until we see it.

Mrs. Hacker: Just as Thelma pulled all the notes from the last discussions, we will have these notes to pull where it was discussed by everybody, and this is how this Board feels today.

Mr. McDermott: Since we are kind of amending the application, do you need a plat, circulate a plat for signatures, a Mylar? What's the?

Mr. Brox: Wouldn't they just settle this off metes and bounds?

Mr. Kobiolka: I would think so.

Mrs. Hacker: This will now go to the Town Board and they will give their approval or disapproval. After that?

Mr. Kobiolka: Your application included signing off parcel 2 and trying to just separate parcel 3, so maybe we should amend that motion saying that we approve the selloff of parcel 2, but disapproval for parcel 3.

Mrs. Hacker: No action on parcel 3.

Mr. Stringfellow: I will amend the motion to include a statement which says "we recommend the Town Board approve the cutoff of parcel 2 and we make no recommendation on parcel 3 at this time."

Mr. Chelus: I'll second that.

Mr. Stringfellow: Same second. Any discussion now? No discussion, same vote?

All were in favor of the amended motion.

## PROPOSED RETAIL PROJECT

Secretary Faulring distributed updated site plans received earlier today.

Brief review and discussion followed. It was noted that the requested/required elevation views were not included; a lighting plan was included, but no description of the light fixtures.

Mr. Stringfellow asked that a short letter be sent to the applicant requesting this required information. This will be on the agenda for May 24, 2011.

## LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported from the Town Board meeting of May 4, 2011:

Appointed Summer Recreation counselors

Unveiled the New York State Comptroller's Report

audited the financial assets of the Town

from January 1, 2007 ? July 1, 2010

is on the website available for the Town?s citizens to take a look at

many questions asked and answered from previous administration through last July

Scheduled bid opening for 2011 mini-cargo-van for the Dog Control officer

too much money being spent on the old one

The Town took Lead Agency for Boston Mobile Home Community LLC

there were no objections by any of the reviewing agencies

passed it back down to the Planning Board

Mr. Stringfellow: Will there be Public Hearing on that?

Mr. Genzel: Absolutely.

Awarded the bid for 18-Mile Creek Selective Clearing project

bid awarded to Eastwood Industries

local business on Boston State Road, Patchin

owner also lives in Town on Omphalius Road

he came in at \$9,700.00

other bids came in as high as \$23,000.00

hope to get that underway in the next month or so

Mr. Genzel: That's about it from the Town Board meeting. Are there any questions for me?

Mr. Skinner: Last meeting I asked about the Master Plan, and you said it was on the website. I couldn't find it.

Mr. Genzel: It would be under Comprehensive Plan; and that was good through 2010. I believe that is maybe what David is going to bring up under the Long Range Planning agenda item.

Mr. Stringfellow: The present Plan was finished in 2002, and typically completed every 10 years. So we should be completing that by this time next year. Started to read it several times and find there is a lot of "cotton candy" in it. I'm looking for a Plan.

Mr. Brox: Look at the goals and objectives section. This Comprehensive Plan should be adopted by the Planning Board as a guideline; the Town Board doesn't because of possible legal ramifications.

Lengthy discussion followed.

Mr. Stringfellow: Any other discussion?

Mr. Genzel: Last meeting it was brought up about the games at the Boston Valley School.

it was Hamburg High School Rugby

as far as anyone knows there was no permission given

Councilwoman Maghran said it was her understanding that there was permission to play there

Mr. Stringfellow: Boston Valley is part of the Hamburg School System; and three years ago my grandson played with Hamburg High Rugby team and that is where they played.

Mrs. Hacker: Is it a onetime thing?

Mr. Chelus: I don't think so. Someone I work with is a referee for the high school games on Tuesdays.

Mrs. Hacker: That still doesn't address the parking on the road. It was a mess and I believe could be very dangerous.

TOWN ATTORNEY KOBOLKA

Mr. Kobolka: Thelma and I have been working on trying to get some training information, close by and convenient for everybody. There was some information in your folder tonight.

Mr. Kobiolka distributed information about on-line training sessions; there is a number listed to call and get I.D. to log on with. I think the Town would accept on-line training, Mr. Genzel?

Mr. Genzel: I wouldn't foresee any problem with that.

Discussion followed about the E.C. training information handed out tonight.

Mr. Stringfellow: With our discussion of Comprehensive Plan perhaps that would be a good one to start with and then Smart Growth might fit in along those lines too. I think that would easily take us to four hours.

Everyone was in agreement with those two selections. Secretary Faulring will contact E.C. Planning and Development and ask to be scheduled for the first Tuesday after the training programs are completed.

Mr. Kobiolka distributed copies ?Follow the SEQR Process?

## LONG RANGE PLANNING

Mr. Stringfellow: Most of you have at one time or another has expressed to me the feeling that we are a Planning Board and we don't really plan. We simply review site plans; we react to what is handed to us rather than really planning anything for the future. I think most of you have opinions on what you think our Town should look like in the next 10, 20, 50 years. I'm not really sure how to get started on that. The Comprehensive Plan is one thing. The results of the whole Town Code, which any part of it could be reviewed. The previous Town Board got started on that project and never got it completed. Deciding to revise the whole Town Code, you just can't do it; looking at one section of it may be a possibility. I would be more comfortable with some long range planning; some vision of where we thought the Town was going. I'm certainly open to any suggestions that any of you have with how to accomplish that.

LENGTHY DISCUSSION FOLLOWED: some items were mentioned numerous times, but will be in list form only once; discussions will not be included in these minutes:

## Positives

### Boston Hills

reputable beauty of the Boston Hills

country atmosphere

scenic views

openness

spaciousness

neighbors not right on top of each other

only one major commercial property in Town

## Concerns

no need for more trailer parks

existing trashy trailer parks

water situation on the hills

future commercial explosion

don't want Orchard Park / Hamburg / Amherst atmosphere

infrastructure in Erie County has tripled

roads

subdivisions

utilities

population has dropped 25%

no new subdivisions

use existing roads

no new roads

no sidewalks

no major stores or other conveniences like in the villages

should residents have to drive to larger towns?

some have done it for years ? no problem, plan your route

minimum lot size requirements

should be larger

especially in subdivisions

especially if no sewer available

public transportation

safety of residents on Boston State Road, Zimmerman Road, Back Creek Road

walkers

bicyclers

joggers

racing bicyclers

new trailer parks?

create in a campground like setting

meandering roadways

privately owned

hydro-fracking

4 wells in Boston

drilled straight down

not a Planning Board problem

219 interchange will be develop

gas stations

valley will develop

don?t see Boston booming

Suggestions

Code revisions

Comprehensive Pan review

keep rural setting

if future subdivisions

developers must be made to provide connecting roadways to neighboring developments

bike paths/walking/ jogging trails

inland

not roadside

highly visible

We need to look at the past and look to the future

Mr. Stringfellow: Is there any further business for this evening.

Being none Mr. Chelus made a motion to adjourn (9:20PM), seconded by Mr. Clauss and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees