

## Planning Board Minutes May 25, 2004

BOSTON PLANNING BOARD      MAY 25, 2004

PRESENT:      Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Michael Pohl, Secretary

Margaret Andrzejewski

David Bernas

Richard Hody

Jeffrey Mendola

ALSO    Kelly Vacco      Town Attorney

PRESENT:      Paul Speich      CAC Liaison

Martin Barrett 8032 Boston State Road

Pat Barrett      8032 Boston State Road

EXCUSED:      J. David Early

Dennis Kramer

Brien Hopkins

Nicholas Charlap

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

MINUTES

Chairman Hacker asked if there were any corrections or revisions to the minutes of May 11, 2004:

Being none, Mr. Stringfellow made a motion to accept the minutes, seconded by Mrs. Andrzejewski. All in favor.

CORRESPONDENCE: Mr. Pohl reported the following:

- Letter dated May 12, 2004 from Richard Brox with his recommendation for the Woodlee Court annexation request.
- Letter dated May 20, 2004 from Town Clerk Shenk to Marcia Baeumler regarding her request for a Special Use Permit and items that need to be addressed.
- Letter dated May 14, 2004 from ZBA Chairman Ralph Gibson advising the Planning Board of a Public Hearing on June 3, 2002 for construction of an accessory building that does not meet the required 50-foot front yard set back.
- Letter dated May 17, 2004 from Rebecca Anderson NYS DEC regarding the Anthony Bernardi site visit.

Mrs. Hacker: That was an on site meeting that several people attended in regards to Mr. Bernardi's property. The Town is going to allow him to turnover his "t" turnaround. The letter was from the DEC woman who was there checking the property, the 500 year, and the 100 year floodplain. The Town does want to accept the "t" turnaround, it's been checked by the engineers, it's everything the Town would want; but in creating it there will be more frontage on the road property and Mr. Bernardi is then going to approach this Board for the possibility of subdividing into two lots. The woman that this letter came from was very comfortable with one lot, the other lot she was not comfortable with; her recommendation would be if it were allowed by this Board, at whatever time, multiple restrictions be put on it, for floodplain issues. It is not in the 100 year, but it is in the 500 year. So her recommendation was to place stipulations. In the event that Mr. Bernardi does contact this Board, we will be in contact with these people again. It's a "t" turnaround situation, our Town Highway Superintendent wants "t" turnarounds not cul-de-sacs, and that would be in his jurisdiction. So we, as a Board, need to be on top of this so that we don't have another Deer Run situation.

- Noted received Town Board meeting minutes of May 5, 2004
- Noted received Town Board meeting minutes of May 19, 2004
- Other correspondence to be read at point in agenda.

8032 ? 8038 BOSTON STATE ROAD

Secretary Pohl read the letter dated May 18, 2004 asking Mr. Barrett to be in attendance at this evening's meeting.

Chairman Hacker: I talked with Brien (Hopkins) earlier today and he said that he had made an on site 'busy time' visit at the restaurant. It seemed to him that everybody was obeying the parking restrictions and keeping it away from the front as they possibly could.

Chairman Hacker: Are there any questions from the Board? Being none, Mrs. Hacker asked Mr. Barrett if he had anything to add.

Mr. Barrett: Being the spring of the year, we have been upgrading the backyard with 1-inch flat stone, to make it easier for walking through there. That was the only problem for the people parking in the back and walking to the front.

Mr. Pohl: The parking spaces in front, are there any bumpers?

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8032 ? 8038 Boston State Road, con't.

Mr. Barrett: There is about a 4-inch concrete sidewalk there, the parking spaces that go beyond the building will have bumpers.

Mrs. Hacker: I make a motion to accept the Barrett site plan as received, with it so noted that there will be concrete curb spacers between parking spaces #1, #2, #3 in the front.

Mr. Hody: Are there any handicapped spaces?

Mr. Barrett: There are signs posted on the front of the building for handicapped.

Mr. Pohl: I'll second the motion. All were in favor.

7264 BOSTON STATE ROAD ? NICHOLAS CHARLAP

Mr. Pohl read the letter dated May 18, 2004 asking Mr. Charlap to be in attendance at this evening's meeting.

Mrs. Hacker: We have received several plans that are not dated. The most current shows flower boxes and handicapped spaces. This is the one we will refer to this evening. I don't have anything else that needs to be addressed. Are there any other comments?

Mr. Pohl: The right-of-way and the property lines are shown; parking spaces have been addressed to meet Code; driving lane widths ? what comes into play most is this 21 foot - probably should be shown from the building to the fence.

Discussion followed regarding parking.

Mr. Pohl: Striping appears to be done; required versus proposed number of parking spaces ? I think we were asking for it to be noted on the site plan.

Mrs. Hacker: How many spaces?

Mr. Hody: 39.

Mr. Stringfellow: I have a question on the drive-thru to the back parking area. There is a property line there where he has parking spaces on the other side of the line; he's got access on the other side of the line. Does he own that property or not?

Mrs. Hacker: My understanding is the house is owned by them, and rented.

Mr. Stringfellow: If he sells that house, he has almost no access to the back parking lot. There would be room enough for about one car.

Mrs. Vacco: You can't project on these situations.

Mr. Stringfellow: My feeling is, if he is going to bring us a site plan it better be within the property lines.

Mrs. Hacker: I believe he feels that he is within the property lines, because this is all his property.

Discussion followed regarding property lines and adjacent property owners.

Mr. Stringfellow: Is that house allowed in a commercial zoning?

Mr. Speich: I believe that is all C-1, from the corner up past there.

Mr. Stringfellow: If everyone is comfortable with the site plan, then let it go.

Mrs. Hacker: Could we put a stipulation in, in the event that the house is sold the property line should be so noted?

Mr. Stringfellow: ??That adequate access to the rear parking lot must be maintained.?

Mrs. Vacco: If the only access to the that rear parking lot is that right-of-way, then you could make that a stipulation, but that?s a restriction that?s going to run with the land, so you need to be careful of how you do that. You could probably request him to come back in here, in the event that house/adjacent property is sold, and then there is no longer access to the back lot. Our requirement is that he maintains so many parking spaces per code. The onus is on him.

Mrs. Hacker: I don?t feel as if we should put that restraint on as a condition. I don?t want to get into putting a restraint on a property in the event he decides to sell it. I agree that if he decides to sell this property to someone, he would then no longer have the access to his additional area as it is now, he wouldn?t have the parking space.

Mr. Mendola: What about guardrails along the road, and parking along the road?

Mrs. Hacker: I have a meeting scheduled with a County Representative regarding that issue, but it by no way means that anything will happen. We plan to look at Nick Charlap?s and 3 Girls? Caf , but are we singling them out?

Mrs. Vacco: No. Those are clearly two commercial sites that have been before this Board that have been requested to do something to alleviate these parking situations because it?s a public safety issue. So the next step would be to ask the entity that actually owns that to negate the parking hazards.

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7264 Boston State Road, con?t.

Discussion followed regarding the same parking situations at the strip malls in North Boston, Barrett?s, 3 Girls, Charlaps, they are all public safety issues.

Mrs. Hacker: I?m not talking a lot of guardrail, too much guardrail down in front of the strip malls would put them out of business; but enough to alleviate these dangerous situations around Town.

Mr. Speich: Maybe we should petition the State to reduce the speed limit from 40 m.p.h. to 30 m.p.h.

Mrs. Vacco: That would be a request that would have to go to the Town Board.

Mr. Hody: They would have to perform a traffic safety study, it's got to be warranted, not for potentially hazardous areas.

Mrs. Hacker: How do we proceed with this?

Mrs. Vacco: Keep your meeting with the County Representative and advise them that these are County R-O-W's and the Planning Board is requiring their input as how to alleviate the public safety issues as they have been brought to this Planning Board's attention.

A lengthy, in-depth critiquing of Nick Charlap's site plan followed.

Following the discussion Mrs. Hacker asked that a letter be sent to Mr. Charlap and to include the following:

- Show date and each subsequent revision date; also, show directional arrow to the north.
- Parking spaces 1, 2, 4, 6, and 18 need to be removed as they are in the road right-of-way.
- Indicate the edge of the pavement and identify paved area and stoned area.
- Indicate the perpendicular width of the driving lane from the corner of the building, at door 4, to the edge of the pavement at the fence.
- Identify adjacent property owners.
- A "notes" or "table" on the plan indicating the number of required parking spaces per code and the number of proposed parking spaces to be striped.
- Label the size of proposed parking spaces.
- Identify location of proposed grill area.

Also, advise Mr. Charlap that Mr. Kramer will be advised of the revisions that have been asked for, but that we will also advise Mr. Kramer that he may issue a temporary Certificate of Compliance for the business, and a reasonable completion date be set and met for this project.

Discussion tabled until the above information is received from Mr. Charlap.

## RICHARD BROX RECOMMENDATIONS

### Proposed revisions to subdivision regulations

- Review prior to next meeting. Discussion tabled until Mr. Brox is in attendance.
- Mrs. Vacco will bring to the next meeting ? the most recent changes.

### Smith request ? Woodlee Court Subdivision

- Mrs. Hacker: I have talked to the applicant and they are trying to work something out with Orchard Park.

Mrs. Hacker: Any further business?

Being none, Mr. Mendola made a motion to adjourn at 8:41 PM., seconded by Mr. Stringfellow. All were in favor.

Respectfully submitted,

Michael J. Pohl

Secretary

MJP:tjf