

PRESENT: Patricia Hacker, Chairman
 David Stringfellow, Vice Chairman
 Kevin Maxwell, Secretary
 Margaret Andrzejewski
 J. David Early
 Jeff Mendola
 Michael Pohl

EXCUSED: Paul Jusko

ALSO	Dennis Kramer	Code Enforcement Officer
PRESENT:	Kelly Vacco	Town Attorney
	Karl Simmeth	Councilman
	Ronald Wierzba	Rezoning Applicant
	Casey Peacock	Rezoning Applicant (Wierzba)
	Sharon Thompson	3 Girls' Cafe
	Arnold Hylkema	3 Girls' Cafe
	Donna Brock	3 Girls' Cafe

Chairman Hacker called the meeting to order at 7:30P.M.

MINUTES

Mrs. Hacker asked if there were any additions or corrections to the minutes of May 13, 2003. Mr. Maxwell stated that Glenn Cooley, is an engineer with Edwards and Moncreiff, not a contractor as in the minutes, unless that is how Mr. Cooley signed in. With that noted Mr. Stringfellow made a motion to approve the minutes, seconded by Mrs. Andrzejewski. All were in favor.

CORRESPONDENCE

Secretary Maxwell reported the following correspondence:

- Letter dated May 14, 2003 to the Town Board recommending approval of rezoning request for Dana Darling
- Letter dated May 14, 2003 to the Town Board recommending approval on the request of Ray Webber for the construction of an office building on existing commercial property
- Other correspondence to be read at point in agenda

LIAISON – COUNCILMAN MEAD

Chairman Hacker asked Councilman Simmeth if he had anything to report in Mr. Mead's absence. He did not.

RONALD WIERZBA – REZONING REQUEST

Mr. Maxwell read the letter dated May 15, 2003 advising Mr. Wierzba of placement on Planning Board agenda and requesting his presence at tonight's meeting.

Mrs. Hacker began the questioning by asking Mr. Wierzba his intended use for the base of the building. Mr. Wierzba said that he runs a masonry business off premises and that he intends to store equipment such as scaffolding, mortar mixer and tools of the trade. Everything will be kept inside, except a dump

Ronald Wierzba, con't.

truck and a pick-up truck with a trailer, which will be kept out back. There won't be any office or any personnel on site except to meet there in the morning before going to a job; there won't be any mechanical work done there.

Mr. Early inquired about all the 'stuff' that is currently out back.

Mr. Wierzba said that a lot of it was in the building and will be put in the dumpster as the clean-up continues. I plan to make that area into a backyard.

Mr. Maxwell asked if this is going to be the primary residence. Mr. Wierzba – 'yes.'

Mr. Maxwell asked if the parking would be in back. Mr. Wierzba – 'yes.'

Mr. Mendola asked if any hazardous material would be stored there? Mr. Wierzba – 'no.'

Mrs. Andrzejewski asked if there were any future plans for running the business from this site?

Mr. Wierzba said that he plans to maintain this building as his residence.

Mr. Early asked if there should be any concern about the propane gas business next to a residence, with the propane tanks stored outside.

Mrs. Vacco said the tanks that are stored there are empty; and that the propane tank itself is enclosed.

Mrs. Hacker asked if there were any further questions?

Being none Mr. Maxwell made a motion to send a favorable recommendation to the Town Board for the rezoning from C-1 to R-2, seconded by Mr. Stringfellow. All in favor.

3 GIRLS' CAFÉ – ADDITION

Mr. Maxwell read the letter dated May 15, 2003 to Sharon Thompson requesting a response from the letter of November 19, 2002 and asking for additional/corrected information.

Mr. Maxwell said that a revised site plan was received including water flows, outline of the areas of the new parking lot as well as an updated survey indicating the addition on the outside of the building.

Mr. Maxwell continued reporting correspondence received this evening:

- Revised letter of intent

Chairman Hacker asked for questions from the Board members.

Mr. Mendola stated that the plans indicate that the addition extends to within 6 inches of the parking lot, is that allowable?

Mrs. Thompson said that entry from the outside would be for deliveries only. There is also an entrance from the inside for the employees.

Mr. Early said that the plans show 20-foot addition.

Mrs. Thompson said the extra 2 feet is the overhang.

Several individual discussions took place.

Discussion followed regarding the entrance from the outside. It was determined that there is more than sufficient parking and that 2 to 3 parking spaces could be eliminated in front of the cooler's outside entrance.

Mrs. Hacker asked if the requirements stated in the letter of November 19, 2002 had been met.

Mr. Maxwell said that a letter dated November 25, 2002 from Highway Superintendent Kreitzbender stated that he has no problem with the extension of the parking lot.

Mrs. Hacker said that Mr. Brox had a question about the foundation.

Mr. Hylkema said that the addition would be on piers.

Mr. Kramer said that it is his job to review the plans for the addition and to make sure that it meets Town Code requirements, and is not part of the Planning Boards function. Mr. Brox picked up on something that shows the pier; for your records they will put a 12-inch concrete pier underneath the posts. That meets Code as far as footing requirements.

The Three Girls Café – Site Plan, con't.

Mr. Maxwell asked if the exterior would be vinyl siding? Mrs. Thompson said yes just like the building.

Councilman Simmeth said that Highway Superintendent Kreitzbender has requested that an apron be installed on the driveway that comes out onto Valley View Lane.

Discussion to the possibility/feasibility of striping the parking lot.

Being no further discussion, Mr. Stringfellow made a motion to send a favorable recommendation, for the addition, to the Town Board contingent on the following:

- A 10-foot deep by 20-foot wide paved apron is installed at the driveway portion of the parking lot on Valley View Lane; is inspected by, and meets the approval of Highway Superintendent Kreitzbender
- The parking space, off of Boston State Road and adjacent to Valley View Lane, is permanently removed by whatever means, in order to provide unobstructed visibility for motorists entering Boston State Road from Valley View Lane

Seconded by Mrs. Andrzejewski. All in favor.

GARY ECKIS - DISCUSSION

Mr. Maxwell read the following correspondence:

- Letter dated May 12, 2003 from the Department of Health
- Letter dated May 13, 2003 from Boston Hill LLC
- Letter dated May 21, 2003 from Boston Hill LLC, and receipt of Project Overview Status

Mrs. Vacco said that she had spoke with Erie County Health Department in Hamburg, and Mr. Eckis is correct as it relates to the Department of Health requirement in the three-year period. He may have more than five lots that are under the acreage allotment but they were not sold within a three-year period. That's a common way for some landowners, for example farmers with large acreage, to sell off parcels, not within a three-year period. The Erie County Clerks office will not accept a map cover without an approval from Erie County Health Department and it really lies within large tracts of division definition and our Town Code does not have one. I have since suggested to the town Board that we rectify that and draft it into Town Code so that we don't have this issue again. Mr. Eckis is correct in his position that the map cover is not required too be filed under NYS Real Property Law. Our Town Code is requiring him to do something that NYS Law will not allow him to do.

Mrs. Vacco said that she would be contacting other Towns to see how this issue is addressed in their Town Codes. She continued by saying that Boston Hills is not a sub-division for the purposes of the NYS Real Property Law; the Planning Board followed the proper procedure by doing the site plan review and approving it as a sub-division under our Town Code.

Mrs. Vacco suggested that this Board might want to address as to how to approve large tract sub-divisions.

Mr. Kramer said that Mr. Eckis had the opportunity to take off on the abandoned roads, and we no longer have that situation, most of the lots are being sold along dedicated highways. For example along Cole Road, some of the farmers have sold off frontage in 5-acre parcels to get rid of their acreage, knowing that the State definition of a sub-division lot is anything less than five acres. Once it's larger than five acres it's not considered by the State definition a sub-division lot.

Mr. Maxwell asked about Mr. Eckis adding the Liarios property and two other properties to the sub-division. At that time we discussed the addition for a cul-d-sac for access to the Liarios property

Gary Eckis, con't.

Mr. Stringfellow said that those parcels were not part of the sub-division site plan, and cannot just be added to the sub-division after its approval.

Mrs. Vacco said that she does not believe that Mr. Eckis wants to add these parcels to the sub-division.

Mr. Maxwell asked about the 't' turn around, was it ever completed when we agreed to change the property line.

Mrs. Vacco read from the Project Overview Status, the section labeled 'What is the status of the T-turn around at the end of Deer Run Road.'

Mr. Maxwell said that the 't'-turn around was not an option, we asked for a cul-d-sac if he wanted to develop those two additional lots.

Mr. Maxwell asked that a letter be sent to Highway Superintendent Kreitzbender requesting that he inspect the 't' turn around and report back to this Board if this turn around has been completed satisfactorily, and if not what needs to be done to bring it into compliance for proper highway maintenance, and then addressing the issue with Mr. Eckis.

WENDLING REZONING REQUEST

Mr. Maxwell read the following correspondence;

- Referral from Deputy Town Clerk Ellis
- Letter dated May 7, 2003 – request and intent from Brian and Rochelle Wendling

Mr. Stringfellow stated 'the Town needs to have more single-family homes on Boston State Road.'

Mr. Stringfellow made a motion to recommend rezoning of this property to the Town Board, to R-2, seconded by Mr. Pohl. All in favor.

CODE ENFORCEMENT OFFICER KRAMER

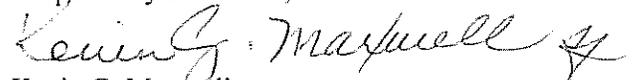
Mr. Kramer said that the parking at Charlaps is still every which way. Discussion followed about the parking situation at Charlap's Dairy.

Mr. Simmeth said there have been several complaints about crossing the State Road to the dairy. He said that he would contact Dave Boehm with the County Highway Department and ask for 'no parking' signs to be posted along both sides of Boston State Road.

Mrs. Hacker asked if there were any further business?

Being none, Mr. Stringfellow made a motion to adjourn at 8:52 P.M., seconded by Mr. Early. All in favor.

Respectfully submitted,



Kevin G. Maxwell
Secretary

KGM:tjf