

Planning Board Minutes November 13, 2007

BOSTON PLANNING BOARD NOVEMBER 13, 2007

PRESENT: David Stringfellow, Vice Chairman

David Bernas

Robert Chelus

Jonathan King

Bill McGirr

EXCUSED: Patricia Hacker

ABSENT: Jeff Mendola

ALSO Brian Downey Town Attorney

PRESENT: Sherrie Pluta Deputy Supervisor

Vice Chairman Stringfellow called the meeting to order at 7:30 PM and appointed alternate member Jonathan King as regular member for this evening's meeting.

MINUTES

With the correction of one typing error, Mr. Bernas made a motion to accept the minutes of October 9, 2007, seconded by Mr. McGirr and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- Town Clerk letter dated November 9, 2007 to Ray Weber advising of Town Board approval for the site plan at 7074 Boston State Road, with stipulations.
- Code Enforcement Officer Ferguson's October End of Month report
- Deputy Code Enforcement Officers' Lisowski and Juda End of Month reports for October
- Deputy Code Enforcement Officer Lisowski End of Month report for September

Mr. Downey: On the Raymond Weber site plan review; he was only requesting Phase 1 and with SEQR you have to look at the whole project, when you make a determination. I met with DEC and Mr. Weber's attorney, to discuss with them that because of the fact the sponsor was not going to make an application right now, for the rezone or variance for the storage units in Phase 3, whether or not that would be segmenting the project under SEQR, and not be allowable. So after discussing with them they were open to us that we had enough information to make a decision, but we could do it either way. So the Town Board decided that they could make a decision and asked for input from the Town's Engineers; and they said their concern is that the Phase 1, if that's as much as they completed, would effect drainage because the drainage calculations assumed that all three phases were to be completed, and so if they only completed Phase 1 that would change the drainage calculations. In order to approve the site plan, a requirement should be that they recalculate those to show what would happen if they weren't going to do Phase 2 and 3, so that's why that language is in there. So this Board may want to think about in the future do they want to allow people to do that. It took a lot of extra work to figure out what to do with it; some Towns say, "no, when you come forward you have to do all you're zoning at once so we know what we're doing." So you may want to look at that, essentially looking to be accommodating.

A lengthy discussion followed.

KIDS COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Secretary Faulring read the correspondence:

- Richard Brox letter faxed on November 8, 2007
 - o Sent by Secretary Faulring to Ms. Betz
- Scott Kinsman of Foit-Albert Assoc. review dated November 13, 2007

Mr. Stringfellow: These two letters indicate that the site does not meet the requirements of the code. I feel that we cannot approve the as-built site plan.

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Mr. Downey: What's disturbing is that, it appears that whoever is drawing this for her is not even looking at it. We have Mr. Kinsman going out to the property and saying what is on this drawing is not there.

Mr. Stringfellow: That bothers me also. We have several different documents signed by a licensed architect or engineer that are not correct.

Mr. Downey: As-built means this is not theoretical; this is where you go to the site and look at it. This driveway, has anybody seen that this driveway goes over on this property.

Mr. Stringfellow: This is apparently, approximately where the driveway was before she developed her property; I believe this line came from one of the original plans. The driveway certainly does not go into the fence, my office is next door and I can see it.

I am not sure whether the driveway encroaches a little on her line or not, but it certainly does not go inside the fence. This part inside the fence and all the way back, as far as I know, is no longer there.

Mr. Downey: It doesn't show the distance of the encroachment either. It seems to be sloppy and I can't say for her what the arrangement is but when you have an engineer or surveyor go they are supposed to look at the site. Here you have Mr. Kinsman, who just goes out to look at it and says "it's clear that it's not matching." The issues that he brought up regarding storm water, I'll get into later, that's a serious thing going on now; New York State is wanting for everyone of these projects, you can't make it up as you go along, it's got to be correct.

Discussion followed.

Mr. Stringfellow: Thelma (Faulring) received a voice mail message today from Ms. Betz saying that she would not be at tonight's meeting, and wants to know when the next meeting is scheduled as she plans to be in attendance with her attorney.

Mr. Stringfellow asked that the Foit-Albert letter be sent to Ms. Betz along with a note of the next Planning Board meeting date.

Mr. Stringfellow made a motion to table further discussion, seconded by Mr. Bernas and carried.

NON-AGENDA ITEMS

Storm Water Drainage: Town Attorney Downey had the following comments and answers to questions regarding Storm Water Management:

- New York State has required each Town to have its own storm water regulations and has asked that they be passed by January 8, 2008
- We have gone into a consortium with a number of Towns and have hired the County Attorney, who is putting this together. I along with Engineer Scott Kinsman met with her to go over it. She has made amendments to it and I have just received the revisions. That will eventually be sent back to the County Planning Board as required by the Town Code to review. It then comes back to the Town, we'll have a Public Hearing and approve it
- We are doing a lot of it already, but it puts into form the regulations or code regarding storm water and what's done
- Eventually we will have an S.M.O. or Storm water Management Officer, who is going to have to look at every plan to make sure that it meets the criteria for storm water
- Basically it's an unfunded mandate by New York State
- S.M.O. will have to have some engineering knowledge
- o It has to be a Town employee as the point person
- o Services can be contracted out
- A whole new section of the Code will be created, and other sections will be changed
- We have tried to incorporate what we do as a Town into parts of it

Site Plan Review Changes: Town Attorney Downey commented on site plan revisions and costs:

- Amherst charges \$875.00 to change a site plan, I believe that is going up to \$2000.00
- Orchard Park does not at this time, but are planning to in the future

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- A charge may be a deterrent to changes
- It costs the Town to do this ? Towns are trying to transfer the cost to the people using the services
- My understanding is this fee is charged only for changes made after the site plan has been approved
- Clarence has a \$250.00 administrative fee at the beginning, and nothing to change it
- We are waiting for answers from other Towns
- Fees most likely go back to the Town's General Fund

CODE BOOK REVISIONS

In lengthy discussions the following proposed changes or corrections will be recommended for Chapter 97 ? Site Plan Review:

97-3. Initiation

A. (new, with changes to current proposal)

Site plan review shall be initiated by the submittal of 22 copies of a completed application and required conceptual plan, and after review and approval by the Building Department.

B. (new ? No changes to this proposal assuming that the Town Board retains authority to approve site plans. The words ?required fee? are to be replaced by the words used to describe fees in other sections of the code. Mr. Stringfellow is to find those words and insert them.)

C. (new paragraph) A site plan shall be submitted for all:

1. Development/construction that is not single family residential and does not constitute a subdivision
2. Alterations or additions to existing development/construction covered by Subsection C 1 which:
 - (a) change the roof line of a building,
 - (b) change the height of a building,
 - (c) increase the original floor area, or

(d) modify off-street parking, loading or stacking areas

3. Development within the 100-year flood plain

4. Development that falls within the View shed Protection Area as indicated in the Comprehensive Plan

(this paragraph is reduced from 7 items to 4 through modifications of previous #1 and #2 and proposed new D.)

D. (new ? previously #7 under paragraph C) A revised site plan shall be submitted for application to modify any previously approved/modified site plan.

97-4. Form and contents

B. (4) (no change to current proposal)

(8) (add new sentence) A boundary survey performed by a licensed surveyor (*) within the twelve months immediately preceding the date of submission, showing all property lines, easements and rights-of-way on or adjacent to the parcel.)

(*) Mr. Downey will research for the addition of ?or licensed engineer?.

[97-6. Submission

The submittals required under 97-3 A. shall be submitted to the Boston Town Clerk at least thirty (30) days prior to the Planning Board meeting at which the application is to be considered.]

[This discussion was left with some uncertainty as to the 30 day reference]

A. (new addition) Copies shall be distributed as follows:

A. Ten (10) copies to the Planning Board

B. One (1) copy to the Town Engineer

C. One (1) copy to the Town Planner

D. One (1) copy to the Highway Department

E. One (1) copy to the Town Attorney

F. Five (5) copies to the Town Board

G. Two (2) copies to the Town Clerk

H. One (1) copy to the Building Department (Code Enforcement)

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97-6.1 (new paragraph) Submission to Highway Superintendent by Town Clerk

One (1) copy of the drawings, and the traffic study if required, shall be promptly submitted to the Highway Superintendent within (**). The Highway Superintendent shall submit recommendations as may be appropriate to the Planning Board at least two (2) weeks prior to the Planning Board meeting at which the application is to be considered.

(**) Mr. Downey will research other towns? timeframe for referral to the Highway Superintendent and return of his/her recommendation.

97-17 (Change of paragraph heading) Additional Fees

A. (new) Any change to an approved Final site Plan will require an additional fee as listed in the Schedule of Fees

B. Engineering fees and expenses (wording to be the same as is currently 97-17 B)

97-18 General Provisions

A. No discussion took place on changes to General Provisions other than making it new Code Section

97-18.

Proposed new Sections 97-6.2 and 97-6.3, proposed and existing 97-7 through 97-18, and all of Chapters 104 and 123 have not yet been reviewed.

Mr. McGirr made a motion to adjourn at 9:52 PM, seconded by Mr. Bernas and carried.

Respectfully submitted,

David O. Stringfellow

Vice Chairman

DOS:tjf