

Planning Board Minutes November 25, 2008

BOSTON PLANNING BOARD NOVEMBER 25, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Mark Coppola

Bill McGirr

David Ruzzine

Rich Skinner

ALSO Brian Downey Town Attorney

PRESENT: Cathy Maghran Councilwoman ? Town Board Liaison

Frank Lisowski Deputy Code Enforcement Officer

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

Carole Brox Guest

Elisa Tsang CVS Pharmacy Representative

Chairman Hacker called the meeting to order at 7:33 PM and appointed David Ruzzine to act as a regular voting member for this evening's meeting.

MINUTES

Mrs. Hacker asked if there were any corrections or additions to the minutes of October 28, 2008. Mr. Coppola asked that his name be added as excused. With that addition Mr. Stringfellow made a motion to accept the minutes, seconded by Mr. McGirr and carried.

GENERAL CORRESPONDENCE

Secretary Faulring reported the following:

- ? Planning Board letter dated October 28, 2008 to the Town Board with the recommendation to accept the as-built site plan for Kid's Country Child Care at 7346 Boston State Road
- ? Planning Board letter dated October 28, 2008 to the Town Board with the recommendation to accept the site plan for Glad You're Hair at 7166 Boston State Road
- ? Letter dated October 29, 2008 from Jonathan King advising us of his resignation from the Planning Board
- ? Letter dated October 30, 2008 from David Bernas advising us of his resignation from the Planning Board
- ? Town Board letter dated November 6, 2008 to Bill Brunner advising him of the Town Board's acceptance of his submitted site plan for 7166 Boston State Road
- ? Town Board letter dated November 6, 2008 to Theresa Betz advising her of the Town Board's acceptance of the as-built site plan at 7346 Boston State Road for Kid's Country Child Care
- ? Town Board letter dated November 7, 2008 to Jonathan King thanking him for his service on the Planning Board
- ? Town Board letter dated November 20, 2008 to David Bernas thanking him for he service on the Planning Board
- ? Code Enforcement Officer Ferguson's October end of month report
- ? D.C.E.O. Lisowski's October end of month report
- ? D.C.E.O. Juda's October end of month report

CVS PHARMACY ? 7182 BOSTON STATE ROAD ? AMENDED SITE PLAN

Ms. Tsang gave the following information on the amended site plan proposal:

- ? Existing CVS Store at 7182 Boston State Road of 10, 500 square feet
- ? Located on 3.34 acre parcel
- ? Proposing to add two lot lines to separate into three lots
- ? Lot 1 is the CVS parcel to remain with no site improvements or site changes

- ? Lot 2 along the western side of the property, it's the little piece of property that sticks out
- ? Lot 3 is the southern portion of property which does include the existing detention pond
- ? TVGA letter indicated concern with the detention pond, light pole
- ? We are planning to get the easement over to the detention pond
- ? Deed off parcel 2 to adjacent property owner and deed off Parcel 3 to adjacent property owner
- ? Southern property line runs along the 18-Mile Creek and is in 100 Year Flood Plain
- ? Believe that this was supposed to happen at the time of the initial CVS construction but it didn't happen

Concerns / Issues of Planning Board members and others:

- ? Parcel 3 is useless by abutting up to the creek
- ? Adjacent property owners 1 business and 1 residence

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- ? Are you doing this to save on taxes
- ? Purposely creating an encroachment with the dumpster, on Parcel 3

Mr. Downey explained that CVS has filed an Article 7, where they are contesting their assessment value .

- ? No drainage calculations were submitted
- ? No revised stormwater runoff calculations submitted
- ? 100 Year Flood Plain
- ? Sanitary Sewer Easements
- ? Site Plan Requirements have not been met
- ? Can not drain onto parcel that you don't own
- ? Losing vegetation and landscaping

? Original plan approved with enough green space to compensate for the large amount of blacktop, now you want to take some of that away with the division of the original parcel

? Does not meet parking lot setback

? Non-conforming lots

? There is no commitment that adjacent property owners want the divided off parcels

? Parcel 2 could be landlocked if not bought by adjacent landowners

? Can't incorporate two parcels with different zoning

? Property owner on the other side of the creek is Zoned R, if the newly created parcel is rezoned to R Zoning that creates other Code requirements such as the lot lines

? The approved site plan clearly shows parking spaces 10' by 20', all your parking spaces are striped and painted 19' by 9' the space is there, they're just painted wrong

Mr. Downey described three options:

1. You can cut it off and still own it
2. Give it to a third party who is not contiguous to it
3. Give it to a neighbor

And it will be very important to this Board who is taking it and are they incorporating it into their lots; and also are they willing to take it with conditions? One is going to be an easement condition and there may be stormwater conditions depending on how your calculations work out?as a pre-condition we are going to have to know what's going to happen to those parcels?we'll need letters from them (adjacent landowners) saying that they have agreed to take this property and know that there may be conditions on it. Your telling us doesn't necessarily mean that this is going to happen; you said that you haven't personally talked to them.

Repeated discussions continued at length dealing with the issues raised by this Board.

Mrs. Hacker read the following correspondence:

? Code Enforcement Officer Ferguson's review dated November 20, 2008

? Richard Brox review dated November 20, 2008

? TVGA review dated November 24, 2008

Ms. Tsang was given copies of each review.

Discussion continued regarding the raised assessment values of adjacent properties with additional land.

Mrs. Hacker tabled discussion until more information is received.

LIAISON ? COUNCILWOMAN MAGHRAN

Mrs. Maghran reported:

? Request has been made for new members

? Request has been sent for Planning Consultants

? Myself, Mrs. Hacker and Secretary Faulring will arrange for the interviews with the Planning Board members before making a recommendation to the Town Board.

Mrs. Maghran asked the following:

If this parcel is divided and that becomes a landlocked parcel of land, does that make a major difference in the tax base?

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Mr. Downey: They may change it. They are in the middle of an Article 7 which means they are challenging their assessment right now.

Mrs. Maghran: What are the liabilities with the detention pond being owned by someone other than CVS; and the liabilities of that landlocked land which now goes to someone else, especially being along 18-Mile Creek and being open to the public?

Mr. Downey: I'm not sure anything would change.

Mrs. Maghran: What happens with this whole thing including the easement if CVS decides to sell to say, Eckerd Pharmacy next week?

Mrs. Hacker: The easement would stay with the property.

Mrs. Maghran: I would not only like to be told in writing, but would like to speak with the potential new property owners on what they plan to do with this land, before any decisions are made. I think that's important for us to know. And how is that affected by that piece of land that the old bank used to be on?

Mrs. Hacker: That's a completely separate piece of property.

100 Year Flood Plain discussion followed.

Several discussions followed.

TOWN ATTORNEY DOWNEY

Mr. Downey: The only thing is that I would suggest that someone make a motion to recommend appointment of David Ruzzine, now that you have two vacancies of regular members.

Mrs. Hacker: I make a motion that we send a letter to the Town Board and recommend that David Ruzzine be appointed to regular member status as soon as his letter is received.

Mr. Coppola: I'll second that.

All were in favor of the motion.

Mrs. Hacker made a motion to adjourn at 8:49 PM, seconded by Mr. McGirr and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees