

Planning Board Minutes November 8, 2005

BOSTON PLANNING BOARD NOVEMBER 8, 2005

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Robert Chelus

Timothy Kirst

EXCUSED: J. David Early

Jeffrey Mendola

ALSO Kelly Vacco Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Robert Telaak Highway Superintendent

Richard Brox Planning Consultant

Scott Kinsman Engineer at Foit-Albert

Chris Bockhahn High School Government Student

Chairman Hacker called the meeting to order at 7:30 PM.; and appointed Mr. Kirst as a regular and voting member for this evening's meeting.

MINUTES

After minor corrections were made Mr. Stringfellow made a motion to accept the minutes of October 25, 2005, seconded by Mr. Bernas and carried.

CORRESPONDENCE

Mrs. Hacker reported the following:

- Letter dated November 7, 2005 from Michael Pohl with his resignation from the Planning Board
- Foit-Albert Review of Tanglewood Acres dated September 13, 2005
- Nussbaumer-Clarke review and response for Tanglewood Acres dated October 18, 2005
- Planning Board letter dated October 26, 2005 to Town Board for their review and recommendation of the site plan review for 8381 Boston State Road
- Planning Board letter dated October 26, 2005 asking that comments regarding Planning Board procedures not be discussed by elected or appointed Town officials and any inquiries about Planning Board matters be directed to the Planning Board Chairman or advising those person(s) of Planning Board meeting dates for their comments to the Planning Board directly.
- Planning Board letter dated October 26, 2005 to Town Board recommending renewal of Richard Brox's contract.

Mr. Brox: On the Nussbaumer-Clarke letter for Tanglewood Acres, #9 ? proposed grading will be indicated by the developer's design engineer as Type A, Type B or Type C grading; that should be on the construction plan. On a 4-lot subdivision it is not as critical as it will be on the proposed Darling Subdivision. The homeowner will be responsible for matching what was on the construction drawings that were approved by the Town Engineer, it's not up to building department to find those plans and advise those persons ?this is how you're going to grade your lot? or, if it is different the building department can look at it and question why changes were made from what was approved by the Town Engineer.

LIAISON ? COUNCILMAN HOPKINS

Councilman Hopkins reported from the Town Board meeting of November 2, 2005:

- Town Board approved the site plan for 8381 Boston State Road
- The Planning Board letter was read in an abbreviated form; they would like the Planning Board Chairman to attend an agenda review meeting to discuss further; they wanted to avoid finger-pointing.

Discussion followed.

Mrs. Vacco: I have discussed with the Town Board, to amend the Code relative to Site Plan Review, to have a separate set of review items for an existing site, and a seriously more detailed review plan for a new building. So I have asked the Town of Eden and the Town of Hamburg to send me their site plan reviews so that we can compare how they handle the two situations to how we handle them, to see if you're not more comfortable as a Board, using a more pliable set of site plan review guidelines with an existing building that's going through a change of use.

A question and answer period followed regarding site plan review. Mrs. Vacco made reference to Code Section 123-149, which addressed some of the concerns

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HICKORY MEADOWS DRAINAGE DISCUSSION

Mrs. Hacker read the correspondence to Highway Superintendent Telaak and Foit-Albert Engineer Scott Kinsman.

Mr. Brox: Poor choice of wording on the agenda, it perhaps should have read "subdivision drainage discussion". Hickory Meadows subdivision is long gone and built, and once the subdivision map is filed it's out of the Planning Board's hands. The Planning Board looks at storm drainage through the Town Engineer's preview.

Highway Superintendent Telaak referring to Lot 14:

- There is no good way for the Highway Department to get in and clean out what's there.
- We need an access road to get in and out.
- Filled with gravel
- There's no way to get in there and clean it out unless we start from scratch ? rip it all out and do it over. It's just going to keep happening every time there's a major flood.
- We need something better to hold the gravel back and clean out the rock dams that are up there.
- Over the summer we built a dam up on Greenbriar and Hillcroft that works very nice.

Mr. Telaak displayed pictures of the dam installed by the Highway Department. He also displayed pictures of the dam on Hickory Meadows which had to be cleaned out twice in the same day. When you have all these big rocks in there, how can you clean the gravel out with a grad-all.

Foit-Albert Engineer Scott Kinsman:

- First alerted of the problems up there in June 2003 by (former Highway Superintendent) Wayne Kreitzbender.
- We worked with Wayne to try to get these concerns worked out. We had meeting with the developer, with Mr. Eagan, Mrs. Vacco, the Engineer for the developer. They came back with some revised plans, which took some time to get completed.
- Mr. Brox worked back and forth, and the engineer, with their engineer to get some of the areas fixed.
- Every time we had a sizable storm, we had some damage up there.
- Now it's on Bob's (Telaak) desk. They did some corrective work and that one area is still not working properly, and all along we never accepted it because they have a problem to fix.
- So we sent Bob another letter, and he'll send it to the developer, that we want another meeting to try and discuss a way to correct this up on Lot 14.
- Bob is the one who is going to take this responsibility over, so we've got to be satisfied.
- They've been trying to correct these drainage problems, but they are not complete yet.
- We've been working on it since 2003 to where the Town will be satisfied. There will always be a maintenance concern on that subdivision, no matter what's done.

Mrs. Hacker: What is the issue with accepting it?

Mrs. Vacco: The Highway Superintendent will have to accept the road; and Wayne was not happy at the time the subdivision was complete, so he didn't accept the ditches?

Mr. Kinsman: He didn't accept anything outside the pavement.

Mrs. Vacco: And it still has not been accepted. So technically the Town has no responsibility for the..

Mr. Brox: Is the Town still holding the bonds that are required to do that?

Mrs. Vacco: Actually it was like a check taken by the developer, made out to the Town and kept in a safe; and never put into an interest bearing savings account or any kind of an escrow; and after six months the check is no good.

Discussion followed regarding the bond issue.

Mr. Telaak: That damage was done on September 16th. In two months they have done nothing to try to fix it before winter. All this gravel has gone down the 36" or 30" pipe, and what's going to happen when that plugs up? The easement is 30 by 30 and it's hard to get a grad-all and a dump truck, unless we have a decent driveway to get in there.

Discussion followed regarding easement size.

Mrs. Hacker: When we look at the proposed Darling Subdivision, can we in our approval of the subdivision, specify the location of buildings and driveways on those particular lots, with an easement.

Mr. Brox: You can request an easement, you can't really tell the landowner where he's got to put his driveway, unless it's a steep slope situation, then you can make a recommendation.

Mrs. Hacker: Can we as a Planning Board now allow him to put a lot in that area; if we need a 50-foot easement in this drainage situation

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Mr. Brox: Just put a lot line right up the middle and 25 feet on either side is an easement for the Town, but the lot comes?

Mrs. Vacco: As far as our Town Engineers, nobody has been more on top of drainage as you Scott (Kinsman). I can't think of another person I would rather have look over the Darling project.

Mr. Stringfellow: I believe that an easement is not a piece of land at all, it is simply the right to cross across someone else's land or to do something on somebody else's land.

Mrs. Vacco: Correct.

Mr. Stringfellow: In the case of a gas pipeline, the farmer can farm the land, if the pipeline company has to go in for repair, they have to pay for the crops they destroy.

Mrs. Vacco: That's true.

Mrs. Vacco gave an explanation of easement language, and responsibilities.

Discussion turned to open ditches and amending Town Code

Mr. Telaak: Have the light poles been installed in Hickory Meadows?

Mr. Kirst: Yes, they're in there, they look good, there's one not working but they look good.

Mr. Kinsman: Is everyone aware of the MS4 the Town of Boston being a MS4 Drainage District? Presently the Erie County Coalition is developing a model ordinance, which would implement the subdivision, which would be a charge or fee of the developer that would maintain the drainage systems after construction. What it is, is a way to implement into the development of new subdivisions, a way for the Town to recoup money for future drainage maintenance so you're not stuck with it. That's what the coalition is putting together now and it's been passed out to all board members. This is a requirement from the D.E.C. It's a permit that the Town has to be in full compliance with by March 2008 and we're in the third year of it. The Town of Boston is part of this coalition; we've been submitting annual reports. That is one of the goals, to get model ordinance into law, into Town of Boston law.

Mrs. Hacker asked if there were any further comments on this agenda item.

Mr. Brox read from (page) 10424. (Section 104-31 C 2)

Discussion followed.

Mr. Stringfellow suggested that everyone review the section on ditches before referring anything to the Town Board.

Discussion followed open ditches versus piped ditches.

OLD BUSINESS

7346 Boston State Road ? nothing received as of yet. Mrs. Vacco will contact Ms. Betz.

Mr. Kirst: Will we be receiving the site plan for the State Police barracks?

Mr. Stringfellow: The Town Board minutes said the Town Board approved the site plan.

Mr. Brox: The State is exempt, Erie County is exempt.

Mr. Stringfellow had a question on lot size in C-1 district.

Mrs. Vacco: It should be corrected, there are no dwellings in C-1.

Mr. Stringfellow: So right now we have no lot size in C-1 other than 2 ½ times the size of the building?

Mrs. Vacco: Technically yes. It shouldn't say dwelling; essentially it should say structure.

Discussion followed on Code Section 123-72.

Subdivision check-off list: discussion tabled.

Mrs. Hacker asked that any members who know of a Town resident who would like to be a member of the Planning Board, have them send a letter to the Town Board.

Being no further business, Mr. Stringfellow made a motion to adjourn, seconded by Mr. Bernas and carried.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf