

Planning Board Minutes November 9, 2010

BOSTON PLANNING BOARD November 9, 2010

PRESENT: David Stringfellow, Chairman

Patricia Hacker, Vice Chairman

Robert Chelus (Alternate)

Joe Litwin

Jennifer Lukachik (Alternate)

EXCUSED: Keith Clauss

Rich Skinner

ABSENT: Mike Cartechine

Mark Coppola

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Ken Schunk Applicant ? 7036 Brown Hill Road

Ann Schunk Applicant ? 7036 Brown Hill Road

Dave Dahl Sun/Journal reporter

Chairman Stringfellow called the meeting to order at 7:30 PM; and appointed Robert Chelus and Jennifer Lukachik to serve as regular voting members for this evening's meeting.

MINUTES

Mr. Stringfellow asked if there were any additions or corrections to the minutes of September 28, 2010. Being none Mrs. Hacker made a motion to accept the minutes, seconded by Mr. Chelus and carried

GENERAL CORRESPONDENCE

Secretary Faulring reported the following:

? Code Enforcement Officer Ferguson's October end of month report

7036 BROWN HILL ROAD ? 7036 BROWN HILL ROAD ? PROPOSED DUPLEX

Secretary Faulring reported the correspondence:

? The Schunk letter of request dated October 14, 2010

? Planning Board letters dated October 21, 2010 to Richard Brox and James Hannon requesting a written review

? James Hannon review dated October 25, 2010

? Richard Brox review dated November 1, 2010

? Planning Board letter dated November 4, 2010 to the Schunk's requesting their attendance this evening

Mr. Stringfellow asked Mr. and or Mrs. Schunk to describe their project.

The Planning Board members introduced themselves to the Schunk's

Mr. Schunk introduced himself and his wife, Ann, to the Planning Board members

Mr. Stringfellow asked about the existing duplexes in the same vicinity.

Mr. Schunk: My son has two of them, my wife owns one and I own one; it is all the Schunk family.

Mr. Stringfellow: The ZBA has already considered your request for variance for a two-family residence, and has approved that request for 2.83 acres, with the stipulation that there be no further division of this property.

Mr. Schunk: You should have a survey with that actually plotted on there.

Mr. Stringfellow: This is signed by Mr. Genzel?

Mr. Genzel: Yes. I should clarify?the Association of Towns has determined that I cannot vote on my own work, so at the Town Board level I can?t vote on the subdivision I did, or anything. I can do work for the residents of the Town, but if it comes to the Board I can?t vote. Mike (Kobiolka) can back that up. We had a determination right away when I was elected. (Note: Mr. Genzel is a land surveyor).

Mr. Kobiolka: That is correct.

Mr. Stringfellow asked for comments or questions from the Board members.

Mrs. Hacker commented on lack of plantings on the site plan.

Mr. Brox: They?ve added it to the survey. It?s okay they?ve got some trees out front that they are going to put in.

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Mr. Brox: They have gone for a variance on every duplex they built up there, so they could have had five acres lots.

Mr. Stringfellow: Yes, the Zoning Board of Appeals did comment that the ?hardship? is self-created. Each of those lots is owned by a different member of the family, so in a sense each owner of each lot did not own the lot next to it. We know that you have built several of these duplexes. They look nice, you keep them very well, the neighbors have not complained. We?re still kind of wondering how has it happened five times without meeting the requirements of five acres zoning each time?and the answer is?

Mr. Schunk: The first or second one, the last two only needed approval, there was no five acres (required), that was when (Richard) Kennedy was Supervisor. I already had them there and people living in them.

Mr. Stringfellow: Then they are grand-fathered, legal as they are, if they were there before the Zoning Code changed.

Mr. Schunk: Then the one that was there before the one we?re talking about, Mike Metzger, the Town Board Attorney, said throw out that grand-fathered clause, I think they should be given a permit?So what do you do? I covered everything I could.

Mr. Schunk: While we?re talking about five acres ? does everybody realize what five acres of property is? Someday we?re all going to be gone, and somebody is going to think ?why is there five acres? Let?s give room for somebody else.

Mr. Brox: The rationale behind some of that is the fact that you?ve got a duplex on a septic system on five acres and you?ve got to have room to put in a new septic system when that one fails, and you?ve got two of them side by side, one for each unit. You better have one for each unit.

Mr. Schunk: I do what the Health Department says. There is room for another whole system just on this small?but five acres is a lot of land. If it?s in the woods that?s another thing, but this isn?t; it?s farmland.

Mr. Stringfellow: It is all open fields?

Mr. Schunk: It?s all open field with a few trees; it?s right on the border of the Concord line with trees there. This is all farmland left to her by her father, corn, hay; everything and now you can?t get anybody to work the land.

Mr. Stringfellow: If there are no comments from anybody is there a motion for or against making a recommendation?

Mr. Stringfellow: I?ll introduce a motion that we recommend to the Town Board that they approve this.

Mr. Chelus: I?ll second it.

Mr. Stringfellow: Is there any further discussion? There was none.

All were in favor of the motion, there were none opposed.

Mr. Stringfellow explained that the Planning Board only makes the recommendation the Town Board, and it is that Board that makes the final decision, and they do not have to take the recommendation of the Planning Board and that does not often happen. He advised Mr. and Mrs. Schunk that it would be in their best interest to be in attendance at the Town Board meeting on November 17, 2010 to answer any questions that might come up at that meeting

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported the following:

- ? Omphalius Road is finished
- o Lynne Dixon will be in attendance for the ?opening? and press release
- ? Town Engineer is working on four individual drainage projects utilizing Town Drainage and Erosion and Control money
- o Two budget items that we have with approximately \$70,000.00 a year for off road drainage
- o Looking at clearing 18-Mile Creek between the 219 and Zimmerman Road

☐ Which would be just walking the creek, cutting everything at 30 degrees, and chunking it and leaving it; we're not using any equipment to pull anything out of the creek, because then we would need major permitting

o A site on Colonial behind O'Halloran's

☐ A ditch that has been in need of constant cleaning out, the Town has been doing it for years

o Behind Terrizzi's house on Fairlane Drive

☐ Where a drainage basin crosses the power line, the top of the horseshoe right up against the power line

☐ There's been a gabion wall built there (cages filled with stone), done by FEMA around 1986

☐ Since then the water has bumped around the wall and undermined this 36 inch Oak Tree that's now just hanging over the creek and could easily topple over and possibly damaging two houses

o Heinrich Road

☐ At the southerly end there's a culvert crossing

☐ Where it heads downstream, it's eroding under someone's garage

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o There's still NRCS and USDA money going into the 18-Mile Creek bank stabilization and erosion projects

☐ There's three of them ? they're on the 18-Mile Creek off of Back Creek Road

☐ Everything is working beautiful up at the Hillcroft crossing; looks like it's figured out

? The poles have been fixed and are almost ready for the Christmas decorations

o They're working at the south end of Town

o The brackets are in place

o The Christmas light decorations should be going up in a week to ten days, and as weather permits

? Site Plan Review

o Many have not been returned with comments, changes, corrections or additions

Mrs. Hacker: I'm fine with it.

Mr. Litwin: I don't remember receiving it, but I will check and review it.

Mr. Kobiolka suggested putting it on the agenda for the next meeting.

? Chairman Stringfellow instructed Secretary Faulring to add this to the agenda only when there is other business for that same evening

Discussion followed regarding whether a Public Hearing is necessary or not.

TOWN ATTORNEY KOBIOŁKA

Mr. Kobiolka asked for feedback on the 4-hour training session.

Mrs. Hacker: He was trying to fit that time period for us to meet our requirements, we have to take that into consideration. I personally feel it was positive; I don't think it was exactly everything as pertinent as this Board has to get; it was planned for Planning Board and ZBA, so it was something for both, and maybe some issues were of a time factor that weren't as prevalent. I think he ran the program very well. He was very available to us. The Planning Board participated while others were cutting coupons, reading magazines, wandering around, but the bulk of us got our training; it's not the only training we'll ever need, but I certainly appreciated being able to come here and do it, instead of taking a day of vacation to do it. Was it the exact program I think this Board needs completely? No, but it certainly had parts that were very pertinent to us; and onward we go.

Mr. Kobiolka: They had a total of eight different programs and we did three. Would the Board want to consider doing another four hours, maybe in the first part of the year as opposed to the last part of the year? January, February, instead of the good weather time of the year?

Discussion followed:

? Two hours in the spring, two hours in the fall opposed to four hours straight

? Everybody there didn't get everything out of it they need for training purposes, but we all got something

Mr. Kobiolka: Was there anything remaining on that list that would be of interest?

Mrs. Hacker read the remaining programs on the list:

? The Community Plan ? Overview of Current Trends and Plans

? The Community Plan ? Preparing the Community Plan

? Suburban Place Marking

? Framework for Regional Growth

? Permitting and Standards for Wind Power

o Mrs. Hacker commented that she had received training at a Southtowns Association Meeting and that it was unbelievably interesting. The amount of work that goes into wind power training. One of the best training sessions she has attended.

o Mrs. Lukachik said that she could schedule a tour of the Wind Turbines on the Lake

o Discussion followed on wind turbines ? span of blades, grid work, channeling the created power

Mr. Stringfellow: Having been through the training for the past few years now, I'm finding that it's gotten down to the point that there's very little new. Every year there is some new legal decisions being made and things like that, which we need to be updated on; that could easily be done in one hour. I'm looking at what's available and think "what do I choose to waste my other three hours on," because there's nothing that I haven't already been too. I think the State went overboard when they said four hours for everybody per year. After a few years they probably should cut it down to only what's new. Whether there is any way to convince the State to do anything, I wouldn't bet.

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More discussion followed regarding training courses; opting out; creating and development of new training; finding new speakers from, possibly, the Department of Public Works, or D.E.C.; all day training putting difficulty on some; field trips, sewer treatment. Make up our own and stay out of the circle of planning.

Further discussion if State would accept individually created programs for the four-hour requirement.

DISTRIBUTION OF UPCOMING PROJECTS

Secretary Faulring: None.

Mr. Stringfellow: Is there anything else for this evening?

Secretary Faulring: The Town Clerk's office is working on the next Town calendar. Looking ahead I was wondering about December 28, 2010, are we going to plan on that meeting, if there is anything, or cancel for the Christmas holiday?

Mr. Stringfellow: I would suggest that we plan on not meeting that night. The meeting schedule will be November 23, and December 14, for 2010, if anything is submitted, and begin again on January 11, 2011. All present were in agreement.

Mr. Stringfellow: Is there anything else for this evening? If not is there a motion to adjourn?

Mr. Chelus: I'll make that motion to adjourn (8:15PM).

Mrs. Hacker: I'll second. All were in favor.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees