

## Planning Board Minutes October 24, 2006

BOSTON PLANNING BOARD OCTOBER 24, 2006

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Tim Kirst, Secretary

David Bernas

Robert Chelus

J. David Early

Bill McGirr

Santo Tricarico

EXCUSED: Jeff Mendola

ALSO Brien Hopkins Councilman ? Town Board Liaison

PRESENT: Brian Downey Town Attorney

### MINUTES

Mrs. Hacker asked if there were any additions or corrections to the minutes of September 12, 2006.

Mr. Bernas: Just a question on the first paragraph under minutes when Mr. Downey was talking about the difference between detention and retention ponds. There isn't anything in there that suggests what we were talking about, it was actually referring to the project at 8339, the small animal hospital. For future reference, if we want to find the paper trail, we're not going to know that it's part of 8339, so maybe we could make some reference that's it 8339. He (Mr. Downey) was discussing the small animal hospital, all it says is??on the veterinary hospital plan it's a dry pond.? Is that adequate or do we want to put an address in?.

Mrs. Hacker: I think it's adequate because there were other notes?

(Secretary note: The retention/detention discussion resulted from review of the site plan for the small animal hospital at 7333 Boston State Road).

Mr. Stringfellow: Under Hodgson ? lumen is singular, with an ?s? it is plural ? illumines, the correct word is lumens and ?s? is what makes it plural.

With those changes Mr. Stringfellow made a motion to accept the minutes, seconded by Mr. Chelus and carried.

#### CORRESPONDENCE

Mr. Kirst reported:

- Planning Board letter dated September 13, 2006 to Deputy Code Enforcement Officer Lisowski with favorable recommendation for the sign application for Hodgson Agency at 7336 Boston State Road
- Code Enforcement Officer Ferguson?s September end of month report
- Deputy Code Enforcement Officers? Lisowski and Juda ? September end of month report

#### SIGN REVIEW ? 8339 BOSTON STATE ROAD

Mr. Kirst reported the correspondence:

- Memorandum to the Planning Board from Code Enforcement Officer Ferguson date October 19, 2006 requesting review for the proposed sign replacement
- Richard Brox review dated August 20, 2006, (October 20, 2006) with his recommendation for approval of the sign at 8550 (8339) Boston State Road.

Mr. Kirst continued:

- Site Plan is included
- Two sign elevations plan for foundation

A lengthy discussion followed ? the following items need to be addressed by the applicant:

- Completed application for permit
- Indication of exact location of proposed sign with setbacks from the side yards and front yard

- Address Town Code Section 95-5 A. (3) regarding illumination of the sign
- Information received showed a clearance of 9.1 feet, the Code requires 10-foot clearance from ground level
- Maximum height not to exceed 22 feet

Mrs. Hacker made a motion to table discussion until the requested information is received, seconded by Mr. Stringfellow and carried.

Chairman Hacker asked that a letter be returned to Code Enforcement Officer Ferguson requesting the additional information be forwarded to the Planning Board.

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#### APPLICATION SUBMITTAL DATES - DISCUSSION

Mr. Stringfellow: My thinking is that if we require to have things submitted 30 days before the meeting, then when they come to us and we want changes, they cannot get back for six weeks, because they would have to have the changes in that day in order to make it. That's a long time. I think the problem that the Town Attorney was addressing, that he and I had discussed, was that we don't get these things in our hands until Friday or Saturday, and the meeting is Tuesday, and that's not a lot of time to go through it. We are requiring people to get them submitted two weeks early, but we don't get it until a few days before the meeting. I'd like to ask Thelma, what does or doesn't work for her.?

Secretary Faulring explained: You don't get the request, until I get it with a referral letter from the Town Board/Clerk. Everything that you get is referred from the Town Board. For example if the Town Board would have made a referral at the meeting of October 18, 2006, I would have received it on the 19th, I make copies and mail to you, if some of the enclosures are too big to mail I advise the Town Clerk that the application will not be distributed until the meeting on the following Tuesday.

Mr. Stringfellow: Once the application has been referred from the Town Board; and we have the applicant in, and find things that we want fixed, does it go back to the Town Board again?

Secretary Faulring: It stays at Planning Board until you send a recommendation back to the Town Board, and they make the final decision based on what the Planning Board recommendation is.

Mr. Stringfellow: How about this, when the Town Board refers something to us, they finish up on Wednesday, on Thursday you put it in our folders and bring it to the meeting next Tuesday, and we don't see it before that; we don't do anything with it until the meeting after that.

A lengthy discussion followed.

Mr. Downey arrived at 8:08 PM.

Discussion continued regarding 30 days before preliminary discussion versus preliminary discussion beginning two weeks following said referral date.

Mr. Downey continually cautioned the Planning Board members to allow sufficient time for review and discussion before meeting with the applicant; and also, that the Town Engineer have time enough to review.

Multiple discussions followed.

Mrs. Hacker: At the last meeting we made a motion that Section 97-6 to be changed to read "at least 30 days prior to the Planning Board meeting," would we like to amend that to at least 21 days, is that what everybody is saying?

Mr. Stringfellow: You're submittal timeframe, does that mean in our hands or does it mean submitted to the Town Clerk?

Secretary Faulring: Maybe instead of stating a certain number of days, you should say "following Town Board referral the application will be distributed at the next Planning Board meeting with preliminary discussion to begin at the following Planning Board meeting."

Discussion continued.

Mr. Downey: How about something to this effect "7 copies of the conceptual plan shall be submitted to the Town Board."

Secretary Faulring: Now it's up to like 22 copies for the Town Board, the Planning Board and everybody else.

(Secretary Note: Copy distribution would be as follows: Town Board/Clerk ? 6 copies; Town Engineer ? 1 copy; Planning Consultant ? 1 copy; Town Attorney ? 1 copy; Planning Board members/ Secretary ? 10 copies; Highway Superintendent ? 1 copy; Building Inspector ? 1 copy for a total of 21.)

Mr. Downey continued: ?after referral from the Town Board, the application shall be considered at the second meeting following said referral.?

Mr. Downey recapped the proposed motion: ?22 copies of the conceptual plan shall be submitted to the Town Board. The application will be considered at the second Planning Board meeting following referral from the Town Board.?

Mrs. Hacker: I would like to make a motion that the wording Mr. Downey just said replace the wording spoken by Mr. Brox on September 12, 2006, and made a motion by me, is there a second?

Mr. Early: I'll second that. All in favor.

LIAISON ? COUNCILMAN HOPKINS

Nothing to report at this time.

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OLD BUSINESS

Kids Country ? 7346 Boston State Road

Nothing received

Mr. Stringfellow: Let?s find out what?s going on. Do they have a Certificate of Occupancy or don?t they?

Mrs. Hacker: I was told that they don?t and we won?t get anymore information until the litigation matter is over.

Mr. Stringfellow: So we've asked for and are still waiting for an "as-built" site plan. Also I've noticed that she has added a deck on the side of the building toward the Hodgson building. And she has never been issued a C.O.

Mr. Downey: If she's operating without a C.O. the Town can do something about it

Mr. Bernas: How about a sign permit? Same category. Someone's operating without a legal sign permit. I'm talking about anybody who isn't in conformance with the Code and they're conducting whatever.

Mr. Downey: They can be cited. They (Code Enforcement) have been citing people.

Mr. Bernas: For signs?

Mr. Downey: Yes, but unless there is some legal questions I don't usually find out about them (citations).

Discussion followed.

Mr. Hopkins asked Mr. Downey who should contact Code Enforcement Officer Ferguson about proceeding with this matter?

Mr. Downey: I'll call him.

Mr. Downey asked about the circumstances at the day care center.

Mrs. Hacker: She had the playground placed in the back of the building on the site plan that was approved, but because it was so wet back there she moved the playground.

Mrs. Hacker: Is there any further business for this evening?

Being none Mr. Stringfellow made a motion to adjourn at 9:03 PM, seconded by Mr. Chelus.

Respectfully submitted,

Timothy Kirst

Secretary

TK:tf