

## Planning Board Minutes October 28, 2003

BOSTON PLANNING BOARD      OCTOBER 28, 2003

PRESENT:      Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Kevin Maxwell, Secretary

Margaret Andrzejewski

Paul Jusko

Jeff Mendola

Michael Pohl

ABSENT:      J. David Early

ALSO    Dennis Kramer    Code Enforcement Officer

PRESENT:      Kelly A. Vacco    Town Attorney

Richard Brox    Planning Consultant

Pearl Emerling    Applicant ? R-O-W Ownership at Hickory Meadows

Maurice Emerling      Applicant ? R-O-W Ownership at Hickory Meadows

Chairman Hacker called the meeting to order at 7:31 P.M.

## MINUTES

Chairman Hacker asked if there were any additions or corrections to the minutes of September 9, 2003. Being none Mr. Jusko made a motion to approve the minutes, second by Mrs. Andrzejewski. All in favor.

## CORRESPONDENCE

Secretary Maxwell reported the following correspondence:

- Received Deputy Code Enforcement Lisowski's End of Month Report for September
- Received Code Enforcement Officer Kramer's End of Month Report for September
- Memo dated October 22, 2003 received from Deputy Town Clerk Ellis regarding the Boston Hills Subdivision accompanied by letter dated October 1, 2003 from Erie County Health Department in regards to the Boston Hills Subdivision
- Other correspondence to be read at point in agenda

## PEARL EMERLING ? LOT 14 AT HICKORY MEADOWS

Secretary Maxwell read the following correspondence

- Received letter dated October 23, 2003 asking that the Emerlings be in attendance at this meeting regarding Lot 14 and right of way to National Fuel and Niagara Mohawk
- Received letter dated October 2, 2003 from Hickory Meadows LLC preparing an update on Lot 14 ? perspective buyer cancelled purchase due to the liability of the right of way

Chairman Hacker asked for discussion.

Mr. Jusko asked the difference between changing ownership versus creating a 75 foot right of way. Is this any change from the prior request?

Mrs. Vacco: from the original request there is no change, the same issues exist as pointed out in the Engineer's letter.

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Lot #14, con?t.

Mr. Mendola asked if any of those concerns had been addressed.

Mr. Pohl said that the drainage issues are being addressed.

Mrs. Vacco said the issues are being addressed but it would be premature to say that they had been resolved, but they certainly are being addressed; and am confident that the subdivision will continue to prosper. Mrs. Vacco added that she has a letter from the Engineers that will be distributed to the Town Board which will probably be referred to the Planning Board.

Mr. Maxwell said that the Town Officials completed a walk through, a proposal was completed and presented and now awaiting action.

Mr. Jusko: reverting to the original ownership, who would that be?

Mr. Maxwell: Hickory Meadows LLC

Mr. Jusko: who owns it now?

Mr. Maxwell: technically Hickory Meadows LLC owns lot #14, what they want to do is retain ownership of the 75 feet, and adjust the line of lot 14.

Mrs. Hacker: so lot 14 would change and become smaller by the 75 feet? That would still be building lot size?

Mr. Emerling said that it would as it is slightly over an acre. He displayed the current engineer's map dated October 22, 2003 and explained that there is a swale for drainage.

Mrs. Hacker stated, according to this map the original lot size was 1.65 acres and now the lot size is at 1.08 acres, it is keeping in size to the adjoining lots.

Discussion followed about the liability and who is responsible for taxes and maintenance on the easement.

Mr. Mendola stated that the area above the power line is in the view shed.

Discussion followed regarding R1 versus R2 Zoning.

Mrs. Hacker explained to Mr. Emerling that by creating a 75 foot lot it would be creating a window for a driveway, if we maintain the 30-foot easement and make that a separate non-build able lot there would be no liability to either property owner, the Emerlings would be the owners of that 30-foot parcel and would give them access to the above property.

Mr. Emerling: what about the drainage?

Mrs. Hacker: giving you 75 feet is not going to make any difference in the drainage situation. There is always going to be runoff from that hill.

Mr. Jusko made a motion that discussion on the application be tabled until the drainage is completely explained and the project is completed through the Town Engineers office and returned to us to act upon. Seconded by Mr. Stringfellow. Mr. Maxwell abstained from voting, all others were in favor of the motion.

#### NOVEMBER / DECEMBER MEETING SCHEDULE

Mrs. Hacker asked for known absences for the meetings in November and December.

By consensus, the December 23rd meeting will be cancelled, the remaining three meetings will be scheduled as usual, depending on agenda.

CODE ENFORCEMENT KRAMER

Mr. Kramer said that he has had calls from CVS. They are considering building on Boston State Road next to Wittmeyer Jewelry. They are looking at the property where the florist currently is and the next building.

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Code Enforcement Officer Kramer, con?t.

Mr. Mendola asked about the parking at Nick Charlap?s.

Mrs. Vacco said that she had sent him a letter asking him to come to the Planning Board with his as-built site for their review.

Mr. Kramer will get back to Mr. Charlap.

Mrs. Hacker said that she has received phone calls about the parking situation at ?The Three Girls Caf  ?.

Mr. Kramer said that he has talked to Mr. Thompson about parking and striping at that location. Mr. Thompson indicated that he had someone all lined up to do the striping.

Mrs. Vacco will send a letter to the owners of ?The Three Girls Caf  ? asking for a permanent solution be installed to deter the existing parking problem on the corner of Boston State Road and Valley View Lane.

Mrs. Hacker asked that all the members take the time to read the Erie County Health Department letter that was sent to Gary Eckis.

Mrs. Hacker said that she attended Southtowns Planning and Development Meeting she reported interesting topics of discussion:

- Street naming and numbering
- Eden Windmill moratorium ? they have a major problem with cell phone towers

Mrs. Hacker asked about the Tomasello property.

Mrs. Vacco said that Mr. Tomasello has had court dates but they keep being adjourned.

Mrs. Hacker asked if the tenant can be evicted?

Mrs. Vacco said that the tenant is not at fault, but the property owner.

Mr. Jusko made a motion to adjourn at 8:25 P.M., second by Mr. Maxwell. All were in favor.

#### BROX CONTRACT

Mr. Maxwell made a motion to reopen the meeting, second by Mr. Stringfellow.

Secretary Maxwell read Mr. Brox's letter dated August 16, 2003 requesting reappointment as Planning Consultant.

Chairman Hacker asked for discussion.

Mr. Jusko made a motion to recommend that Mr. Brox's contract, as Planning Consultant, be renewed as written. Seconded by Mr. Stringfellow. All in Favor

Mr. Jusko made a motion to adjourn at 8:32 P.M., seconded by Mr. Maxwell. All in favor.

Respectfully submitted,

Kevin G. Maxwell

Recording Secretary

KGM:tjf