

Planning Board Minutes October 28, 2008

BOSTON PLANNING BOARD OCTOBER 28, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Bill McGirr

David Ruzzine

EXCUSED: David Bernas

Mark Coppola

Richard Skinner

ABSENT: Jonathan King

ALSO Brian Downey Town Attorney

PRESENT: Thelma Faulring Secretary to the Boards and Committees

Glenn Christner Architect ? Glad You?re Hair ? 7166 Boston State Road

Theresa Betz Owner ? Kids Country Child Care ? 7346 Boston State Road

Donna Hartnett Attorney ? 7346 Boston State Road

Chairman Hacker called the meeting to order at 7:36 P.M. and appointed David Ruzzine to act as a regular voting member for this evening?s meeting.

MINUTES

Chairman Hacker asked if there were any corrections or additions to the minutes of October 14, 2008.

Mr. Downey had one minor change to the minutes.

Mrs. Hacker made a motion to accept the minutes with that one change, seconded by Mr. McGirr and carried.

GENERAL CORRESPONDENCE

Mrs. Hacker read the following:

? Deputy Code Enforcement Officers? Juda and Lisowski end of month reports for August and September

? Code Enforcement Officer Ferguson?s end of month report for August and September

GLAD YOU'RE HAIR - 7164 BOSTON STATE ROAD

Mrs. Hacker read the following correspondence:

? Final Site Plan revisions from Glenn Christner dated October 15, 2008

o Including page 1.1

? Richard Brox review dated October 21, 2008

? Planning Board letter dated October 23, 2008 to Glenn Christner requesting that he or Mr. Brunner be in attendance at this evening?s meeting

? Don Hoefler @ TVGA review dated October 27, 2008

Mrs. Hacker: I am in agreement with Mr. Brox?s comment about the restriction that no further subdivision of this parcel be allowed.

Mr. Christner: We have no plans to.

Mrs. Hacker: The number of final plumbing fixtures needs to be determined. Doesn?t that have to be decided in the Final Site plan? The number of faucets and sinks is going to change the water flow of the building. Doesn?t that need to be addressed?

Mr. Christner: It won?t change the location of the utility.

Mrs. Hacker: It wouldn't change the size of the amount of drainage needed? If there are five extra sinks, I'm thinking there needs to be a bigger drain.

Mr. Christner: No. We will not need a larger than four inch. There are a number of stations in this. Four inch is standard and there are no floor drains. There is a shower in there that will be used infrequently.

Mrs. Hacker: It says that the door from the new basement will have a floor drain in the foundation drain and sump.

Mr. Christner: Right. There are no floor drains into the sanitary sewer.

Mr. Stringfellow: You have the project, essentially, in three phases and the detention pond doesn't go in until you build the parking lot in phase 3. We do not want to see phase 1 and phase 2 done and you don't do phase 3. We want to see the project go all the way through.

Mr. Christner: We can't do business without a parking lot.

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Mr. Stringfellow: We have on other projects approved phase 1 with a phase 2 or 3 to be approved later, and in that case they had to have the detention in phase 1. I think what your intention is to build the new building so that you can move the business into the new building and then move the old building.

Mr. Christner: That's correct.

Mrs. Hacker: What kind of a timetable do you have on the phases?

Mr. Christner: We will probably be starting in the late winter, spring now. I think that we would have it in a month, so start early spring and then late summer move the building and do the parking lot.

Mr. Stringfellow: Do you anticipate any major stops between phase 1, 2 or 3?

Mr. Christner: No.

Mr. Downey: When you approve it, I believe that you are looking at this as a whole project versus separate phases. The other situation that you had mentioned because they were asking to have one phase approved, you had to look at that as a complete project, not which was independent of the other

ones. In this case we are not doing that; and so it would be approved as whole project. So if he does not complete the whole project, then he would be in violation for non-completion of the site plan.

Mrs. Hacker: So his stating phase 1, 2, and 3 is his way of telling us how this project will be moving along. We are not approving this plan as a three phase project?

Mr. Downey: You're not approving it as an independent three phase project. The phases were more for him in planning and an engineering issue. As far as when you're approving it, you're looking at the entire project and it will be approved as an entire project, which has three phases. If it's not done, he can't pick and choose. It would be a violation and he would have to come back and make a request to change it and there is no guarantee it would be approved; and so he would have an outstanding violation.

Mr. Christner: I've dealt with projects that involve a demolition of a structure and some committees have requested that there's a Bond for the demolition. I think that Mr. Brunner's design was to get a functional parking lot that the addition was not going to have. That's what he wants

Discussion followed regarding acceptance of the current page 1.1.

Mr. Downey: It shows the scale at the bottom, 1 inch equals forty feet. It can be hand drawn; it has the seal on it. It's just a matter of it having everything that we want.

Mr. Stringfellow: If there are no further comments I will make a motion that we recommend approval subject to meeting the conditions outlined in the TVGA letter

Mr. McGirr: Second.

Mr. Downey: Just to clarify. Is that the October 27 letter?

Mr. Stringfellow: Yes.

Mr. McGirr asked to have the letter read again.

Mrs. Hacker read the TVGA review and added that the Richard Brox review dated October 21, 2008 included a suggestion of restricting further subdivision of the parcel.

Mr. Stringfellow: I will move that we recommend that the Town Board approve the Glad You're Final site Plans subject to the conditions outlined in the TVGA letter of October 27, 2008 and in the letter dated October 21, 2008 from Town Planner Brox, essentially no further subdivision will be allowed.

Mr. McGirr: I'll second that.

All members present voted that a favorable recommendation be sent to the Town Board.

KIDS COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Mrs. Hacker read the correspondence:

? Planning Board letter dated October 23, 2008 to Donna Hartnett requesting that she or Ms. Betz be in attendance at this evening?s meeting

Mrs. Hacker asked for questions or comments.

Mr. Stringfellow: I think the as-built site plan is acceptable. One point, at the previous meeting it was stated that this drawing would replace one of the drawings in the approved site plan. Since that would make a set with one inconsistent from the others, I would recommend that this be filed with the original site plan, and that the whole original site plan be kept.

Mrs. Hacker: That is something Thelma does maintain and it will be filed accordingly by the address, and all papers will be included in the file.

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Mrs. Hacker: Are there any further questions or comments?

Mrs. Hacker: I would like to put a motion to this Board that we accept the as-built site plan, in addition to the original paperwork that we have for Kids? Country Child Care at 7346 Boston State Road and that we accept this as complete and forward this to the Town Board their acceptance.

Discussion followed regarding whether or not the as-built site plan had to be forwarded to the Town Board.

Mrs. Hacker read Town Code Section 123-169 (Site Plan Revisions) which states: ?A property owner wishing to make any changes in an approved site plan shall submit a revised site plan to the Town Board for review and approval.?

Mrs. Hacker: So it is this Board's understanding that we need to send our recommendation of acceptance to the Town Board.

Mrs. Hacker: There is a motion, is there a second.

Mr. Stringfellow: I'll second.

All members present were in favor of the motion.

Ms. Hartnett: One more question. The permanent Certificate of Occupancy was resting on this final approval. Would that follow?

Mrs. Hacker: It will go to the Town Board for their approval. Immediately thereafter the Code Enforcement Officer will issue that for you.

Mr. Downey: If there are any issues follow them up with Code Enforcement. Because once it leaves here they don't deal with the C.O.'s here. The next Town Board meeting will be November 5th.

Secretary Faulring: If this is being referred to the Town Board, then I have to have eight more copies to sent along with the recommendation.

The Planning Board members returned their copies to the secretary to send to the Town Board.

LIAISON ? COUNCILWOMAN MAGHRAN

Mrs. Maghran was out ill with the flu.

TOWN ATTORNEY DOWNEY

Mr. Downey had nothing further to report.

Chairman Hacker: Is there anything further for this evening.

Mr. Stringfellow: I make a motion to adjourn (8:02PM).

Mrs. Hacker: I'll second, we are adjourned.

Chairman Hacker: We are re-opening the meeting at 8:07 PM with Bill McGirr, David Ruzzine, David Stringfellow, myself, Brian Downey and Thelma in attendance. We need to add to our approval of the as-built site plan for Kid's Country Child Care, is the fact that we accepted sheet 1.1 locating adjacent property owners. This sheet is missing the property owner name at 7336 Boston State Road because the building was not on the premises at the time of the approval of the original site plan.

Mrs. Hacker: I will make a motion that we adjourn for a second time at 8:09 PM. Could I have a second?

Mr. Ruzzine: I second.

Mrs. Hacker: Thank you. We are adjourned.

Respectfully submitted,

Thelma Faulring

Secretary to the Board and Committees