

PRESENT: Patricia Hacker, Vice Chairman  
Kevin Maxwell, Secretary  
Margaret Andrzejewski  
J. David Early  
Jeff Mendola  
Michael Pohl  
David Stringfellow

ALSO PRESENT: Councilman Dennis Mead      Town Board Liaison  
Richard Brox      Planning Consultant  
Jeff Pfeiffer      Mobiletech Communications  
Jay Pohlman      Attorney for Pinecrest Subdivision

EXCUSED: Paul Jusko

Vice Chairman Hacker called the meeting to order at 7:30 P.M.

**MINUTES**

Vice Chairman Hacker asked if there were any additions or corrections to the minutes of September 24, 2002. Being none Mr. Maxwell made a motion to accept the minutes, second by Mrs. Andrzejewski. All in favor.

**CORRESPONDENCE**

Secretary Maxwell reported the following correspondence:

- Letter dated September 25, 2002 to the Town Board recommending renewal of Richard Brox contract
- Letter dated September 25, 2002 to the Town Board recommending approval of application by Kirst Construction for improvements to building at 7170 Boston State Road
- Letter dated October 1, 2002 to William McCauley stating the Planning Board's recommendation for sub-division of property
- Letter dated October 1, 2002 to Town Board regarding Special Permit at 7812 Eddy Road
- Letter dated October 3, 2002 from William McCauley stating that he had been out of Town and was unable attend the Planning Board meeting of September 24, 2002
- Other correspondence to be read at point in agenda

**LIAISON – COUNCILMAN MEAD**

Councilman Mead reported from the Town Board meeting of October 2, 2002:

- Approved Wittmeyer Jewelry application based on this Board's recommendation
- Approved Kirst application at 7170 Boston State Road
- Unsafe structure at 9424 Boston State Road has been removed by the resident
- Tabled decision on Boston Grille application pending receipt of reply from Mr. Brox, as requested by the Town Board

Mr. Brox stated that he had responded to Town Clerk Shenk's letter, with a copy, of that letter, going to the applicant.

MOBILETECH COMMUNICATIONS – CO-LOCATION AT 6405 WARD ROAD

Secretary Maxwell read letter dated October 1, 2002 advising Mobiletech that they would be on agenda for October 8, 2002.

Mrs. Hacker asked for questions.

Mr. Stringfellow asked what is being proposed for installation on the tower.

Mr. Pfeiffer responded with the following to the many questions asked by this Board:

- 9 (nine) foot antenna, which is similar to the FBI antenna, only this would be smaller
- will stand about 1 (one) foot off tower
- vertical pole
- 150 megahertz
- at 170 foot height
- two-way radio type of repeater
- some e-mail
- vehicle location
- different than anything else that is already on tower

Mr. Brox stated that this, then, is not Public Broadcasting so propagation study is not necessary.

Mr. Pfeiffer added that there is only one small feed line that goes down the tower and all other equipment would be inside the building.

Mr. Maxwell said that this Board has still not received the information requested from SBA regarding what is currently on the tower. The last co-location application was recommended, contingent on receipt of this information.

Mrs. Hacker said that it was her understanding that Mr. Perley was going to get this information. Councilman Mead said that Mr. Perley said that he has received this information, but has yet to review it.

Mr. Maxwell asked if there is an application fee with this type of application.

Mr. Pfeiffer said that a fee has already been paid.

Mr. Maxwell asked Mr. Mead, as a member of the Town Board, to obtain and relay this information to the Planning Board.

Mr. Stringfellow suggested that the Town Board adopt a policy stating: that if equipment is put on a tower in the Town of Boston without proper permit, the equipment must be removed from the Town of Boston before we will accept an application for review.

Mr. Maxwell asked, for any future equipment? Mr. Stringfellow said, no the equipment that is there now without a permit. Mrs. Hacker said that it might be too late, as these co-locators have probably been contacted by now. Councilman Mead said that he would find out, from Mr. Perley, if these companies have been contacted.

Mrs. Hacker asked for a motion.

Mr. Maxwell said that in fairness to this applicant he would make a motion to send a favorable recommendation, for the Mobiletech application, to the Town Board in that the proper application has been filed, and with the appropriate fee, seconded by Mr. Stringfellow. All in favor.

Mr. Maxwell asked that the letter to the Town Board include a request for proper inventory of all existing locators and verification that all fees have been paid. Additionally, that this Board receive a letter, from the Town Clerk, verifying that all existing locators have an application on file and fees have been received, prior to any additional reviews by the Planning Board, in regards to this location.

PINECREST SUB-DIVISION

Jay Pohlman, attorney for the Pinecrest applicant John Less said that he was present with two requests for this Board: 1.) first and foremost the development of the lot that is furthest south on the existing West Lane go forward as it presently exists with the existing roadway, as part of the overall subdivision, but we'd like to move it through Phase 1 and propose to submit a survey and plan as if it were almost a minor subdivision, so that it can get on the drawing board and get through the process and can be build upon; and, 2.) then we come back with the overall, which we intend to do today, this is how we want to lay out the subdivision, and come in with the balance of what will now be 9 (nine) lots based on what we decided a long time ago. In putting this to nine lots, from eleven, we eliminate two of the main access easements by combining lots 9 and 10, and lots 3 and 2, the suggestion being let's not try to go over this rough topography, we don't have the cul d' sac where Wallace's house is, and let's not encroach on the backyards of 19 more existing Pinecrest residents, let's try to make this combination of lots work, and cut our problems measurably based on the input and concerns expressed previously by this Board. But if you tell me tonight, we don't want any access easements then even this modified plan will not work. Mr. Pohlman continued, all of the lots are  $\frac{3}{4}$  of an acre, some of them as combined will be almost 3 (three) acres, it's more than the existing size of most of the lots in the present Pinecrest subdivision, it's in conformance, it's zoned R-1 and it basically just wraps around the existing Wallace lot at the end of the Pinecrest 'T', in the back portion and then ties in at part to West Lane.

Mr. Brox said that he reviewed the letter of 1998, and the topography map that he received at the last meeting from Mr. Pohlman. He said that he stood by his letter of 1998, that this should be built as a subdivision with Town roads and no access easements. The topography is not that severe that it can't be built as a subdivision, eliminating all Town problems in the future with someone moving in and asking why didn't the Town plow our access. Future residents don't want to hear, 'the Town doesn't own it.' Mr. Brox added, the only downside is to the owner, who is not going to want a road all around his house. Mrs. Hacker asked how large is the property that would have the road going around it.

Mr. Pohlman said about two acres, he added that the distance of road, the problem is how to lay it out, such that you make it viable as not being a surround sound for this existing (Wallace) home (property on map that says not included in subdivision).

Mr. Pohlman stated that if this Board is adamant about no access road, then a road would have to be designed that follows the extension of West Lane north, and make the turn, in what's shown on the map, as 8 which would probably be 7, for the plow turn and follow all the highway code requirements under the code and would probably have to do the same thing off of the north end of the Pinecrest 'T' to tie in serve 9 and 10, which may or may not then be able to be divided into two.

Mr. Brox drew a suggested road on maps being reviewed, which added another lot to proposed subdivision.

Mr. Maxwell said that a variance would have to be obtained because there would not be proper road frontage. Discussion followed about width of front lot line and building line, and which prevails. Mr. Stringfellow directed the members to Town Code Section 123-19 C.

Councilman Mead asked about the possibility of building a road. Mr. Pohlman said 'no developer is going to build a road that services houses on one side, it's not economically feasible, but Mr. Brox has a good point with the additional lot, the problem is that there would be smaller lots, which are not desirable. Secondly, if you take it around there's going to have to be something done with the drainage and spanning what's going on to make it work from an engineering standpoint, and that's something the engineers will have to look at if the access easement isn't feasible.'

Several individual discussions followed.

Mr. Early said, 'to make it clear to Mr. Pohlman, do we want access easements in this subdivision?' There was not a formal vote taken, but the consensus was 'no'.

**Pinecrest Subdivision, con't**

Mr. Pohlman asked if whether or not the applicant could proceed to develop lot 4N.

Mr. Stringfellow asked if 4N has frontage on the public road now? Mr. Pohlman said yes, but I can't tell you how far it goes.

Mr. Maxwell said that after reviewing the subdivision map of 1967, that it appears that lot is already included in the subdivision. He suggested to Mr. Pohlman to research that possibility before going forward.

Mr. Pohlman asked if the Board has a problem with phasing this lot into the subdivision so that construction could begin on this lot, while the engineering and design continues on the balance of the subdivision.

Review of the map and several more discussions followed.

Mr. Pohlman asked, 'conceptually, is it okay with this Board, to come in with one lot, and then come in with the balance of the subdivision after research is done.'

Mr. Pohl said as long as the configuration is exactly the same and we have an idea what has been subdivided and where it relates to those lots.

Mr. Early had a concern with snowplowing.

Mr. Brox stated 'if this lot is on filed subdivision map, that lot is in existence and can be built on even if it has 85 feet of frontage, because it is a lot of record which makes it a legal lot.'

Further review of the map and more discussion, of the same manner continued.

Mrs. Hacker concluded this review by saying that she believes that this Board is not in favor of access easements, but would consider a cul d' sac with each lot having some public road frontage.

Mr. Maxwell made a motion to table discussion until further information is received from Mr. Pohlman, seconded by Mrs. Andrzejewski. All in favor.

Vice Chairman Hacker asked if there were any further business to be brought before this Board.

Councilman Mead informed this Board that Nick Charlap is planning to move back to the Charlap Dairy location. Mr. Charlap's intention is turn it into a snack bar as he has now at the Nicky C's location. He is planning on remodeling the Dairy location.

Mr. Maxwell advised Mr. Mead that Mr. Charlap would be expected to follow the proper application procedure, and that ingress/egress would be an issue.

Mrs. Hacker asked if the current owner at Charlap Dairy went through a change of use request. Mr. Maxwell stated that there was no change of use, as originally expected.

Vice Chairman Hacker asked if there were any further business to be brought before this Board.

Mr. Maxwell stated that the Three Girls Café has expanded the parking lot at that location, now exiting on to a residential street. There are already problems with cars parking there and blocking the entry to the street. They have taken away from the green space; a catch basin was covered and that will eventually affect drainage.

**BOSTON PLANNING BOARD**

**OCTOBER 8, 2002**

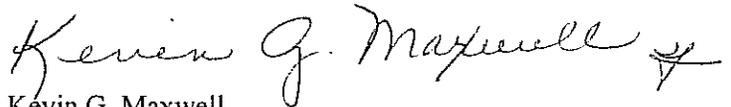
Mrs. Hacker said that at the time of the site plan review for this application the operators of the business stated that the parking lot would not go behind the building.

Mr. Maxwell added, 'this type of action shows no respect to the Planning Board process of site plan review.'

Vice Chairman Hacker asked if there were any further business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn at 8:34 P.M., second by Mr. Pohl. All in favor.

Respectfully Submitted,



Kevin G. Maxwell  
Secretary

KGM:tjf

