

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

EXCUSED: Patricia Hacker
Paul Jusko

ALSO	Councilman Dennis Mead	Town Board Liaison
PRESENT:	Dennis Kramer	Code Enforcement Officer
	Richard Brox	Planning Consultant
	John Less	Pinecrest Sub-division Developer
	Jay Pohlman	Attorney for John Less

Mr. Maxwell called the meeting to order at 7:30 P.M.

MINUTES

Secretary Maxwell asked if there were any additions or corrections to the minutes of August 13, 2002. Being none Mr. Stringfellow made a motion to accept the minutes, second by Mr. Early. All in favor.

CORRESPONDENCE

Mr. Maxwell reported the following correspondence:

- 9/5/02 letter from Chairman Jusko requesting members to advise of known absences at future meetings
- 8/16/02 letter to William McCauley advising of receipt of request
- Other correspondence to be read at point in agenda

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board meeting of September 4, 2002:

- Referred to Planning Board – request from Warren Steinberg request for dumping permit
- Public Hearing for topsoil screening permit request by Sharco Enterprises Approved
- Public Hearing for Verizon application for modification to telecommunications facility on Cole Road. Tabled

PINECREST SUB-DIVISION

Mr. Maxwell read the letter sent to Mr. Pohlman requesting his attendance at tonight's meeting for discussion.

Pinecrest Sub-division, con't.

Mr. Pohlman speaking for John Less, owner of the acreage surrounding the existing end of the Pinecrest Sub-division. Mr. Pohlman displayed a conceptual sub-division plan and explained that Mr. Less is proposing an 11 lot sub-division that would take advantage of some of the access points off of the 'T' at the end of Pinecrest Terrace and the stub off West Lane with possible connections running between an access easement serving the rest of the properties. We have been waiting 21/2 years for the digitized contours, and now are back with a proposal. There will be a lot of engineering because of the necessity of making sure all this access works for a safety issue; from an engineering stand point for your review; from a landscape idea; and to maintain the integrity of the Pinecrest sub-division.

The proposed lot sizes would be from 3/4 acre to an acre and a half. In the interim, because of the low interest and the other availability of lots in the Southtowns, Mr. Less has been approached by builders, in order to take advantage of low interest rates, to build homes on these lots. We are asking if there is any reason that this Board would not be comfortable with phasing in the first three lots; lot 4 already sits on an existing road, in addition there is now access to lot 11 and lot 2, which may or may not be doubled to eliminate the backyard lot behind Mr. Salisbury's property.

Mr. Maxwell asked for specific explanation of lots.

Mr. Pohlman – the first would be on the south on the existing West Lane; we would also like to consider the lot north which would have a driveway or an access easement; and lot 11, the furthest to the north; and the lot to the south on the other end of the Pinecrest 'T'. It is not certain, from an engineering standpoint, if all four lots would work.

Mr. Maxwell asked if the access easements shown on the map, are access easements that have been granted to the Town or are the proposed access easements to the property? Mr. Pohlman said they are proposed access easements to the property.

Mr. Stringfellow said the more obvious course of action would be go through the access easement around the existing lot and connect to West Lane and there would be frontage for all the lots.

Mr. Pohlman said that couldn't be done because of the topography.

Mr. Stringfellow said that Mr. Less could have put a road on the property that was sold to Mr. Wallace. Mr. Pohlman replied, yes.

Mr. Stringfellow added, now Mr. Less wants to build all these houses and doesn't want to build roads.

Mr. Brox asked how Mr. Less get around the fact the County of Erie requires public roads for the sewer lines and water lines?

Mr. Pohlman said, back in 1998 we went through all these same questions as we went through the process, and we worked through all those answers and came up with the how-tos. I will be happy to get out those minutes and get this information to all of you. At this point this is what we have and this is the best proposal that we think maximizes the lots, in keeping with the type of home that's there, the value of the home and protects those existing and new homeowners from having any problem with roads in their backyards.

Mr. Early – so how do answer Mr. Brox question?

Mr. Pohlman – At this point, there is no way to answer it. Yes, if we could have done it at that point, if that would have been a possibility, certainly you would have circled Pinecrest Terrace and put a cul-d-sac in or tied it into West Lane.

Mr. Early – but if you want to do all the property that you're looking at in total, it doesn't look like there would be any success in doing that without having a road around the middle property.

Mr. Pohlman – because of the engineering, and because of that problem, that is why the access easement was put forth when we went to engineering and to the Town Attorney and spoke about this particular site and its unique nature.

Pinecrest Sub-division, con't.

Mr. Maxwell stated that the sub-division comes before the Planning Board and is controlled by the Planning Board, so really what you have here is one lot as Mr. Stringfellow mentioned, that conforms to Town Code. As I recall, we discussed adjacent land, which I believe is to the west, and possibly purchasing some of that land to make the loop and to make this plan work. Has any of that ever been looked at?

Mr. Pohlman – is has not, there were problems back then with wetlands on that particular part of the property. But in the Supreme Court ruling earlier this year some of the wetlands requirements have been backed off significantly, and it's not something we broach. One of the neighbors expressed that they didn't want a big Pinecrest, they want to keep it unique, they wanted to keep it in the same character so we are trying to do that as well, both in the number and size of lots that are put in.

Mr. Brox – have you approached the Town Board under a request for an open area development under 280 A of the General Municipal Law?

Mr. Pohlman – we have because we wanted to talk with this Board first about the layout, the concept and get your feelings before we went to the Town Board. We have mirrored it after four existing developments in Boston to make sure that there is no problems especially with future homeowners, with utilities, with fire service, with access and all those types of things.

Mr. Early - If I remember correctly, the main thing we were looking at was a loop around the middle property.

Mr. Pohlman – in the very beginning that was the original concept, to do the loop.

Mr. Maxwell – we also talked about coming in West Lane and putting in a cul-d-sac to access those back properties.

Mr. Pohlman – and that still might happen.

Mr. Pohlman – I am not asking for a conceptual on lot 11. I am asking for you to consider the existing first phase, with no commitment, only looking at it from a conceptual standpoint. I do not want to come here and piecemeal.

Mr. Maxwell – this is a preliminary discussion and goes back to 1998. I would be of the opinion that we will not give you any kind of approvals for what your suggesting at this point. We really have to review this. We are not in a position tonight to even discuss the four lots, we have to look at it overall and 280 A. My understanding is any and all sub-divisions are subject to Planning Board approval.

Mr. Brox suggested that all members review the information from 1998.

Mr. Pohlman – we are not asking for approval, we are letting you know what we would like to do so you know what we're intending on the overall. If you are satisfied with the overall approach but within side of that various phases and maybe it breaks down to a third because but we would like to get the lot off of West Lane up and running.

Mr. Maxwell – you can make an application to us to modify the existing sub-division plan, to bring in this individual lot into this existing sub-division. The other lots are clearly a new sub-division of the land and would be subject to Chapter 104.

Mr. Maxwell asked that the material from 1998 – 2000 be sent to all Planning Board members for review.

Mr. Stringfellow made a motion to table further discussion, seconded by Mr. Early. All in favor.

WITTMAYER JEWELERS

Mr. Maxwell read the following correspondence:

- Notice of Decision from the Zoning Board of Appeals, variance request for wall coverage was granted
- August 13, 2002 letter from Chairman Jusko to Mr. Wittmeyer requesting additional information and a new site plan
- August 10, 2002 letter from Mr. Wittmeyer

Wittmeyer Jewelers, con't.

- o including a letter of intent
- o site plan indicating 2 handicapped parking spots
- o installation of wheel chair ramp measuring 6 feet by 30 inches, made of concrete
- o adherence to store lighting schedule
- o median shown, but never in place
- o driveway has been recoated and relined
- o no structural changes to building or grounds

Mr. Maxwell stated that Mr. Wittmeyer has responded to, and has met this Board's request. He asked if there were any other concerns, since the sign coverage has been approved?

Mr. Early asked if there is any change of the traffic pattern off Boston State Road. Mr. Maxwell said that it was his understanding that there is not any change from what the bank traffic flow previously.

Mr. Maxwell asked for a motion.

Mr. Stringfellow made a motion to recommend approval on the request for the change of use permit at 7186 Boston State Road as Mr. Wittmeyer has met this Board's request for a site plan and has received approval from the Zoning Board of Appeals, a variance for exceeding the maximum wall coverage. Mr. Stringfellow added the following stipulations:

- Strict adherence to operational hours as recorded in the Zoning Board of Appeals Public Hearing minutes of September 5, 2002
- Lights are on timer and are to shut off as proposed

Mr. Pohl seconded the motion. All were in favor.

WARREN STEINBERG – SPECIAL PERMIT REQUEST

Mr. Maxwell said there is a new code in the books for dumping applications, Chapter 123 –126.

Mr. Maxwell said he would like to have the following information:

- How much fill is actually going in
- To what elevation
- Where is the location of the house

Mr. Brox asked how much fill would be needed and what about the runoff.

Mr. Kramer said that he could probably use 70 truck loads. He added that he didn't believe there would be a runoff problem because of a ravine on the property.

Mr. Early suggested that there be an on site visit.

Mr. Kramer said that the house is already under construction.

Mr. Maxwell scheduled an on site visit at 7812 Eddy Road for 7:00 P.M. on September 24, 2002. He asked that Mr. Steinberg be advised, in writing, of the on site visit.

Mr. Early made a motion to table discussion until after the inspection, second by Mr. Stringfellow. All in favor.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that he had been given a set of drawing from Don Kirst, owner of the strip mall in North Boston.

The new plan is to replace the existing façade on the front of the building, which is pulling away from the top of the building. In addition too, repairing the holes that are in the roof, left from the removal of the Brunner Pizza equipment and to install a new dryvit front and repair the roof.

Mr. Kramer said that signage would be the same, letters over each business. Mr. Kirst's concern is time.

Mr. Maxwell asked under what section do we act on major renovation.

Mr. Kramer said that a building permit is required and because it is commercial property.

Mr. Brox said that it would have to be referred to the Town Board and sent back to the Planning Board for site plan review on September 24, 2002.

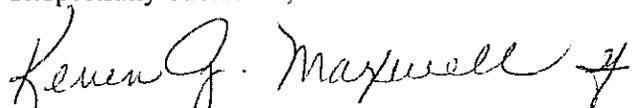
Mr. Brox asked if there were any set back concern.

Mr. Maxwell asked Mr. Kramer to contact Mr. Kirst for a survey, which would show if the new façade extends further than the old.

Mr. Maxwell asked if there were any further business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn at 8:20 P.M., second by Mr. Early. All in favor.

Respectfully Submitted,



Kevin G. Maxwell

Secretary

KGM:tjf

