

Planning Board Minutes September 12, 2006

BOSTON PLANNING BOARD SEPTEMBER 12, 2006

Present: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Robert Chelus

J. David Early

Jeff Mendola

EXCUSED: Tim Kirst

Santo Tricarico

ABSENT: Bill McGirr

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Richard Brox Planning Consultant

Chairman Hacker called the meeting order at 7:31 PM.

MINUTES

Mr. Downey asked if the correct reference is being made in regards to detention/retention ponds?

Mr. Brox: Detention and retention are used interchangeably. A retention pond may be a wet pond; detention ponds are dry ponds all the time; but generally are used interchangeably. On the site plan it

usually says if it's a wet pond or a dry pond, on the veterinary hospital plan it's a dry pond, the water's going to flow in, settle and then leave, it's just going to slow the flow of water off the site, it's not to be a pond with water standing in it.

Mrs. Hacker: Which term should be used?

Mr. Stringfellow: I would say, in this case, detention is more appropriate.

With that discussion Mr. Stringfellow made a motion to accept the minutes with that minor change being made, seconded by Mr. Early and carried.

CORRESPONDENCE

Mrs. Hacker reported the following:

- August End of Month reports from
 - o Code Enforcement Officer Ferguson
 - o Deputy Code Enforcement Officer Lisowski
 - o Deputy Code Enforcement Officer Juda
- Richard Brox letter dated September 11, 2006 requesting reappointment as Planning Consultant

BRANT HODGSON ? SIGN REVIEW FOR 7336 BOSTON STATE ROAD

Mrs. Hacker read the correspondence received from the Sales Manager at Advision ? Manufacturers of Visual Signage.

Mr. Brox: The luminations, as long as it's uniformly lit, it's a permitted sign, it is within the permitted square footage requirements of the Code, and is set back from the front line, so it's a good sign.

Mr. Bernas: Is the front property line the same as the right-of-way?

Mr. Downey: Yes.

Mr. Stringfellow: In the Code Book, there is a section about signs and the required lumens; those numbers were not indicated on the previous submittal, and so, this is his response to my inquiry to Mr. Hodgson. The numbers in Code are exactly the numbers he has indicated in this letter.

Mr. Early had a question on the "future" parking.

Mr. Brox: He may pave those at the beginning, or he may wait until a later date to pave those if they need it; but the parking is adequate without those spaces.

Mr. Stringfellow: The building size had been reduced, and so the parking spaces required changed.

Mr. Stringfellow made a motion to recommend approval of the sign submitted by the Hodgson Agency, seconded by Mr. Mendola and carried.

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LIAISON ? COUNCILMAN HOPKINS

Mr. Hopkins asked if anyone was interested in attending the Natural Resources Conservation Service Conference ? "Planning a Future for Farms in Western New York" on November 9, 2006?

Mr. Hopkins: I think it would be good if a member of the Planning Board, Zoning Board, and maybe a member of the Conservation Advisory Council attended. It really sounds like something this area should be interested in with the farming area we have here, and it also goes along with the proposed Town Law which would increase the size of acreage from three acres to five acres, and the frontage from 75 feet to 100 feet. We haven't passed that law yet, but we have had a Public Hearing on it. The response was toward the negative; the people didn't want it done. It was tabled at the last Board meeting so that the Board members have time to refresh their memories.

Mr. Downey explained that four lots could be sold from a Master lot, within a five-year period, without the creation of a subdivision.

Mrs. Hacker: Who and how are those sales and numbers tracked?

Mr. Brox: Theoretically, the Health Department with their septic permits.

Mr. Downey: In Town we are trying to be much more careful, if someone is breaking out a parcel, we've asked to see the master survey first, because we are also concerned that what people are looking to

do is cut out a part that meets Town Code, but the part that's left doesn't. People have called about it and are not pleased with the answer. I've talked with Bill Ferguson and that's what we're trying to do to get a handle on this; but you can't stop everything.

Mr. Downey and Mr. Brox continued in a lengthy discussion, including subdivision of land.

Mr. Hopkins: The Creekfield Subdivision, the SEQR, we had Dana Darling answer some of the questions that were brought up at the Public Hearing, but some were pretty vague, he actually worked more with Muffett Mauche George.

Mr. Downey: What happened is that previously they had a Public Hearing, and some of the public comments did not get into the paperwork, the comments never came and people are still waiting for the written comments. We asked the developer and the engineer to add those in and then to comment on them. So what they did was add them in the appropriate spots, but there were no reasonable alternatives, and basically the alternatives were "economically unfeasible, we can't do this." Which is really not an answer. So it was sent back and explained to them that they didn't do the reasonable alternative. We suggested that it might help the pace to give better alternatives, it gives more options to the Town Board.

Mrs. Hacker: What kind of timeline until we see them again?

Mr. Downey: They're anxious. We had a letter already to go; they called and asked that we not wait the thirty days, so we dealt with quite quickly, so I think it's thirty days.

Mr. Hopkins: The Police Barracks, we did get the \$50,000 grant for the soccer fields. We're also looking at a walking path, possibly a little theatre.

Mr. Hopkins: Once again I really think it would be a good idea for someone to attend the NRCS Conference. The last thing is the Christmas Lighting Committee is looking for people to help out. There is going to be a meeting Tuesday, September 19 at 7:30 PM. This is a great community service and more people should become involved.

Mr. Bernas: CVS was issued a temporary sign permit for the banner on the front of the building on July 20, 2006, does that mean that it expired on August 20, 2006, why is it still on the building?

Mrs. Hacker: That's a question for Code Enforcement.

Mr. Bernas: Unless something's changed, I put a temporary sign in front of my battery store, I came down and got a permit and I put the sign up; on the 45th day, Butch Lisowski paid me a visit and said your sign is 15 days past due date. I offered him \$15.00; he said, "it doesn't work that way, the sign's gotta go, you're allowed a 30-day permit twice a year." This is going back three years. What aggravates me, as a business person in Town, is the inconsistency in the enforcement of the Code. We've got three Code Enforcement guys running around, and this issue just falls in a heap.

Mr. Hopkins: I'm going to say that these three guys have been busy, and maybe it got past him.

Mr. Bernas: I'm not attacking their work, but it's the idea nobody said anything until I brought it up at the June meeting, then an entire month went by before they got a permit, now they're past the 30 days so I sent an e-mail to Butch (Lisowski) saying "if this is the way it's going to work, let me know because I'll just put a sign up there and wait to get a visit from the Code Enforcement and then I'll get my thirty days and I'll go past it."

Mr. Hopkins: You sent an e-mail?

Mr. Bernas: Code Enforcement doesn't have an e-mail address, so I sent it to the Town and hopefully it gets forwarded. I didn't expect to get an answer. I think what this does, it comes back to the Planning Board and our inability to have teeth in what we say and do. If we put something in print that this is what we decided to be done, and Code Enforcement doesn't follow through with it, so that's why I decided to follow through with it.

Mr. Hopkins: I'll call Bill Ferguson tomorrow.

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DAVE'S NOTES ? DISCUSSION

Mrs. Hacker distributed copies of booklets that Mr. Stringfellow received from the conference at Geneseo in July.

Discussion turned to Association of Towns Meetings in New York City- hand-outs available, materials distributed, various speakers' qualities and topics.

Mrs. Hacker: Does anyone have questions for Dave (Stringfellow)?

Mr. Downey: I think as a Board, you do a lot of good work and you're trying to help people, at the same time, part of problem is that we have people come in here that aren't sophisticated enough to know what's going on; and the second thing is that sometimes they come in and they make part of the changes or whatever, and now we see what they're doing, and we realize now there's something else,

and it causes a problem that we're trying to squeak by ? an example ? I see the letter in here from Foit-Albert regarding the veterinary hospital, and the letter dated August 28, 2006 and that one says the storm water management report does not meet current Town Code; so now that's kind of up in the air, have you received any response back from them?

Mrs. Hacker: None.

Mr. Downey: Now the Town Board approved it based on the?which is not something we like to do and so they did kind of a courtesy. We kind of get with it and when we were doing this I mentioned that you really need to make this an up or down vote, now we have this to kind of see what they're doing. The other thing is that, at least in the Town packet, we had asked how many acres were going to be open space, landscaped, whatever, the plan I looked at had it panned in.

Mr. Bernas: Why would the Town Board approve something over and above the stipulation we put on??

Mr. Downey: They didn't do it over and above, they don't like to do it with stipulations.

Mrs. Hacker: My impression was that we sent it with the conditions, to the Town Board, so that they would be addressed before you even got it, so that you would have the answers in hand. I didn't get that Foit-Albert letter until our mailing came Friday.

Mr. Downey: Right and so what they did is made conditions, but at the same time we have this after the fact letter, that we had contemplated so it's nothing that we hadn't contemplated?.and it's just like we're trying to help, but at the same time I think we really need to let it be known that they need to get these things done and get them in; and I'm really thinking that, and I talked to David , and I almost wonder if we're not giving ourselves enough time? We try to be helpful and tell them that they have to it in 7 days?

Mrs. Hacker: No, it's 10 days before the meeting?

Mr. Brox: The solution to your problem is to get three building inspectors with b?s, that will turn around when someone walks in with their application package, and tell them (the applicant) it's not complete until everything that's required on the check-list and Chapter 97; take it home and bring it back when it's ready, otherwise we're not even going to take a look at it.

Mr. Downey: There's two parts to that: #1 ? I think the current people that are in there are trying to do that, they're trying; and #2 ? you also have a history of how this Board has handled things. So they're saying ?what are you going to do with it?? Part of it is how do we handle these people, we're trying to help them, at the same time we leave ourselves open for these things. I don't think we're giving ourselves enough time, and this last one we got for the changes, by the time we got it and Thelma made copies, mail them out, I think I got it Friday, Saturday?

Mr. Bernas: Patricia put a letter out saying that we approve the hospital with the following contingencies, then three days later we got a letter from Foit-Albert saying there's an issue, which sounds?

Mr. Downey: Although they didn't get it three days later,

Mr. Bernas: This is one of the reasons that we were reluctant to, because I think we all instinctively knew that there could be something else Foit-Albert had, an issue, and it's going to throw a monkey wrench into the whole thing. So where is the project, is it on hold, did they get approval to move forward?

Mr. Downey: They got approval with conditions, airing the stipulations that you put out, but it's not really a good way to do things.

Mrs. Hacker: I called Foit-Albert the next day and asked "what's the deal? I want to know now." Mr. Kinsman wasn't available, he was on vacation. Nobody had it on desk.

Mr. Downey: So this goes back to my concern that we are not giving ourselves enough time. I had one or two days to look at it, review it, but to be honest I didn't have time to look at everything in the plans. I'm wondering with the timeframe that we're telling people, I think we're being too optimistic. We're not getting enough time to make all the copies, it's just not going to happen, depending if it's a holiday, the postman, once it's received you may not have time to review that day, and you try to fit it into your schedule. I don't think we're giving ourselves time to have successful comments; and David has taken the time to do a lot of this, and at times he may be the only one to have the time to go through it; and I don't think it's fair to him always, because eventually he'll burn out. I think we have a rich reserve of knowledge and so on to give people enough time to look at it, and then to comment and then to track it down, because maybe there are things that are so obvious, like he did on the lights, that we could tell them, "look this is a problem, get this back to us and then maybe we can deal with some of that and have it here, so we have an answer instead of waiting for"

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Mrs. Hacker: But that was a specific thing, where this drainage thing was very vague, I mean it was bigger.

Mr. Downey: Right, but the point goes that it gives us time to have little back and forth, and for people to review it. If I'm sitting in court, waiting, I pull it out and look at. We all have a lot of busy lives. So I'm just wondering if we shouldn't extend the period, if it's new it's two weeks, I forget the timeframe.

Mr. Brox: It says two weeks on the '91 version.

Mr. Downey: I think it might be something that you might want to put into Code that you have more time to review it; or on the application indicate that this could be a lengthy process "do not cut yourself short, give yourself, possibly, a number of months for revisions, etc.

Discussion followed regarding submittal timeframe constraints, mailing deadlines, enhancing customer service. Extending the submittal time to 30 days, instead of two weeks for new application submittals, and one week for on-going applications.

Mr. Downey: Has anything been received from Foit-Albert regarding the discrepancy in the deed and the survey.

Mrs. Hacker: No, nothing.

Mr. Stringfellow to Mr. Hopkins and Mr. Downey: When I see a letter that says "the Planning Board recommends approval, contingent on the following" to me that's a check list of 5 items that have to be satisfied before the Town Board is going to approve this.

Mr. Hopkins: We approved upon those contingencies, and we've done that every time this Board sent us something with contingencies. Then it goes to the Code Enforcement Officers to make sure those contingencies are followed before anything else goes through.

Mrs. Hacker: So we have to stop them here at this Board, it snowballs.

Mr. Hopkins: I will call Bill Ferguson, he has to be made aware of this (contingencies). It sounds like her (Dr. Fornes) is already working on this.

Mrs. Hacker: I called her engineer, Aaron, and told them there was a problem with Foit-Albert and my impression was that it was stopped then, because I couldn't get a hold of Scott Kinsman.

Mr. Downey: Going back to the grass, I have it penned in about the amount of grass to be mowed; the problem goes back to people writing on surveys.

Mr. Brox: I think the Planning Board should write the Town Board to amend Section 97-6 to read "at least 30 days prior to the Planning Board meeting."

Mrs. Hacker: I will make that motion as spoken by Mr. Brox, is there a second to the motion? Seconded by Mr. Early and carried.

Mr. Downey: Some Boards, what they do is have one or two people that get each project and shepard it to the Board, that almost become a liaison, or least someone to really look at that project, more than

anyone else, on a rotation situation. If you have a project, you're really going to look at it, but not on every project be that person. I've been on enough boards to know that people burn out.

Mrs. Hacker: Everyone take another look at Dave's notes and maybe we can hit on a topic each time, when we have a light meeting.

OLD BUSINESS

Kids Country Child Care ? 7346 Boston State Road ? nothing new received

Mr. Stringfellow: The Building Inspector's report indicated that he had done an inspection there, it strange that we haven't followed up on a Certificate of Occupancy, and if so how did they get it?

Mrs. Hacker: Is there a motion to adjourn?

Mr. Stringfellow: So moved, seconded by Mr. Chelus and carried.

Respectfully submitted,

Patricia J. Hacker

Chairman

PJH:tjf