

## Planning Board Minutes September 13, 2005

BOSTON PLANNING BOARD SEPTEMBER 13, 2005

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

Michael Pohl, Secretary

David Bernas

Robert Chelus

Tim Kirst

Jeff Mendola

EXCUSED: J. David Early

ALSO Kelly Vacco Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Richard Brox Planning Consultant

Russ Germond Verizon Wireless ? Co-location Project Manager

Daniel Silber Nixon Peabody LLP ? Attorneys Co-location project

Andy Gow Nussbaumer-Clarke ? Tanglewood Acres

Chairman Hacker called the meeting to order at 7:30 PM.

### MINUTES

Being no corrections or additions, Mr. Stringfellow made a motion to accept the minutes of August 23, 2005, seconded by Mr. Chelus and carried.

## CORRESPONDENCE

Mr. Pohl reported the following:

- Letter dated August 25, 2005 from Planning Board to Code Enforcement Officer Dennis Kramer, advising him of this Board's acceptance of the landscape configuration at 5647 Herman Hill Road
- Code Enforcement Officer Kramer's August End of Month Report
- Deputy Code Enforcement Officer Lisowski's August End of Month Report
- Updated Subdivision Check-off list

## LIAISON ? COUNCILMAN HOPKINS

Councilman Hopkins reported that the Town Board accepted the resignation of Paul Speich from the Planning Board.

## VERIZON WIRELESS ? CO-LOCATION AT 6405 WARD ROAD

Mr. Pohl reported the correspondence:

- From Boston Planning Board ? letter dated August 26, 2005 to Dana Campbell at Nixon Peabody, advising of receipt of application and requesting his, or an agent of the applicant, attendance at this evening's meeting
- Letter dated September 10, 2005 ? Richard Brox review

Mr. Brox: There were some minor site plan modifications because of the small building at the base of the tower. The proposed location of the antennae is at the 200 foot mark of a 254-foot tower, so they are not adding to the tower. So my comment was that the Planning Board approve this application.

Mr. Silber and Mr. Germond gave a presentation.

Mrs. Hacker: How much weight can this tower take? Are we at the point where this is going to be the last one?

Mr. Germond: If you look at the structural, I think it says it's at 75% of load of the proposed, with the proposed antennae it will go to 75%.

Discussion followed regarding weight and load on tower.

Mr. Germond: If you look at the tower it's getting pretty loaded. Each tenant on the tower is going to want a certain separation, there can't be overlap, some require more separation than others. I don't want to speak for SBA or anyone else, but it's looking pretty loaded on that tower.

Mr. Brox referred to the SBA report included with the application.

Mrs. Hacker asked if there were any other questions from the Board?

Mrs. Hacker made a motion to recommend, to the Town board, approval of the site plan as presented; and recommend an approval of the Special use Permit, seconded by Mr. Stringfellow and carried.

BOSTON PLANNING BOARD SEPTEMBER 13, 2005

#### PROPOSED TANGLEWOOD ACRES SUBDIVISION

Mr. Pohl reported the correspondence:

- Planning Board letter dated August 18, 2005 to Richard Brox requesting his review
- Planning Board letter dated August 26, 2005 to Highway Superintendent Robert Telaak requesting his review
- Planning Board letter dated August 26, 2005 to Engineer Scott Kinsman at Foit-Albert Associates requesting his review
- Planning Board letter dated September 7, 2005 to Andrew Gow at Nussbaumer and Clarke advising of inclusion on agenda and requesting his attendance
- Richard Brox letter dated September 10, 2005 stating his findings of the review
- Scott Kinsman letter dated September 13, 2005 stating his findings of the review ? not read in its entirety
- No correspondence received from Highway Superintendent Telaak

Mr. Stringfellow:

- All plans are dated February 16, 2005, there is no indication of any revisions
- No signature from Highway Superintendent ? I have questions that need to be discussed with the Superintendent
- Proposed road layout ? the cul-de-sac seems to be a little closer to alignment with the road center, it?s still not perfectly aligned. Specifications should be accepted by Highway Superintendent
- If you scale the width of the road it?s 17 feet, not 24. I paced the road and got 16 feet
- Sheet 4 of 7 Typical 66? R/W shows 70? R/W
- Contour Map ? estimated the highest point at slightly below the 493 (492.8) contour and the lowest point on the other side was 485.4 ? when subtracted get 7.4 feet, in a distance of 120 and that?s 6.165%
- The 18-inch pipe that goes under the entrance of the cul-de-sac has a slope of only 0.4%, is that enough? Mr. Brox ? ?yes.?
- Sewer easement ? is that active so that people can tap into it? Mr. Gow: ?yes?
- Is there any requirement from the Department of Health to tap the sewers.

Mr. Brox: Yes, and there is a fee for each tap in.

Mr. Stringfellow:

- Water service ? all that is shown is extension of where it ends now at the end of Tanglewood ? Water service should be provided for all lots, not just lot 1

Mr. Gow: Water service still is provided, by a push through underneath the road

Discussion followed regarding water service and installation to lots 3 and 4.

Mr. Stringfellow:

- There?s a 15-foot easement around the cul-de-sac for utilities, but the Code says that water and sewer must be contained within the R-O-W and as it stands, does the Town want that easement?

Mr. Brox: Usually the Town wants that easement because it?s difficult to stay within the R-O-W.

Mr. Stringfellow:

- Maplegrove Drive ? any buildings, within so many feet of the Tanglewood property, should be shown
- Identify sewer district Mr. Gow: Shown on sheet 2.
- Gas line that winds up under the cul-de-sac, page 5 of 7 show elevation of cul-de-sac, numbers would indicate that the gas line is only about 2 feet below the bottom of the road base, is that sufficient?

Mr. Gow: Right now this is an existing road that terminates on my clients property; the Town has been pushing snow, it has been allowed to use my clients property to turn around for years, stockpiling snow there. What we're proposing a cul-de-sac, is a tremendous improvement, it's going to help the situation for every person on that street. We're really pushing the envelope, as far as our time frame and getting this in this year.

Mrs. Vacco: By law the Highway Superintendent has to approve.

Mr. Gow: I'm kind of hoping that we can push this along from an engineering standpoint; if we have concerns like this, it would facilitate it on my behalf if I could speak directly to the consultant, go back and forth, make these changes and draft them. If we're making these changes one month at a time it's never going to happen this year; and I'd really like to see it and I know my client is very anxious to get?

Mrs. Hacker: I received a call asking that the Town Engineer report be sent directly to Nussbaumer-Clarke. I do not feel that the Town paid engineering firm report should be bypassing this Board. We have no control over our engineer's timetable. I thought we had to refer to the Town Engineer and he in turn has to return to us.

BOSTON PLANNING BOARD SEPTEMBER 13, 2005

Mrs. Vacco: It does, I think what he's saying is ? these items that we've addressed here tonight, can he get together with the Town Engineer, from this point on as opposed to, coming back here to the next meeting never having conversed with the Town Engineer, only to find out that ??because we trust the Town Engineer, I think that if he has issues that are raised at this meeting, and thereafter, as we've allowed other developers to do, once you have proposed questions to the developer; then they were allowed to contact the Engineers directly as a means of keeping things moving.

Mrs. Hacker: My concern is with the road situation and not having any contact with the Highway Superintendent.

Mr. Gow: An approval could always be contingent upon his approval; we could work out the engineering concerns as far as drainage, as far as grading, we could get a whole lot done in the period of a month, instead of coming back here every two weeks.

Mrs. Hacker: Do we need to see something from Mr. Telaak before he progresses that way?

Mrs. Vacco: The roads are outside of this Board's jurisdiction regardless. I think that you should invite the Highway Superintendent to the next meeting, describing circumstances that we would like to discuss; but you can't dictate the acceptance of the road. You can keep this process moving and that part of the road situation can move on its own, as long as everything marries up at Final Plat stage.

Discussion followed.

SEQR process should have been started, has not been in front of the Town Board. Discussion followed.

Mr. Stringfellow:

- No deed included in package
- Address of sub-divider not shown

Mr. Brox: Somewhere on this plat has to be a signature.

Mr. Kirst: The Code calls for streetlights, however there isn't any on the existing road, is that going to be an issue?

Discussion followed.

Mrs. Vacco: If there is no underground utility installation, it would not be required. Referring to Town Code 104-37.

Mrs. Hacker: We will table until our next meeting on September 27, 2005.

#### NON-AGENDA ITEMS

Mrs. Hacker asked about the addition of member's names on Planning Board letterhead. All in favor.

Mr. Bernas stated that he didn't think an alternate had moved up to replace Margaret Andrzejewski.

(NOTE: There are currently 7 regular members, as required, and one alternate member. Mr. Bernas replaced Mr. Hody, and Mr. Chelus replaced Mrs. Andrzejewski, Mr. Kirst is the only Alternate member at this time).

Mr. Bernas asked about having e-mail addresses so that members could contact each other about issues. Mrs. Vacco stated that this would be a violation of the "open-meeting" requirement, just as an on-site meeting would have to be published in each of the two local newspapers, to meet that requirement.

#### SUBDIVISION CHECK-OFF LIST ? WORK SESSION

Work session tabled until next meeting.

#### OLD BUSINESS

Kids Country Child Care ? 7346 Boston State Road

Still waiting for as-built site plan from owner Theresa Betz.

Mr. Pohl: Were we going to look into whether or not a Certificate of Occupancy was issued?

Mr. Stringfellow: I believe Mr. Kramer stated at the meeting that the owner was at, that he did not issue a C.O.

(NOTE: Please refer to the minutes of May 10, 2005.)

Being no further business Mr. Bernas made a motion to adjourn. Seconded by Mr. Stringfellow. All in favor.

Respectfully submitted,

Michael J. Pohl

MJP:tjf Recording Secretary