

Planning Board Minutes September 13, 2011

BOSTON PLANNING BOARD

September 13, 2011

PRESENT: David Stringfellow. Chairman

Keith Clauss

Jennifer Lucachik

Dr. Paul Ziarnowski

EXCUSED: Robert Chelus

Patricia Hacker

Rich Skinner

ABSENT: Mike Cartechine

Joe Litwin

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

Roy Emerling Applicant ? 9000 Boston State Road

Tony DiPasquale General Manager - 9000 Boston State Road

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Mrs. Lucachik and Dr. Ziarnowski to serve as regular voting members for this evening's meeting.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of August 9, 2011.

Being none, Mr. Clauss made a motion to accept the minutes of August 9, 2011, seconded by Dr. Ziarnowski and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- ? Code Enforcement Officer Ferguson's August end of month report
- ? Reminded members of the training session at Elma Town Hall ? 1600 Bowen Road on September 20 beginning at 6:00 PM
- ? The November meeting is November 8, 2011 and the Town Hall is closed for Election Day, should we plan to have a meeting or cancel?
- o Mr. Stringfellow suggested waiting to see if there is anything that really requires attention

PRELIMINARY DISCUSSION ? EXPANSION AT EMERLING CHEVROLET

Mr. Emerling distributed a project description and a computer energized picture of the new front; floor plan; left, right, front and rear elevations and site plan. These were not seen before this evening and so this discussion is considered ?pre? preliminary. Minutes will not include all names of speakers and most details will be either:

PBM = Planning Board member, Mr. Kobiolka, Mr. Genzel or Mr. Brox;

EC = Emerling Chevrolet Roy Emerling or Tony DiPasquale.

Mr. Emerling: I'm Roy Emerling. General Motors is updating the dealerships across the United States. We are a franchise, we own the dealership my brother and I do. The franchise agreement is that they want to have them look all the same..

PBM: Will you have to close?

EC: There are phases under construction right now in upstate

We'll do trailers or section off inside

Front will be moved out under the overhang, new glass; fake front - the side doors as the main entrance

PBM: Front yard setback is 50 feet can't encroach in that or you'll need a variance

PBM: What's the starting date?

EC: Next summer

they have a program that you have to meet certain criteria

GM is putting some money into it; it's like a 5-year plan; they're funding some of it to car sales so next summer hopefully a 3-month time frame

PBM: The building in Springville ? the environmental lighting is great; the lighting here is horrendous, the letter says that the lighting is going to remain the same, any chance you can think about that? Those halogen lights, you're lighting the sky; with the update now would be the time to think about that.

EC: In the building has to be GM lights; really haven't thought about that

PBM: Aren't we now requiring environmental lighting on new builds?

PBM: Would have to check the Code Book on Commercial lots adjoining residential lots

EC: You want the outside lighting changed even though we're not making changes outside?

PBM: I'm sure who ever does the engineering for you will read the Code and do something that conforms.

With commercial projects, like this, this is our opportunity to bring things up to Code

PBM: Is there a percentage of money that GM is providing each franchise?

EC: No. It's going to be an expensive thing for us, they are going to be kicking in a little bit Some dealerships are closing down and not getting into the program

PBM: Possible for 5-year plan for upgrading the lighting

PBM: Signage ? is that all to Code?

PBM: Is G.M. actually dictating what your signage should?

EC: Absolutely, yes. They're dictating every piece of equipment, every tile, everything. There are 1500 pages we're shopping for vendors; 1500 pages of different codes you have to meet to do a certain spec, paint codes; we actually have to paint the building too

PBM: What is the road frontage on Boston State?

EC: about 1500

EC: Wanted to ask about Erie County IDA, as far as any tax type abatements; would the assessor know that?

PBM: The assessor would be the place to start if she can't help you, she should be able to touch base with the County

PBM: If you're looking for assistance or grants, they would look at: are you putting in improved efficiency for windows, improved lighting inside, down cast lighting for the outside

EC: There's a program for interior lights I'm checking into; upgrading NYSEG is coming out to do a study on our lights

PBM: C-2 zone requirements are in the Code; signs are Section 95 of the Code; automotive use is Sections 123-119 and 120; off-street parking is 123-99; are you having an engineering firm?

EC: Daryl Martin Engineering drew these plans and he'll be our architect; he'll be doing the design

PBM: The signage from the end of the logo to the end of the 't' cannot exceed 10% of this area, that's wall identification signage. If you're stuck with what Chevrolet requires and it does not meet the Code you will need a variance.

EC: They are requiring the same kind of entry for all the stores. There's a Chevy dealer in Kenmore that's on the sidewalk, he has no space they are making him build the same exact entry. The only thing they are allowing him to do is scale the width of the entry but it has to be the same size and shape, they're really having a difficult time. They're really not giving us a lot of leeway.

PBM: Wall sign business in 95-8 A; it's a projected wall so it's considered a separate wall

PBM: Is the sign out front going to change?

EC: No. Down the road they may change the insert, but the actual sign will no change.

Discussion followed regarding the time it took to get the existing sign approved and in place.

PBM: Will the new front encroach in the front where you park cars?

EC: No, it's out to the overhang, that won't change in front, it will be blacktop. Want to maintain that as display. In our showroom our sales have to be a certain way, they can't be against the windows. They keep telling us they have to be a certain way.

PBM: You have to do it; you will have to meet the Code and go through Site Plan Review; use the checklist and get a site plan submitted.

PBM: Use what's applicable. If you're not changing drainage it's just an N/A.

Discussion followed regarding the submittal date and for review time for the Board members.

Two weeks for review and schedule for the meeting following that two week review.

PBM: So they will be coming back with a Conceptual Site Plan?

PBM: They can probably go right into Final.

LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported from the Town Board meeting of September 7, 2011:

- ? Ray Kent resigned from the Conservation Advisory
- ? Gene Wallace resigned from the Zoning Board of Appeals
- ? Ride for Roswell
 - o Saturday, October 1, 2011
 - o Fire Departments will provide police services
- ? Received Special Permit for dumping of material from the Boston Fire Company
 - o Tabled due to lack of information
 - Where the material was coming from
 - How much
 - Placement
- ? Approved second accessory building for Jerry & Liz Nedimyer
- ? Public Hearing for Local Law #2 entitled ?Local Law to encourage property owners to maintain their property in a safe, sanitary and orderly condition in the Town of Boston, NY

- o Received several comments that the Public Hearing wasn't published in a timely manner or on the website
- o Tabled until the advertisement could be in the Hamburg Sun, Springville Journal and on the website
- o In an effort to prevent empty houses from becoming unsightly like the one on Boston State Road and Wildwood Drive
- o Abandoned homes
- o Foreclosures
- o Also covers private drainage issues
- o Town is not allowed to go on private property Mr. Kobiolka distributed copies of the Local Law
- o Public Hearing has been moved to October 5, or later until more public comment can be collected

Discussion followed regarding the damage done at Great American Tool Company and home of Joe & Robin Mead

- o In County right-of-way, so the property owners can't even fix the problem themselves
- ? Signed a contract with Boston Historical Society for \$4300.00
- o Kathy Prackajlo is the new President
- o They are planning a potluck dinner here at the Town Hall in an effort to increase membership
- o New hours for the museum to be opened

Mr. Genzel: As engineering liaison I met with Jim Hannon, Tom Wick, Rick Rosenberry. The Erie County Water Authority is requiring that a generator be placed on the pump house on Boston State Road that pumps the crescent tank. If you don't have 24 hours of water in the tank you need a back-up generator, that'll be \$140,000.00; looking at rectifying the problem first, because that would an automatic increase for the water consumers in District #1.

Mrs. Lucachik: Were there problems before or did this just come up?

Mr. Genzel: No, this has all come about because the E.C.W.A. is putting a lot of money into additional portable generators and permanent generators at their facilities, portables have to be started. The permanent generator that is being proposed for down here would start

automatically and pump. They would do maintenance probably funded by the water district, because we would own the generator.

Discussion followed filling of tank during off hours; type and size of the generator; and permits required.

Mr. Genzel:

? We talked about the water extension on Cole Road, from Wohlhueter south about 2700 feet, servicing about 19 more homes

? we referred the ?Right to Farm? sign project to the Conservation Advisory Board. Jay Boardway will talk to them about using extra funds to purchase the signs and then attach them to the ?Welcome to the Town of Boston? signs.

Mr. Stringfellow: Backing up a bit: in reading in the Comprehensive Plan I believe it says that ?we will not extend water districts the hills, because we want those to remain rural.? And we are continually extending water districts on the hills. Why? If I lived on the hill I would probably want the water district extended like those people do. But why then do we have a Comprehensive Plan that says we're not going to do that?

Mr. Genzel: Personally I feel that part of the Comprehensive Plan is wrong. I think public water is almost a necessity because the hilltops have been farmed, and pesticide, and there are wells there that are contaminated and there?s really no way of increase in new homes. This is something we need to look at in our review of the Comprehensive Plan.

Mr. Clauss: Is it water quality or lack of supply?

Mr. Genzel: Both.

Discussion followed regarding sulphur tasting groundwater vs. chlorine public water; what?s the real deal? Want or need.

Mr. Genzel: They petitioned for this. Now we also have firefighting water.

Mr. Genzel:

? We?ve had complaints about the Boston Hotel ? signs, the parking lot, just needs to clean the place.

o The C.E.O. will issue a citation, warnings aren?t working

? Town Historian had a nice article published in the American Polish Eagle

? November 14 ? Make-A-Wish Foundation will be at the Boston Fire Hall from 6:00 ? 11:00 PM

- o Looking for donations for Chinese Auction
- ? Supervisor Ballowe responded to Russ Metcalf's editorial
- ? Political propaganda
- o One has caused Councilman Boardway to file libel complaint
- o We want to make sure that our Board members are acting ethical and responsible and we are in hopes that our Board members are not participating in this type of stuff

TOWN ATTORNEY ? MR. KOBOLKA

Mr. Kobolka:

- ? If you have time we would like your input on the Local Law #2 for our next meeting
- o Grass and brush overgrowth
- o Drainage problems on private property
- o Highway responsibility for trees in Town right-of-way
- ? New School Tax rates received from the Assessor
- o 2.6 % increase in Springville (Griffith Institute)
- o 4.9% increase in Orchard Park
- o 5.5% in Hamburg
- o 6.0% in Eden

Discussion followed.

- ? Bison Cycle
- o Concerns with paving
- o Concerns with new roof
- o Concerns with siding
- o Concerns with sign

Mr. Stringfellow: Those are all changes to the building, they are not changes to the site plan; he is really not changing the site very much except for the one area where he's paving in the front, which should have been on an approved site plan.

Discussion followed about the sign ? location and size:

- ? Front setback is alright
- ? Side yard setback is not
- ? Gains four feet with mound
- ? Will need variance for current sign placement

Dr. Ziarnowski: What is the digging being done at the Boston Fire Hall?

Mr. Genzel: Verizon is relocating a cable that was running in the easement area.

Mr. Clauss: This article in the Springville Journal: the new recreation building ? does anyone in the rec. department want to expand that besides Cathy Maghran, and why?

Mr. Genzel: Those are just ideas now; our grant writer is looking for money.

Mr. Clauss: Even if we get the money through grants, will that create a need to increase the parks department to maintain it? We've got a lot of government footprint going on in a small town.

Mr. Genzel: That was probably fluffed for election time, to be truthful. But everyone is really happy with the facility. There was an increase in the number of kids, and Rec. even made a few dollars this year.

Mr. Stringfellow: Is there any further business for this evening?

Being none Mr. Chelus made a motion to adjourn, seconded by Mr. Ziarnowski and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees