

## **Town Board Minutes May 16, 2007**

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Dennis J. Mead, Councilwoman Cathleen M. Dobson and Supervisor William A. Eagan.

Also Present: Town Attorney Downey, Code Enforcement Officer Ferguson and Deputy Code Enforcement Officer Lisowski

A motion was made by Councilman Mead and seconded by Councilman Hawkins, on the recommendation of Highway Superintendent Telaak, to appoint Kathy Telaak as seasonal Parks Department Laborer at \$9.00 per hr., effective 5/21/07.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins, upon the recommendation of the Town Engineer, the Town Board has classified the Special Permit for John Regan, 6331 Hillcroft Drive, as an unlisted action under SEQR and therefore declares lead agency status.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, on the recommendation of Town Engineer, Foit-Albert Associates, that Town Board as lead agency has determined that after taking a long hard look into the Special Permit for John Regan, 6331 Hillcroft Drive, finds that the proposed action will not have a significant impact on the environment, and declares a Negative Declaration and that no further action is required per 6 NYCRR part 617.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of Deputy Code Enforcement Officer Lisowski, to approve a Special Permit for the Dumping of Material for John Regan, 6331 Hillcroft Drive.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to adopt the minutes of the May 2, 2007 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated May 10, 2007 in the amount of \$190,877.67 be paid.

five (5) Ayes Carried

Received and filed notification from Erie County of a Public Hearing regarding the Proposed Modification to Erie County Agricultural District.

#### REQUESTS FROM THE FLOOR:

Tim Dinse, 7146 Boston State Road inquired if the Site Plan for Boston Holdings LLC/Jeff Kuhn, Boston State Road was approved.

Supervisor Eagan responded that the procedure tonight is to receive the Boston Holdings LLC site plan and refer it to the Planning Board for review and recommendation.

Councilman Hopkins noted that the Boston Holdings LLC Site Plan application will be on the Planning Board agenda for June 12th and Mr. Dinse is welcome to attend the meeting.

Town Clerk Shenk noted Planning Board agendas are posted on the town web page.

A motion was made by Councilman Mead and seconded by Councilman Hopkins to approve the Use of Facility application from Hamburg Pre-Kindergarten Group for 6/13/07.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to accept the resignation of Mark A. Kaminski from the Assessment Board of Review and to forward him a letter thanking him for his service.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to refer to the Planning Board the Site Plan Review Application for Boston Holdings LLC/ Jeff Kuhn, Boston State Road with a request that no action be taken before conferring with the Town Board and Town Attorney.

five (5) Ayes Carried

A motion was made by Councilwoman Dobson and seconded by Councilman Mead to authorize the Supervisor to sign a contract for the purchase of playground equipment from Miracle Recreation Equipment Company, which is the NYS Bid Price at a cost of \$26,525.28 which is partially funded from a grant.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint alternate William McGirr as a member of the Planning Board, term to expire 2/1/10.

five (5) Ayes Carried

A Public Hearing was held at 7:45 p.m. to hear public comments regarding the rezoning application of the North Boston Fire Company, 5638 & 5646 Herman Hill Road, and 7223 Boston State Road.

Supervisor Eagan read the legal notice and noted that the applicant, its engineer, and 39 neighboring property owners were notified. The "Commercial Zoning Application Pending" sign was placed on the property.

A favorable recommendation was received from the Planning Board.

Donald Frydrych, 5674 Herman Hill Road: I am not against building the fire hall, but I am concerned if there is going to be a recreation hall or a rental hall.

Don O'Bryant, President North Boston Fire Co.: Yes, there will be rentals.

Councilman Hopkins: It will be much the same as any of the fire halls are now.

Donald Frydrych: That is the concern, the music and noise from parties and weddings. People come outside drinking and smoking. I don't want to put up with that part of it. I start work at 5:00 a.m. and I don't want to listen to people all night long partying over there plus throwing junk out. I don't think this should be allowed with this fire hall. It disrupts people's lives. Have an 11:00 p.m. curfew on any music there.

Councilman Hawkins: How many weddings do you think the fire hall has in a year? I know they have fire company fundraisers, etc. to help support the fire company, but how many actual functions does the North Boston Fire Company have that is not fire related?

Supervisor Eagan noted this is not a question and answer period, but an opportunity for the public to air their concerns to be considered by the Town Board.

Donald Frydrych: It is going to be a huge building and it looks like the recreation side is as big as the garage side. If it is a new facility a lot of people will want to rent it. The banquet hall is on the side that I live on which makes it worse.

Donald Frydrych Cont'd: Wouldn't it be a better idea if it was on the other side where the parking lot is? The junk cars that they use for practice are concealed in the back of the fire hall now. It is a good spot for them and hopefully they will stay there. My last concern is drainage. There is a drainage ditch. About eight or ten years ago they brought in fill and I had a lot of problems to try and correct the drainage problems. I lost a number of trees and finally they fixed it.

Supervisor Eagan commented that the law on drainage changed about a year ago. It states that if you disturb an acre or more you have to produce a very detailed drainage plan before any permits are issued. The fire company is aware that this is what they need to do.

Donald Frydrych: Can I see the plan?

Supervisor Eagan: The Planning Board has not approved it yet. They are waiting for certain agencies to send back their comments before taking action. You are free to come to the next Planning Board meeting or stop in my office or the Code Enforcement Office to look at the plans.

Councilwoman Dobson: I don't think the fire company will allow people to go outside and throw cups and garbage. I think they will be responsible neighbors.

Donald Frydrych: They knocked those two houses down and there are two chairs that are sitting in front of that place for two weeks. Can't somebody pick them up and throw them in the garbage? How are you going to let me know what is going on?

Supervisor Eagan: You can come to the meetings, check our web page, attend the Planning Board meeting, come to the town hall and talk to us or call me.

Councilman Hopkins: The most information you'll get is checking to see when this will be on the agenda of a Planning Board meeting at the end of June.

Town Clerk Shenk: Keep in mind that this is a rezoning application and they haven't filed for a site plan yet.

Don O'Bryant: The design of the hall has been in the process for five years. Trying to be neighbor friendly the current design puts the bays on the other side of the neighbors to keep the response and apparatus noise and the training noise away. We reside in a neighborhood now and we have had small controlled weddings. I am not aware of

Don O'Bryant Cont'd: complaints from neighbors regarding weddings. Renting the hall is a necessary evil for fundraising to operate the fire company because there is just so much that the town can support us. Less than 2½% of the Boston population are first responders. On the drainage issue we do have to have retention ponds put in. The design of the building for drainage is to force it toward the Evans Bank side to keep it away from the neighbors. Building a new hall is a safety concern. The size of the equipment is bigger due to the carrying of foam, etc. This gives residents a good fire rating status so they get cheaper fire rates on their insurance. The trucks are longer causing traffic problems and safety issues at the current building.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to close the public hearing at 8:00 p.m.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of the Town Engineer, the Town Board has classified Proposed Local Law #3 2007, Rezoning Application of North Boston Fire Company, 5638 & 5646 Herman Hill Road and 7223 Boston State Road, as an unlisted action under SEQR and therefore declares lead agency status.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of the Town Engineer, that the Town Board as lead agency has determined that after taking a long hard look into Proposed Local Law #3 2007, Rezoning Application of North Boston Fire Company, 5638 & 5646 Herman Hill Road and 7223 Boston State Road, finds that the proposed action will not have a significant impact on the environment, and declares a Negative Declaration and that no further action is required as per 6 NYCRR part 617.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilwoman Dobson to approve Local Law #3 2007, Rezoning Application of North Boston Fire Company, 5638 & 5646 Herman Hill Road and 7223 Boston State Road.

five (5) Ayes Carried

Received and filed monthly reports from the Supervisor, Town Clerk, Tax Collector, Code Enforcement Officers, Dog Control Officers and Town Engineer,

Town Clerk Shenk announced that Memorial Day Celebration is Monday, May 28, 2007. Parade begins at Faith United Church at 1:15 p.m. The main program is at the town park at 1:30 p.m. and there will be a small program at the Boston Commons at 2:15 p.m. A flyer will go out in the Pennysaver and a press release was sent out.

Highway Superintendent Telaak reported that \$8,700 was received from a grant for the Leaf Vac Machine.

Highway Superintendent Telaak reported that the NYSDEC is giving a grant for half the cost of a tree chipper.

A motion was made by Councilman Mead and seconded by Supervisor Eagan, on the recommendation of the Conservation Advisory Council, to purchase minnows for the fishing pond from the Whispering Pines Fish Farm at a cost of \$80.

five (5) Ayes Carried

Councilman Hopkins reported that he, Dr. Hertz and Code Enforcement Officer Ferguson attended a MS4 meeting on May 8, 2007.

RESOLUTION 2007-07 IN SUPPORT OF THE NORTH BOSTON VOLUNTEER FIRE COMPANY'S  
CONSTRUCTION OF A NEW FIRE HALL

Councilman Hawkins reported that the Erie County Highway Department completed the DI on Pin Oak Dr. and Erie County Sewer will inspect sewers for problems on Boston State Rd.

Town Clerk Shenk reported that the MS4 Annual Report was received from the Town Engineer and extra copies are available in the Town Hall Foyer. There is a comment sheet on the back of the report that must be received by Foit Albert by May 28, 2007.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adjourn the meeting at 8:12 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK