

Planning Board Minutes April 12, 2011

BOSTON PLANNING BOARD APRIL 12, 2011

PRESENT: David Stringfellow. Chairman

Patricia Hacker, Vice Chairman

Mike Cartechine, Secretary

Joe Litwin

Jennifer Lucachik

EXCUSED: Robert Chelus

Keith Clauss

Mark Coppola

Richard Skinner

ALSO Michael Kobiolka Town Attorney

PRESENT: Jeff Genzel Councilman ? Town Board Liaison

Thelma Faulring Secretary to the Boards and Committees

Richard Brox Planning Consultant

Daniel Clarey Bohler Engineer ?Retail Project

Dave Seider Trevett Road

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

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of March 22, 2011. Being none Mr. Cartechine made a motion to accept the minutes, seconded by Mrs. hacker and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

? Code Enforcement Officer?s March End of month report

? Previously mailed to the members were the CVS minutes of June 8, 2010

? In your folder is a card that is used by the Zoning Board members for identification when they do an on-site visit; Chairman Stringfellow and I were asked if it would be possible for the Planning Board members to something for identification:

Discussion followed with everyone in agreement that it was a good idea.

Mrs. Hacker made a motion to purchase the cards, seconded by Mrs. Lucachik and carried

Mr. Genzel: While we?re doing some housecleaning, do we need to buy a new recorder. I know you?ve had some trouble in the past.

Secretary Faulring: It has been working okay

Mrs. Hacker: I?ll make a motion to allow Secretary Faulring to spend up to \$100.00 for the purchase of a new tape recorder when needed.

Mrs. Lucachik: I?ll second that.

Mr. Stringfellow: We have a motion and a second. Personally I?m not in favor of motions that authorize somebody to spend money with no time limit or no spend it when she needs it. we could get hit with a \$100.00 purchase when we don?t have the money. i would prefer just not to do this. I?m only one member of seven, vote the way you like.

Mr. Stringfellow: All in favor of the motion say aye:

Mr. Cartechine aye Mrs. Hacker aye

Mr. Litwin aye Mrs. Lucachik aye

Mr. Stringfellow nay

PROPOSED SUBDIVISION OF PROPERTY BY GBT REALTY CORPORATION

Dan Clarey ? Bohler Engineering, 5 Computer Drive West, Albany

- ? two things before you this evening
- ? one is the subdivision of a lot
- ? and the development of a 9100 square feet retail store
- ? the lot would be carved out of the large lot
- o I believe you all have copies of the subdivision plan

BOSTON PLANNING BOARD APRIL 12, 2011

Mr. Clarey, continued:

- ? 1.29 +/- acre lot
- o that is necessary to accommodate this
- ? 70 feet by 130 feet
- ? ?L? shaped lot
- ? access onto Boston State Road
- ? 36 parking spaces
- ? stormwater detention on-site
- ? water and sewer available
- ? trash area in back
- ? loading facilities in back
- ? deliveries average one to two trucks a week
- ? right next to Brunner?s
- ? rest of the land will remain vacant at this time
- ? discount retail store

Mrs. Hacker: We do have a confirmed occupant for this retail space?

Mr. Clarey: Yes. This is for a specific tenant. GBT Realty represents them, once the permits is in hand, they go into construction.

- ? some grading will happen
- ? not a lot of construction
- ? upon your approval of this concept
- o we will file full engineer's plans
- o landscaping plans
- o SWPPP
- o all the necessary documentation that goes with a project like this
- have comments from your planner and engineer
- ? I did bring copies of the long form of the SEQR
- o the planner felt the short form was okay
- o the engineer requested the long form
- distributed to members
- ? Get your input on the concept plan tonight
- ? Would like you to take Lead Agency
- o so that we can get it to the county
- ? take your comments from tonight's meeting
- o go back and hopefully start on our preliminary plan and get them submitted to you

Mr. Stringfellow: Any questions from the Board?

Mrs. Hacker: Because of the stormwater management area in the front, my concern was some sort of a barrier from the water area and that particular location is the pull back in area of anybody heading out of town in the morning; from the bus that's parked in front of the park and ride; and I can see quick back pull in on an icy morning into the water area, that's one question; and Mr. Brox, the enter/exit area, because of its proximity to the future access?the size of it ? enough?

Mr. Brox: That's fine.

Mrs. Hacker Back here too? Both coming and going?

Mr. Brox: That's the access that they've shown on the plan to Boston State Road, is the access that was on the plan for the overall plaza and this was an out-lot shown on the original

scheme; that's why I triggered my comments that it's already gone through long form SEQR for the entire site and therefore only the short form should be necessary for?

Mrs. Hacker: I couldn't find that on my other one and I didn't know that it included that other parcel.

Mr. Brox: The other parcel's main stormwater drainage is identical to this on the other side of the driveway for the rest of the plaza.

Mrs. Hacker: Is this 12 inches here?

Mr. Clarey: Yes that is 12 inches.

Mrs. Hacker: That isn't that large. Do you have any concerns with that water retention being there?

Mr. Brox: No, that happens on sites all over the county.

Mrs. Hacker: No cement posts or anything?

Mr. Brox: It's so shallow that if somebody drives through it, it wouldn't be a big deal.

Mr. Kobiolka: Was an overall plan proposed to the Board sometime previous to this project?

BOSTON PLANNING BOARD APRIL 12, 2011

Mr. Brox: Yes, it was full blown strip plaza along the residential side and across the top; all buildings along there and one across the top and this out lot; that was all shown on the original.

Mrs. Hacker: The biggest concern we had against the wall were the neighboring people with lights in the back for safety purposes, for the landowners, for their deliveries and the infringement on their homes; and there was no other way to have the front opening and deliveries without there being that . And that seems to be our biggest stumbling block, but nothing else. Drainage was addressed, everything was addressed.

Mr. Brox: And we put in a lot of screening against the residence when the plaza itself goes in.

Mr. Kobiolka: How does this project fit in with the overall Comprehensive Plan?

Mr. Brox: It was part of it.

Mrs. Hacker: It was originally a part of it but we just didn't ?they didn't have a signed client. so they didn't have the layout of the building, so that was a concern to us because that opening was there and how this was going to feed in.

Mr. Kobiolka: Do you see foresee future development of the rest of that parcel?

Mr. Clarey: I would assume so, I don't know I don't represent the landowner. We're just concerned about this particular parcel; but obviously we've taken the design to match up to the Master Plan so you can continue with the roadway to feed the parking to what I'm assuming is the same lay outback.

Discussion followed about future development; nothing can go further without Planning Board approval.

Mr. Clarey: This will be the main access for whatever happens on this site.

Mr. Kobiolka: So your client is actually going to purchase this parcel and develop it?

Mr. Clarey: Correct.

Mr. Kobiolka: Would they give rights for?

Mr. Clarey: Yes they'd have to give easement rights, exchange easement rights for the future; their clientele will want to go into the shopping center and vice versa, want to come out.

Mrs. Hacker: We can address that in our approval, right, that...?

Mr. Brox: ?that the out lot has to tie in with the main drive , with an easement with no future access to the highway by itself.

Mrs. Lucachik: Where are the truck deliveries?

Mr. Clarey: In the very back of the parking lot. They don't back it in, there's no loading dock. They basically wheel it in on a dolly, and pallets; about once a week, twice a week.

Mr. Kobiolka: Would that be enough space for a semi to pull in, turn around and back out?

Mr. Clarey: They will be able to come in and awing around, they don't come during business hours so there won't be any parking, they'll pull in here, and back up there and back out there.

Mr. Clarey: The lighting is pretty standard in retail now; cutoff fixtures, there will be no spillage off the property; you will have full heights and exact profile of the lights in a lighting plan that comes with the full set of plans.

Mr. Stringfellow: Our Code requires in the Conceptual Plot Plan front elevation and drawings of the buildings, I didn't see that provided.

Mr. Clarey: I can the Board copies of that plan.

? Mr. Clarey held up a drawing and explained:

- o this is the front façade here (upper left)
- o door is here with side windows
- o masonry helmet here
- o there?s an overhang here
- o the sign is above the door

Mr. Stringfellow: The building is listed as steel frame with masonry something or other; looking at it from the outside is it going to look like masonry or a steel building?

Mr. Clarey pointed to where the masonry is going to be

Mr. Brox: And the rest of the building block all around?

Mr. Clarey: No this is metal on the other side, the masonry is in the front of the building.

Mr. Litwin: Steel roof also or is that an asphalt roof?

Mr. Clarey: I believe it?s treated steel, I?ll check.

Mrs. Hacker: Is this an emergency exit on the Brunner side?

Mr. Clarey: Yes. The A.C.,two units in the back of the building.

BOSTON PLANNING BOARD APRIL 12, 2011

Mr. Stringfellow: You?re proposing 35/36 parking spaces; the Code requires 1 parking space for 200 square feet of gross floor area, not floor area devoted to retail sales, so you need 46 parking spaces.

Mr. Clarey: The tenant only requires 30 ? 35 spaces. A lot of boards like less parking than more parking. the tenants doesn?t need 46 spaces. so is there a way we can apply for a waiver? Because 46 spaces would require more land

Mr. Stringfellow: You could apply for a variance.

Mr. Clarey: With the zoning board of Appeals?

Mr. Stringfellow: Right. Is there any other Code that you know of?

Mr. Kobiolka: I could go back to the Code and see if this mandatory, or if this Board has something to say.

Mr. Clarey: This particular use does not generate the need for that many parking spaces. We've done a dozen or so these in the last few months and most boards are pushing for less parking, although sometimes Codes do require more; but in this case 46 parking spaces, you'd have a lot of asphalt that you wouldn't need..

Mrs. Hacker: That is a lot of parking, but you have to think about it possibly changing uses, a restaurant would require parking spaces by the number of chairs.

Mr. Stringfellow: If it changes uses then it would have to be addressed and if it doesn't fit we can't allow it.

Mr. Brox: They can go to the Zoning Board of Appeals for a variance and because this could be looked at as a joint facility because of the plaza surrounding it, there parking would be shared. but they'd have to go to the Zoning Board of Appeals for difference in spaces.

Mr. Clarey: I would imagine if this came in as a whole shopping center you'd look at all the parking spaces.

Mr. Stringfellow: The if is in there though. Do we want to approve something that will be okay if somebody builds a shopping center?

Mrs. Hacker: No, but if the ZBA okays the difference of 10 parking spaces, that's not a hold up for me.

Mr. Clarey: Mr. Chairman, we would ask you, that we can assess the levels, approve it going forward, go the ZBA and get our variance so we don't have to come with a different plan.

Mr. Stringfellow: Lighting; it says that lighting will not spill of the lot. I can see only one light standard in back to the left, unless there are others that I missed.

Mr. Clarey: Again this is only a Conceptual Plan and I would imagine that there would be additional lighting in the parking lot. That'll be on the final plan, there will be a full lighting diagram to show how the parking lot is lit; what candle will be used.

Mr. Stringfellow: For landscaping you have shown shrubbery around the sides in the elevation views, that you have but did not come to us. is that the extent of the landscaping?

Mr. Clarey: No, there will be additional landscaping around the property. Again we will have a full landscape plan that will be part of the preliminary, final submittal. That will give you a plant list, identify each of the plants, where they're going to be planted with the construction, how to plant them; basically we're ready to go construction.

Mr. Stringfellow: Garbage disposal ? the Code requires that the containers shall not be any further forward than the rear line of the building. You're forward of the rear, they have to be pushed back and screened.

Mr. Clarey: that will be just a matter of pushing that back a little on the plan.

Mr. Brox: A suggestion, but the striped area in parking lot at the corner of the building ? put a tree there; that's a dead area.

Mr. Stringfellow: The building to me looks very plain. You've got flat steel sides; we have a front that's just masonry. I would really like to see the building look a lot nicer on the outside. How much you can do I don't know.

Mr. Clarey: Again, this is a specific user and they have a specific program. I'll certainly relay that back to company and get their response to that. A lot of that comes into cost.

Mr. Brox: We want building 3-C not 1-A.

Mrs. Hacker: Exactly. We did it with CVS. We honed in the windows and the ugly no awnings and they followed through and made it look a little different.

Mr. Stringfellow: I feel that we have enough information to make a decision that we are comfortable or not comfortable with the concept.

Mrs. Hacker: Definitely concept only, because we are missing too much for it to be preliminary.

Mr. Clarey: Right, that's all we're looking for is concept.

Mr. Stringfellow: We are far from Final Site Plan approval. I'll move that we accept the concept and ask them to go on.

Mrs. Hacker: Move forward, I've noted that we need the front elevations, we need the long form, we need issues on lighting, garbage and the look of the front of the building.

Mr. Brox: Do you think you need the long form?

Mr. Kobiolka: Our Town Engineer requested it.

Mr. Stringfellow: Yes, but our Town Engineer was not the Town Engineer at the other time, he might want to review.

Mr. Cartechine: If he says he wants it; he wants it.

Mr. Brox: The difference is that site has already been negatively declared by the Town Board. You don't want to open up a can of worms for DEC or anybody else to say "oh you didn't do this?"; well we had already done it once before.

Discussion followed regarding the Long Form versus the Short Form.

Mr. Clarey: From my experience and from what I'm hearing, if it's already been through the Long Form process, the whole site, the short form is more than adequate. I'll long the form, if in the wisdom of the group they think that they need it, it's done, it's signed, there are no controversial issues associated with it, but, just from a procedural standpoint, from our standpoint, what we would want to see is if you need to take Lead Agency status, that happens; or if it needs to go the the Town, that happens, so this thirty day clock with the County gets ticking.

Mr. Stringfellow: We have motion to accept Conceptual Site Plan, there was no second.

Mr. Cartechine: I'll second.

Mr. Stringfellow: Any discussion on that motion.

Mr. Stringfellow: All in favor of the motion. All were in favor of the motion, there were no nays.

Mr. Genzel: So now we would advise you to pick up our new check list and the Code Book and generate your site plan on what the Town's requirements are. That checklist is on-line, and the forms.

TOWN BOARD LIAISON ? COUNCILMAN GENZEL

Mr. Genzel reported:

? Extended garbage contract

- o reduces cost to 2005 cost
- o every user to save \$20.00

Mrs. Lucachik: So we're continuing our services with Waste Management? Has there been any discussion about requesting them to do waste energy versus landfill?

Mr. Genzel: No.

Mrs. Lucachik: Have they offered at the same cost? Because I've been able to do that in a number of very large facilities, with cost reduction. It makes me feel better that my trash is going to waste energy rather than landfill. Knowing how to build landfills and all the issues that surrounds them, I would like the Town to look into the cost for that. Realizing if we do go for another company then we'd have to do a whole survey and who has cans, who doesn't, that's a huge amount of money to invest, that I believe Waste Management has already done.

Mr. Genzel: I would suggest that you contact Councilman Wiechowski, he is the Liaison for solid waste management. I'll talk to him and tell him to expect your call about this and any other suggestions/questions that you might have.

Garbage discussion followed.

Mr. Genzel continued with his report:

? increased procurement procedure for Highway Superintendent Telaak to spend up to \$1000.00, instead of only \$350.00

? Deputy Town Clerk Jennifer Mulé will be attending New York State's Town Clerk's Conference in Buffalo

? Boston Youth Baseball will be using the Town Hall Park for a party

? Put out bid on selective clearing for the 18-Mile Creek stream bed

- o between the 219 and Zimmerman Road

- o cut and leave lay, to decrease the potential of log jamming, eventually just rot away

- o will do one section at a time heading south

Mr. Cartechine had a concern with logs floating downstream ? Will they?

Mr. Genzel: I'm not necessarily saying that they're going to float or what they're going to do

- o compliments of DEC

- o they rule in this case

- o this is experimental
- o should decrease erosion

Mr. Cartechine: I would happily grant access to my property, as long as it put back the way it was.

18-Mile Creek discussion followed.

BOSTON PLANNING BOARD APRIL 12, 2011

TOWN ATTORNEY KOBOLKA

Mr. Kobolka: At our last meeting we were going to send a letter to various towns about training, has that been done yet?

Secretary Faulring: No, because I asked that you or David help me in composing the letter.

Mr. Kobolka: At our last meeting the Board approved the site plan for the Boston Fire Company. During discussion it came up that there was a variance problem; so they were going to the Zoning Board of Appeals, The neighboring property owner got an attorney, Boston Fire Company got an attorney. My point is that this Board may want to adopt a policy that if we hear that there is some type of legal issue, of whatever kind, that we table at Planning Board level until the issue is resolved.

C.V.S. ? DISCUSSION ONLY

Mr. Stringfellow: The CVS property has included the building, property behind it, and property toward the Kirt Building, behind the Post Office. CVS has requested to subdivide the lot into three separate lots: one would be

Secretary Faulring distributed proposed subdivision plans dated May 5, 2010 for the members to review.

Mrs. Hacker: Mr. Brox, would we have allowed CVS to build and sit their building, and their parking that was required, and their retention area, if they didn't have the property we're talking about subdividing right now?

Mr. Brox: Yes.

Mrs. Hacker: How much of that? Not all of it.

Mr. Brox: They could have?they could get rid of subplot 2 and subplot 3 and still built, if subplot 2 and 3 did not exist at the time CVS wanted to build they still could have built.

Discussion followed.

? subplot 3

o not useable for anything because of location near the creek

o if allowed to subdivide that piece out ? no taxable income from absent landlord

? CVS did at some time did move sanitary sewer lines in order to locate their building, now we have two sanitary lines on this lot 3

o the one next to the property line that could possibly stay where it is

o sanitary sewer easement 2 that one could very well be moved to over to the manhole next to Zimmerman Road, so that would become a buildable lot, but they'd have to go through the County to move that sewer

o it would be about $\frac{3}{4}$ of an acre, a little bigger

o going to lose another $\frac{1}{4}$ acre in flood zone designation B

? Currently it is part of a commercial property that we knew we were making the rules for, because we were going to make tax dollars on that

? is this a tax reduction move?

? the plan being reviewed this evening shows ?subplot 2? and ?subplot 3? - the plan should have read ?proposed subplot 2? and ?proposed subplot 3?

Chairman Stringfellow asked Secretary Faulring to send minutes from previous meetings when subdividing this property was discussed, to all the members for their review.

Mr. Litwin asked Councilman Genzel what he knew about the soccer games over the weekend at Boston Valley School:

? there was an accident on Back Creek Road

? cars were parked on both sides of Back Creek Road from Zimmerman Road south past the school

? all weekend long and the past weekend

? tents set up.

Mr. Genzel: I have no idea. I'm sure that it was not a Town function. I'll refer it to the State Troopers and see if they have any knowledge of what's going on. It wasn't a school function.

Mr. Litwin: I don't know, it really didn't appear to be, but someone needs to get those cars off the road that could be a real hazardous situation.

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

Being none Mr. Stringfellow made a motion to adjourn, seconded by Mr. Litwin and carried.

Respectfully submitted,

Thelma Faulring

Secretary to the Boards and Committees