

PRESENT: David Stringfellow, Chairman
Robert Chelus, Vice Chairman
Jennifer Lucachik, Secretary
Keith Clauss
Cathy Maghran
Tony Zeniuk
Dr. Paul Ziarnowski

ABSENT: Dave Bowen

ALSO	Michael Kobiolka	Town Attorney
PRESENT:	Thelma Faulring	Secretary to the Boards and Committees
	Richard Brox	Planning Consultant
	Kathy Hafner	5638 Southside Drive – Hamburg Overhead Door
	Ken Kloeber	Project Engineer – Hamburg Overhead Door
	Jason Engle	Landscape Engineer – Hamburg Overhead Door
	Viki DelCotto	Buffalo Buck’s Smokehouse Restaurant
	Peter DelCotto	Buffalo Buck’s Smokehouse Restaurant

Mr. Stringfellow called the meeting to order at 7:30 PM.

MINUTES

Mr. Stringfellow: Are there any corrections to the minutes of April 10, 2012 and Work Session minutes of April 24; May 8; June 12 and June 26, 2012?

Being none Mr. Chelus made a motion to accept all minutes, seconded by Dr. Ziarnowski and carried.

CORRESPONDENCE

Secretary Faulring reported:

- Code Enforcement Officer Ferguson’s end of month reports for April, May, June and July.

HAMBURG OVERHEAD DOOR – SITE PLAN REVIEW

Mr. Stringfellow asked if there were any questions or comments from the Planning Board members.

Mr. Stringfellow: Lighting of the new parking area...

Mr. Kloeber: No lighting. No additional lighting is planned.

Mrs. Lucachik: When I talked with him he said ‘if I need any I’ll put in some motion sensors’ that would resemble what he has at the existing corner, the back corner; they are shining down.

(Please note: Mr. Kloeber was standing at a distance from the recorder and so many of his statements are inaudible. Secretary Thelma Faulring)

Mr. Kloeber: As far as...there is no new lighting proposed at this time. There are floodlights already on site.

Mr. Stringfellow: Drainage is apparently all going into the existing detention pond?

Mr. Kloeber: Yes. I had met with the Town Engineer as the letter indicated we wanted to use the existing detention basin and he had no problem with it regionally and, Albany, they said it would be fine, but because Boston is an MS-4 community it’s going to be up to the town, so I need to start up that section of the application before I could talk to the Town Engineer about it. He indicated to me that he was going to submit a letter, I don’t know if he did or not; saying that he was fine with that concept and he said as far as he was concerned the stoneware plans and SWP3 was something he could work out as the engineer and it shouldn’t hold up site plan review. Did you get a letter or not?

Secretary Faulring: No we didn’t.

Mr. Kloeber: He told me he was going to submit a letter and basically was going to say that he had no problem with the concept and the SWP3 would be worked out. We tried to make some improvements to what’s there. In other words the basin that was put there in 2000, 2001 doesn’t...but we tried to do something with the infiltration to somehow address...water quality over what was required in 2000 but it remains to be seen what we can do...we’re not going to reconstruct the basin given the...

Mr. Stringfellow: When the Town Engineer said he was okay with the concept, does that mean that he knows that the basin is able to handle the increased runoff from the increased area of blacktop?

Mr. Kloeber: Yes. What we agreed to do is a slightly enlarge the basin because he can always bring back the grade that will go around there.....we kind of oversized the basin but we didn't have any hard calculations back then but we oversized the basin a little bit to try to accommodate it so at the time our statement was 'it'll drain in but when the time comes we'll have to look at the numbers and re-evaluate it and see if we can get it in there, or what we have to do....when I talked with Jim (Hannon, Town Engineer) last week he said he didn't see any problem with it...if it rains a little bit in the basin the berm around it...If we can do something like the infiltration trench or quality basin....if we can do that now that'll cut down on the of the volume that we have to handle in that basin and that's something that we're going to try to do to help water quality.....

Mr. Stringfellow asked for a brief explanation of infiltration.

Mr. Kloeber: Back in 2000 the regulation didn't address water quality at all; all it did was address volume of water coming into your basement and keep the flow...and let it out evenly. Now the State has requirements that you have to address water quality...water quality volume what it means is the first amount of runoff that comes off the roof, comes off the parking lot which might have oils in it, solids, that volume they treat different ways. You can treat it via wet bay, or fore bay an area with vegetation in it or you can do an infiltrating into the ground...basically it percolates through the stone, soil...it's a natural return of the water rather than sending it through a pipe into the creek. So we're going to do percolation testing to verify the effectiveness.

Mr. Brox: Most of the groundwater will soak into the ground before it even gets to the pond.

Mr. Kloeber: And that's something with the new regulation we can take credit...70 feet of stormwater swale...if it's something that we can't do, we can't do it; if it's something we can do we're willing to do it and that was fine with Jim. (Hannon), Town Engineer.

Mr. Stringfellow: Any fill being brought onto the site any change in that way?

Mr. Kloeber: No fill is going to be brought into the site, no fill permits necessary. Some of the fill in that mounded area some of that will be moved over and some put into that berm to separate the neighbors from the building. But there's going to be additional excess fill; originally the idea was to stockpile not knowing if we'd need it with more of the development; he (Mr. Kuhn) said I really don't want to stockpile it, rather just spread it out and use it on the site. So what we're going to do instead is, there's a lot of low areas especially toward the subdivision so the concept was taking the excess fill and spread it onto that area, even it out, seed it, plant it and generally make a better area on the left side rather than building a mountain on that two acres.

Mrs. Lucachik: He also said right where you can see that house, they're going to see a building, and they're going to put a berm there eventually with trees so they don't have to look at a building. The drainage already goes toward the north corner of the dollar store, so that shouldn't cause any issues with surrounding properties. And with the newly created additional parking they won't have all the parking alongside the entrance roadway.

Mr. Stringfellow: Any other questions from Board members?

There were none at this time.

Mr. Stringfellow: Are there any people with regard to this project?

Kathy Hafner – 5638 Southside Drive (home most directly affected by the new addition) – submitted a letter:

- The letter contained three major original concerns
 - Size (depth, width, and height) of the addition, blocking a view of the hills
 - Proximity to our property (within 100 feet)
 - Noise and air quality issues related to parking and loading trucks in the proposed 16 door expansion (health issues – asthma)
- The letter went on to state that they (Mr. & Mrs. Hafner) had meet with Mr. Kloeber and Mr. Engle on different occasions and were pleased with the outcomes of those meetings.
- Some of the changes Mr. Kloeber and Mr. Engle agreed too:
 - Move the building from 8' to its current edge – 50' or so
 - Reduce the depth from 60' to 53'
 - Change the roofline from a gable to a slant roofline
 - Outlined the types of trees and vegetation that could be planted
 - Redesigned the landscaping so that one of the big trees, adjoining the Hafner property could be saved
- The letter concluded:

- o I have to say, while we would have preferred to have things stay as they were, the cooperation of Hamburg Overhead Door and the pro-active work of Mr. Kloeber and Mr. Engle helped resolve what could have been a confrontation and turned it into a successful resolution. Thanks to the professional work of Mr. Kloeber and Mr. Engle, our first experience with Town government has been a positive one.

Mr. Stringfellow: Is there anything else?

Mr. Kloeber introduced Jason Engle, Landscape Engineer.

Mr. Brox: I did go over the plans and everything looks good. You're using a lot of evergreens, and mixed plants for color, bird trees...

Mr. Engle: We wanted something that was indigenous and fast growing.

Mr. Stringfellow: The thing with pine trees is that in twenty years they will be bare ten feet up from the ground, I believe spruce trees would be a better choice and they maintain the shape all the way to the ground.

Mr. Brox reviewed the landscape plan and reported that there are 16 spruce trees and only 5 evergreens.

Mr. Stringfellow: I am hesitant in recommending approval of the site plan at this time because, the drainage, you say you're going to address, I'm sure you will. Both you and Mr. Kuhn have very good about what you say you will do on everything that you've brought before us in the past. I would like to hear from the Town Engineer that the drainage is adequate and he is satisfied with it before we recommend that the Town Board approves.

Mr. Kloeber: I don't know why he didn't write the letter, Thursday of last week he said he was going to write the letter. At the time he said, his idea was and we were both in agreement would be to do the same thing basically to approve pending, recommend approval condition upon...he thought it was proper to make it condition upon whatever you want it conditioned upon.

Mrs. Maghran: I make a motion to send a favorable recommendation to the Town Board for approval of the site plan submitted by Hamburg Overhead Door for the addition at 5659 Herman Hill Road contingent on the Town Engineer's acceptance of the drainage plan; and, the landscape grading.

Mrs. Lucachik: Second.

Mr. Stringfellow: There is a motion and a second.

All were in favor of the motion, there were none opposed.

BUFFALO BUCK'S SMOKEHOUSE RESTAURANT

Viki DelCotto and Peter DelCotto gave an overview of their plans:

- Patios
 - o 10 foot wide concrete patios – at ground level – separated by width of front entry to building
 - o 4 foot wide sidewalk from patios
 - o Will be surrounded by wooden lattice work that will be taken down in the winter
 - o Each patio will have a gate at the entrance
 - o Lattice work will be child-proof
- Kohler type awning
 - o Most likely hunter green and tan in color
 - o Will be removed during winter months
- Planter and sign
 - o Four foot wide planter with four foot open area on each side
 - o Planter will contain perennials and flowers in the summer
 - o Sign is designed to be one foot from right-of-way in an effort to eliminate the parking lot from being used as a turnaround for cars and trucks
 - o Sign lit from within – no spotlights shining on it
- Seating
 - o No change in seating - approximately 80
 - o In the summertime - outside will have 8 – 10 tables

Mr. DelCotto: We have our license from the New York Liquor Authority but we need to submit pictures of the patio to them by the end of the month. We need to build now so that can be done. So we're looking for approval with contingencies.

Planning Board's advice / instructions to the DelCotto's:

- Parking
 - o Town Code requirement is 2 parking spaces for every 5 seats
 - o Parking is currently insufficient 32 spaces are needed, only 25 provided

- Spaces are to be 20 feet from the right-of-way, not the edge of the road
- For more parking in front a variance would have to gotten from the Zoning Board of Appeals
 - They can give a variance to 10 feet, but not any more than 10

Mr. Stringfellow commented that past experience and good judgment shows that the parking provided would be adequate for the restaurant.

- Sign - Needs to be 5 feet off the right-of-way

The Planning Board advised Mr. & Mrs. DelCotto:

- Go to the Building Inspector and get a Temporary Building Permit so they can put the patio on and make the necessary submittal to the Liquor Authority
- They will be allowed to use the patio until the end of the 2012 season
- Before opening for the 2013 season, they must return with a stamped site plan; updated survey; sign description and dimensions and planter dimensions
- ZBA meeting are held on the first Thursday of the month
- The next Planning Board meeting is September 11, 2012

Discussion followed about what could be done to prevent people from parking in the right-of-way and so close to the road. This situation has occurred at this location and at Charlap's for years; the diagonal stripes don't deter people from parking in these areas.

NON-AGENDA ITEM

Mr. Stringfellow: I have to submit a budget by the end of this month. If no one objects I will submit my budget with the assumption that Mr. Brox will work for the same amount of money.

Mr. Brox: Yes, I have given my letter of request for reappointment to Thelma. (\$225.00 per meeting with a 10 meeting minimum.)

LIASION – COUNCILMAN GENZEL

Mr. Genzel was unable to attend this evening's meeting.

Secretary Faulring read from his written report from the Town Board meeting of August 1, 2012:

- Two requests for second accessory buildings were approved
 - Jacob Karb at 9517 Boston State Road
 - Steven Walker at 5523 Rice Road
- Request received for a Special Use Permit for a propane tank for retail sales at Boston Valley Auto at 6752 Mill Street
 - Decision tabled pending receipt of recommendation from Code Enforcement Officer Ferguson
- Scheduled bid opening for the 18-Mile Stream Selective Clearing project for August 28, 2012 at 10:00 AM
 - Taking place on Zimmerman Road across from Homestead Drive
- Next Town Board meeting is September 5, 2012 at 7:30 PM

TOWN ATTORNEY – MR. KOBIOLKA

Mr. Kobiolka had nothing to report this evening.

Mr. Stringfellow: Is there anything else for this evening?

Mrs. Lucachik: Is the Tops exterior sign bigger than the sign that was there before?

Mrs. Maghran: It's the same size. There's fewer letters in Tops than in North Boston Market, so it just looks bigger.

Dr. Ziarnowski: What about the vestibule?

Mrs. Maghran: I think that was removed to move coolers in...that whole section, in the second room is now dairy; and they opened up the wall in back by the freezer section.

Mr. Stringfellow: Is there anything else for this evening?

Being no further business Mr. Chelus made a motion to adjourn, seconded by Mrs. Maghran and carried.

Respectfully submitted,

Jennifer Lucachik
Jennifer Lucachik
Secretary