

PRESENT: Paul Jusko, Chairman  
Patricia Hacker, Vice Chairman  
Zintars Zadins, Secretary  
J. David Early  
Tom Edington  
Kevin Maxwell  
David Stringfellow  
Michael Pohl, Alternate

EXCUSED: Margaret Andrzejewski

ALSO Town Attorney Michael Perley  
PRESENT: Codes Enforcement Officer Dennis Kramer  
Town Planner Richard Brox  
Gary Eckis  
John Penrod

Chairman Jusko called the meeting to order at 7:30 P.M.

**MINUTES**

Chairman Jusko asked if there were any additions or corrections to the minutes of May 23, 2000. Being none, Mr. Edington made a motion to accept the minutes, second by Mr. Early. All were in favor.

**CORRESPONDENCE**

Secretary Zadins noted the following correspondence received:

- Notice from the New Planning Federation of the annual conference to be held October 15-18, 2000 in Ellenville, New York
- From Richard Brox regarding the site plan application of Randall Barker – to be read at that point in the agenda

**LIAISON – COUNCILMAN MEAD**

Councilman Mead was in a meeting with the Town Board and not able to be in attendance at this meeting.

**BARKER APPLICATION – 7380 Boston State Road**

Letter from Richard Brox was read stating his concerns with lack of parking layout, lack of landscape plan and tree planting.

Chairman Jusko also stated his concern with parking and the slope of the property from the road.

Chairman Jusko said he would like to see the drainage plan indicated in relation to the topography.

Mr. Edington stated the ingress, egress and flow of traffic is not made clear, neither is the lighting plan.

Mr. Brox stated that the Town Attorney has expressed the same concerns that have been raised in discussion. Mr. Brox said that a site visit would be in order to address some of the issues this Board has.

Barker Application (con't.)

Chairman Jusko suggested letter be sent to Mr. Barker asking him to address these issues and inviting Mr. Barker to the next meeting, before scheduling a site visit.

Mrs. Hacker expressed concern over the depth of the parking area from the right of way to the building, would it accommodate the length of a car and trailer.

Mr. Brox said 50 foot set back is met, however the number of parking spaces is not indicated.

Mr. Maxwell said that the requirements are outlined in Chapter 97 of the Codes and until those requirements are met, by any applicant, the matter should be tabled. He added that the current set of drawings do not show elevation; parking layout, drainage is not addressed, size of the building is not detailed.

Mr. Kramer said that he has given Mr. Barker a list of requirements from Section 97. He added that Mr. Barker is adding 15 feet to the current building and to the best of his knowledge, Mr. Barker is intending to use the existing drainage receivers. Mr. Kramer said he would appreciate a letter sent to Mr. Barker detailing exactly what this Board is going to require.

John Penrod asked permission to address this Board, neighbor two doors north of the Barker property. His concerns were:

- Green space
- Previous owner removed trees in back yard on the slope causing erosion, if Mr. Barker black tops driveway and parking area the drainage system will not be able to handle runoff
- Ends of driveways already washed out
- Neighbors basement currently floods from run off
- Believes chemicals used to wash vehicles is damaging willow trees
- Would like to see an on-site visit

Mr. Stringfellow made a motion to send Mr. Barker a letter advising him his application was tabled, advise him to review and follow Chapter 97 of Town of Boston Codes, relative to site plan review and in addition to addressing the Code requirements particularly specify:

- parking plan
- exact description of drainage and runoff
- elevation of slope from the street to the building
- elevation relative to proposed addition and side lots
- landscaping intentions
- show ingress, egress, and traffic pattern
- description of paving and effect on drainage
- more clearly describe lighting plan

And, pending receipt of this information in a timely manner for review by Planning Board members, to be included on the agenda for July 25, 2000. Mrs. Hacker seconded the motion to table any further discussion. All were in favor.

Chairman Jusko said following receipt of acceptable information requested an on site visit will be scheduled.

RICE ROAD EXTENSION RE-ZONING – GARY ECKIS

Secretary Zadins read the letter of June 15, 2000 from Mr. Eckis regarding the rezoning at the Rice Road interchange.

Chairman Jusko stated, under C-2, that new and used motor vehicles sales should also be excluded from the uses at this location. He asked Mr. Eckis if he intended to sell cars from this property?

Rice Road Re-zoning (con't)

Mr. Eckis said that currently he doesn't have specific plans for the property, but doesn't feel that it should be excluded for future use.

Mr. Perley joined the meeting in progress. Mr. Brox said we have a list of exclusions, but we do not have list of what is being proposed on the property in question. Mr. Perley said that anything that is not excluded would be permitted. Mr. Perley said that Mr. Eckis plans to make use of the uses that have been discussed in the past: fairly low impact business in terms of water and sewage. Chairman Jusko said to Mr. Perley that he doesn't feel that automobile collision repair and painting is an acceptable use of the property.

Mr. Perley reminded this Board that they are only to make a recommendation to the Town Board, he suggested that this Board address the concerns and allow the Town Board to sort out the details. This application is one that takes more into consideration than others that come before this Board.

Mrs. Hacker suggested that the Board go through the list and address each use.

Mr. Kramer asked why this property is being zoned C-2 and all the uses are being eliminated?

Mr. Perley said that it is because of what Mr. Eckis wants to do and the Town's commercial classifications aren't logical at present. The uses Mr. Eckis needs are in C-2, and there are several uses in C-2 that the Town doesn't want. Our commercial zoning has not become sophisticated enough to be able to put Mr. Eckis into a zoning category with the confidence that there isn't a use that the Town wouldn't object too in the future. Therefore, we're looking at it as a conditional application for zoning until at some point in the future we can re-define what the commercial uses are.

Mr. Eckis asked Mr. Jusko if it were his intent to address all items specifically and add them to the list of exclusions. Mr. Jusko said, if we are going to be specific about some uses this Board should address and be specific about all uses.

Mr. Perley said to exclude all residential uses.

Mr. Kramer said he has received calls from people who might be interested in buying residential property from Mr. Eckis but hesitate to buy residential property that is going to be next to commercial property.

More general discussion on uses, and exclusions, continued for several minutes.

Mr. Perley said applications for re-zoning requests could be addressed in the future should the situation occur. Mr. Maxwell suggested that the members of this Board review, line for line in the Codes Book, the uses, and be specific in exclusions. Mr. Perley said to give these decisions thought so there are no holes that are totally restrictive or holes that the Town wouldn't want in the future.

Mrs. Hacker made a motion that each member create a list of acceptable uses, in their opinion, for the R-C, C-1 and C-2 Zones, submit them to the Secretary by July 17, 2000 for compilation and distribution with minutes, for the meeting on July 25<sup>th</sup> at which time a recommendation will be made to the Town Board. Discussion on the motion continued, with Mr. Eckis stating that he does not feel that all residential uses should be excluded.

Second by Mr. Maxwell. All were in favor.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer reported there is an application, at the Town Board level, from People, Inc. for a group home on Mill Street. There would be two variances required: one is that there is no garage in the design; and, second, is the front yard set back. Mr. Perley explained that the house to the east of the proposed site is twenty-seven feet from the right of way, and the house to the west is at about forty feet from the right of way. People, Inc. is proposing a twenty-seven foot setback. Mr. Perley said that if the Town enforces the fifty foot setback, there would be no rear yard. There would be six residents and no more than three employees.

Mrs. Hacker asked if any building permits have been issued for the new sub-division by the Boston Post Office. Mr. Kramer said he has not issued any building permits but that lots are being sold. Mr. Maxwell said that building could start as soon as Erie County Sewer Authority accepts the sewer lines, then Mr. Kramer can issue permits. Mr. Perley said there will be no Certificates of Occupancy will be issued until the road is accepted.

Mr. Early asked what is happening down at the Burke site in North Boston. Mr. Kramer said that he had talked to Mr. Gaiser, the previous owner, the proceedings are being held up in court and until Mr. Burke turns back the property, nothing will be done about the pile of dirt that is still on the property.

Chairman Jusko asked what is happening with the Boston Grille. Mr. Perley said the stop work order is in effect and is permanent, until they take an affirmative act to resurrect the project. Specific appeal rights are stated in the stop work order, and those appeal rights are to the Zoning Board of Appeals. Mrs. Hacker asked if a building permit is required for the handicapped entrance. Mr. Kramer said that a handicapped entrance is not what's being requested by the State, only a second entrance, and because the door would require a step changing the configuration of the building, he feels that the Town would be within their rights to require a building permit. Mr. Perley said, in addition they would altering traffic patterns on a commercial property.

Chairman Jusko asked if there was any other business to be brought before this Board.

Being none, Mr. Stingfellow made a motion to adjourn the meeting. Second by Mr. Edington. All were in favor.

Respectfully submitted,

  
Zintars Zadins  
Secretary

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