

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
Tom Edington
Michael Pohl (alt)
David Stringfellow

ABSENT: J. David Early

ALSO PRESENT: Liaison, Councilman Dennis Mead
Town Attorney Michael Perley
Code Enforcement Officer Dennis Kramer
Town Engineer Robert Harris
Jerry Ruhl – Architect for Evans National Bank
Chris Kuglics – Engineer from Nussbaumer & Clark for Evans National Bank
Tim Jachlowski – Evans National Bank
Gary Eckis – Boston Hill LLC

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 March 13, 2001. Being none, Mr. Edington made a motion to accept the minutes, second by Mr. Stringfellow. All were in favor.

CORRESPONDENCE

Mr. Maxwell read the following correspondence:

- Letter dated March 14, 2001 from James R. Carr relative to Evans National Bank
- Letter to Town Board recommending approval of co-location for Nextel
- Letter to Mr. Ruhl acknowledging receipt of site plans and advising of meeting date
- Letter to Mr. Carr acknowledging receipt of his letter and advising of meeting date
- Letter from Gary Eckis to be read at agenda point
- Chairman Jusko received invoice for membership dues to the New York Planning Federation – to be forwarded to Town Clerk Shenk

LIAISON – COUNCILMAN Mead

Councilman Mead reported that he has been re-appointed as Liaison to the Planning Board replacing Councilman Wiktor.

EVANS NATIONAL BANK SITE PLAN

Chairman Jusko distributed letter of March 19, 2001 from Town Engineer Harris, which addresses minor additions/corrections in the drainage plan that would be required for approval, and asked Mr. Harris to further explain the 5 points brought out in his letter.

Evans National Bank, con't.

Mr. Harris said that the plan is now such that the drainage goes to the front of the property, rather than the back of the property, which allowed the Evans Project Engineer to lower the elevation of the site, in an effort to keep water from running on to Mr. Carr's property.

In regards to his letter Mr. Harris explained:

1. The Engineer's seal is not on the drainage plan
2. The detail, at catch basin #2 was changed on the drainage plan, and those changes did not get transferred over to the site plan, plan #2 of 2, a change needs to be made before the Board's final approval, so each reflect the same detail.
3. Along the back property line, the elevations are given in the centerline of the swale and on the pavement near the back of the property but there is no indication of the ground elevation at the Wittmeyer property line.
4. An update is needed on the culvert along Herman Hill Road. This is not something that will change any of the drawing concept, it looks that one invert did not get updated so that it looks like there is a high spot in the ditch near the east entrance off of Herman Hill Road.

Mr. Harris said that these changes and recommendations were sent to Engineer Chris Kuglics. Mr. Harris added that the concept is workable. Mr. Harris said that whenever retention is involved, there is a concern if the basin is too small, particularly on a tight site such as this, if things backup. In this case it could happen for two reasons: a severe storm, or with this type of detention basin which is an off side basin rather than the flow through type. For instance during this time of year, with rain storms likely to occur, and ice and snow remaining, the detention basin might not work as effectively as it does in the middle of the summer. Because of that, if a pond forms in the parking lot, the water needs to be able to get out to a place where it doesn't do any damage. If the detention basin can't fill up because of a physical blockage, the water will drain to the main ditches along Herman Hill Road and Boston State Road, and not to Mr. Carr's or Mr. Wittmeyer's property.

Mr. Perley stated that final approval lies with the Town Board and asked Mr. Harris if he would check final revisions and make final recommendation to the Town Board. Mr. Harris said that would be no problem.

Chairman Jusko asked for any further discussion.

Mr. Stringfellow made a motion to recommend approval to the Town Board, with discussions then continuing.

Mr. Harris pointed out that he has seen the drainage plan, but not super imposed on the site plan.

Mr. Ruhl responded that anything applicable to drainage was removed from the site plan so there would be no conflict.

Mr. Maxwell asked if the plantings and fencing are acceptable to Mr. Carr; a six-foot fence and landscaping up near the house. Mr. Ruhl said the agreement with Mr. Carr is not specific, as Mr. Carr would like the flexibility to make requests or changes as it develops. Mr. Perley asked if the height of the fence was going to exceed six feet, which might warrant another review by the Town Board. Mr. Ruhl said the fence will not exceed the six foot high limit; but, the length of the fence and where the plantings begin is what could change, as the project progresses.

Mr. Ruhl said that Mr. Kuglics has made the appropriate changes, to conform to Mr. Harris' letter, and he has brought a copy of the revised plan that Mr. Harris can take and review.

Chairman Jusko said that the motion for site plan approval should include a review and copy of the final drainage plan and, that it be acceptable to Mr. Harris as set out in his letter, when presented to the Town Board. Mr. Perley added, that the drainage plan be consistent with the other documents and site plans.

Evans National Bank, con't.

Mr. Stringfellow amended his motion to include Mr. Jusko's and Mr. Perley's statements, and included that the length of fence versus the length of planting and the height of the fence, as long as it does not exceed six feet, be agreed upon by the two property owners. Mrs. Hacker seconded the motion.

Chairman Jusko recapped the motion: To recommend approval of the final site plan to the Town Board, upon review and approval by Mr. Harris, and the drainage plan be consistent with the memorandum of Town Engineer Harris dated March 19, 2001, and that, the height of fence, consistent with Town Code, and plantings be in agreement with the developer and neighboring property owners.

Chairman Jusko asked if there were any further discussion. Being none a vote was taken. Mr. Maxwell abstained from the vote, all other members voted in favor of the motion.

Chairman Jusko asked Mr. Ruhl for a final adjusted copy of the plans to be sent to the Planning Board, and Mr. Perley asked for 10 copies would be needed for the Town Board members.

BOSTON HILL LLC – GARY ECKIS

Chairman Jusko said that the last issue was the adjustment to increase the size of lot 25. He asked if the affidavit was amended and filed. Mr. Eckis the affidavit has been submitted.

Chairman Jusko asked Mr. Eckis to go through this request, lot by lot to give everyone a clearer understanding of what it is he is requesting.

Mr. Eckis said that over the winter he had sold a 56 acre wooded parcel of land. Mr. Eckis pointed out the existing road and the 219 Expressway. He further explained that this parcel was the area that he had formerly requested rezoning. With this revision he would like to add this 56 acre parcel, a 7 acre parcel and a 20 acre parcel.

Mr. Perley asked if the 20 acre is part of this request. Mr. Eckis said that he could add this to the proposal. He added that after division of these parcels, there would be 37 acres adjacent to the Rice Road exit, for future development. These new parcels are new, large residential sites.

Mrs. Hacker clarified that this 56 acre parcel was not part of the original sub-division. Mr. Eckis said that was correct. He continued that after the property was sub-divided, there was approximately 175 acres remaining. Of this 175 acres about 115 acres was this large wooded tract, the whole hillside with ravines and steep slopes. The purchasers of this property were looking for one big parcel to build a home in the woods. He added that there would be no way to build a road in this area. The copy of the plans shows where this property comes into the road and the revision shows all of this property.

Mr. Perley asked Mr. Eckis what Highway Superintendent Kreitzbender thought of three additional driveways coming onto this road, and how it would affect snow plowing.

Mr. Eckis said that he had talked to the Highway Superintendent and when construction on the home begins, the landowners, Mr. Eckis and the Highway Superintendent will meet to reconfigure the turn around.

Mr. Stringfellow asked if the road could be extended to meet the last parcel that was added to the sub-division, rather than a private driveway along someone else's property, this 56 acre parcel is nearly 200 feet off of the existing turn-around.

Mr. Perley said there are two considerations. The Highway Superintendent should be consulted as to how much road he is going to want to plow snow and, where is the snow going to be put. The answer isn't necessarily to extend the road, and that's why the Highway Superintendent should be consulted, to see what he wants.

Boston Hill LLC, con't.

Mr. Perley continued that if people are comfortable buying pieces of land with those types of driveways and the Highway Superintendent is in agreement with the road, and it meets the Code, then we should at least take this into consideration.

Mr. Stringfellow said that over the years that this Board consistently tried to avoid private right of ways such as this. Mr. Maxwell stated that according to the map there is an easement area, he asked what is this easement area for.

Mr. Eckis said that he knew he had a 56 acre lot that would be left over and was not certain how he would deal with it. He said that he asked Mr. Perley if the Town only wants to see a 75 foot frontage, to which Mr. Perley responded that is usually the case which is Code. Mr. Perley added that it would also depend on the Zoning Board of Appeals. Mr. Eckis continued that he had reserved an easement over one parcel of land for two reasons: one was to reserve the right for possible expansion of the road; and secondly, so that utilities and use of this driveway can be used to access the 56 acre parcel of land.

Mr. Maxwell asked, is that easement for access off of Polish Hill, to go to that lot to build in the future. Mr. Eckis said definitely, it is an option. Mr. Maxwell said then there is potential for a private drive for that lot without frontage on the road. Mr. Eckis said that is correct, but if he had to have frontage on the road he would make frontage on the road, unless a variance was granted. Mr. Maxwell said that emergency services also have to be taken into consideration.

Mr. Maxwell also stated that when the property was added to lot 25 this Board made a requirement that the end of the turn around be completed. Mr. Eckis said that he intends to meet with Highway Superintendent Kreitzbender, as this is a severe slope downward, I want to ask him where he wants to plow and fill in a level area where the driveways start.

Mr. Perley explained that in order for Mr. Eckis to add lots he has to file a preliminary plat. The lots need to be delineated, and to continue as Phase Two for subdivision. Mr. Eckis asked why it would be a sub-division for three lots. Mr. Perley explained that a road had to be built to get to these lots. Mr. Perley added that sub-division regulations require a plan for any land to be accessed with the construction of a road. You had to build a road or you would not be developing these lots. Mr. Maxwell said that Deer Run is a new road, it is not an extension of a previously existing road.

Mr. Perley stated that he was concerned that the Highway Superintendent is comfortable with his ability in maintaining this road at the end.

Mrs. Hacker repeated Mr. Stringfellow's question, why not just extend the road.

Mr. Eckis said the cost of the road would be more than the value of the property. The land starts to slope down hill and there is sufficient frontage there now.

Mr. Stringfellow stated that frontage is sufficient with the addition of a 450-foot panhandle to this lot to get to the road.

Mr. Eckis said the purchaser is seeking to be remote and secluded on a wooded lot.

Mr. Perley suggested that Mr. Eckis and the Highway Superintendent meet and discuss this road area, and then both Mr. Eckis and Mr. Kreitzbender return to the Planning Board with their suggestions. Mr. Perley added that the Planning Board has to sign the final plan and this input would be helpful in making some decisions.

Mr. Eckis said if the change to the lot line is not revised then there would be no way to have the 20-acre parcel. Out of this wooded area Mr. Eckis is trying to create one residential site.

Mr. Maxwell asked specifically are those two lots, the 7 acre lot and the 56 acre lot, shown on the original subdivision plat map.

Boston Hill LLC, con't

Code Enforcement Kramer said no they are not, they are new lots.

Mrs. Hacker asked if the 7-acre lot had been sold. Mr. Eckis said no. Mr. Maxwell said and in addition we're anticipating a 20 acre lot. Mr. Eckis said depending where the line is drawn, if the line were drawn in the wooded area it leaves about 37 acres, and that meadow be dealt with in the future. Mr. Maxwell said the meadow area is a good buffer, should any development occur in the future.

Mr. Eckis said again that this family is looking for density, not a lot of activity and that is the purpose for creating large parcels.

Mr. Perley said that the creation of three more driveways creates a logistical problem for the Highway Superintendent with snow removal and must be addressed.

Mr. Kramer asked Mr. Eckis if the driveway is being re-located on the LaTona property. Mr. Eckis stated he was not sure, right now they using the Gas Company road. Mr. Kramer said that the site plan indicated that they would install their own driveway, then there was some correspondence from the LaTonas indicating that the Gas Company had no problem with the LaTonas using the Gas Company easement. Mrs. Hacker suggested that this agreement be on file.

Mr. Jusko said that they have the right to use the Gas Company easement, however they were not going to come down the easement, rather cross the easement. Mr. Kramer added that was the original site plan, then it changed and that was not going to be done. Mr. Mead said then they wanted the gate to be re-installed.

Mr. Kramer said that he told the builder that he would not issue a Certificate of Occupancy until the driveway was installed according to the site plan.

Mr. Maxwell read the motion from the minutes of the January 23, 2001 meeting and the driveway has not addressed in that motion made by Mr. Early. Mr. Jusko said the discussion explicitly was that the driveway issue would be handled at the time of the issuance of Certificate of Occupancy. Mr. Jusko added that the placement of a driveway is not part of the site plan review and is not a Planning Board issue.

Mr. Perley said if the building permit application shows the driveway in one location and review of the development of the parcel shows that it is not there, that would be a basis for the Code Enforcement Officer to withhold the C.O. Mr. Kramer said the house number was set according to the location of the driveway, and the house number was set from north property line to the center of the driveway, Mr. Kramer thought it was approximately 100 feet from the north property line.

Mr. Kramer said that another point in regard to the 'T' Turnaround is, if the LaTonas decide to put the Gas Company easement to the 'T' now we have four driveways coming off the 'T' instead of only three, and how is the Town going to handle four driveways. Mr. Eckis said he would show this to Mr. Kreitzbender and if he is satisfied with the plowing, then he would like to see the LaTonas install the driveway as submitted.

Chairman Jusko brought the discussion back to the issue of the addition of new lots to the sub-division. He stated that there needs to be an agreement with the Highway Superintendent, the Planning Board needs Preliminary and Concept Plan. We need to see how more how it relates to the existing sub-division as it is an addition to the sub-division.

Mr. Stringfellow asked if three new lots can have driveways off the existing 'T', why can't a fourth. Mr. Perley said that this Board has not said that anyone can have a driveway off the 'T' it was said let's talk to the Highway Superintendent and get his ideas and thoughts on how to address this situation and bring it back to this Board for discussion. He is the one who has to live with the situation.

Boston Hill LLC, con't

Chairman Jusko said to Mr. Eckis that no decision would be made without the proper drawings, another meeting could be held for discussion at which time Highway Superintendent Kreitzbender would be invited to attend if appropriate for that discussion.

Mr. Mead asked if a driveway could be built on the Gas Company easement. Mr. Maxwell said that technically the Gas Company has the easement to cross this property. Mr. Jusko said that if the Gas Company does repair work to their line and causes damage to this private driveway, by the agreement the Gas Company is not responsible for damages to that driveway. Mr. Jusko added that the private property owner may not impede access to the Gas Company with gates, fences or whatever.

Mr. Maxwell made a motion to table Mr. Eckis' request for the addition of lots to existing sub-division until revisions are made and forwarded to the Planning Board. Second by Mr. Edington.

CODE ENFORCEMENT OFFICER KRAMER – Mr. Kramer had nothing else at time.

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

Being none, Mrs. Hacker made a motion to adjourn the meeting at 8:47 P.M. Second by Mr. Edington. All were in favor.

Respectfully submitted,



Kevin G. Maxwell

Secretary

KGM:tjf