

Highway Superintendent Poore, con't.

Discussion followed regarding the shape of the existing turnaround: 't' or cross.

Mrs. Hacker: Physically what is there now is a cross.

Mr. Stringfellow: Mr. Brox, my understanding was that the right of way for that 't' turnaround was deeded just as is shown on that map.

Mr. Brox: That is correct. And Mr. Perley determined that 25 feet, and 50 feet, and 25 feet or however the dimensions run created the necessary frontage for this parcel. That's where this came from with all its intended problems.

Mr. Stringfellow: I don't believe that Mr. Perley ever determined that; that was his opinion but I don't think I have ever seen it in writing.

Mr. Brox: We should check the minutes, I do remember that discussion.

Mrs. Hacker: My understanding is that we're not holding up the Liarios' for a building permit. That hasn't been approached so far.

Mr. Kramer: What happens when it is approached, what do we do. Do we deny a permit?

Mrs. Hacker: My understanding is that we had to until it was a resolved.

Mr. Brox: We need to find the minutes were it was determined that the z-shape was allowed as legal frontage on a public paved way.

Mrs. Hacker: So if Mr. Kramer is asked to issue a building permit do we have to allow him to have one?

Mrs. Vacco: You've got an approved subdivision map cover that has right of way road frontage; and if I was his lawyer I would say, 'your subdivision plan indicates that is right of way road frontage and you can't deny my client a building permit.' However, what you have to determine is, if the developer hasn't met the specifications as set forth in the approved map cover, then the Code Enforcement Officer could deny it based on the fact that the developer never had the road up to the specifications that the Planning Board had approved.

Mr. Early: It's hard to believe that the 't' is built to specifications. The pavement doesn't seem to match the requirements.

Mr. Brox: He is nowhere near the requirement of the temporary 't' turnaround of the Town of Boston. It's got to be at least 50 feet from the edge of the existing pavement to the end of the 't' and he's only got 39 feet, based on the sketch that you gave us at the last meeting. It should be 24 feet wide, not 20. The one on the other side shows 55,...

Discussions followed.

Mr. Mendola: The Code doesn't say that you have to have that much frontage, it says that you have to have that much lot width at the building line.

Mr. Brox: That's correct.

Mr. Stringfellow: Do you have anything you want to share with us about whether driveways on 't' turnarounds are a problem for the plows or not?

Mr. Poore: My observation up there (referring to hand drawn poster) #2 parcel, I don't see any problem; #1 parcel, that's in a bad spot, that's going to come right in to the plowing area.

Discussion followed attempting to clarify what driveways were acceptable. Mrs. Hacker and Mr. Poore discussed the driveways from the hand drawn map she had drawn.

Discussion followed regarding culvert pipes that are lying on site at the south end of Deer Run.

Discussion turned to length and width of 't' turnaround.

Mr. Brox: The 't' turnaround should 35 feet by 35 feet off the side of the road right of way.

Mrs. Hacker: My width is 18 feet and the length is 37 feet, and the 37 feet is a drop-off.

Mrs. Hacker questioned about how much road/right of way is the Towns.

Mr. Early: 50 by 50 by 50.

Mr. Brox: If that was the deeded width of the old Polish Hill right of way, then this should have been required to be 66 feet wide.

Several discussions – unable to note or understand from the recording.

Mr. Brox: He's 50 by 50 by 50 deeded to the Town, now inside that he must have a 24 foot pavement and a 24 foot pavement and a 24 foot pavement, and these sides must be 35 feet.

Mrs. Hacker recapped driveways: Liarios driveway is no problem; Tuttle's driveway, if 50 feet from the 't' will be no problem; Dinse driveway is a problem.

Mr. Stringfellow: If the Liarios driveway coming off the left side of the 't', why is the Dinse property a problem?

Highway Superintendent Poore, con't.

Mrs. Hacker: It's level on one side, it's a major drop-off on the other.

Mr. Brox: That would be a concern of the builder of the house, not of the Town. He's got to bring it up to the road, when the road meets specifications.

Several individual discussions.

Mrs. Hacker: I believe that we need to send Gary Eckis a letter stating that...

Mrs. Vacco: You must decide as a Board whether you are going to direct him to bring the 't' turnaround up to Town Highway specs or as you discussed in the beginning, are you going to do a half circle. There has to be some input from the Highway Superintendent, he seems to be happy with the 't'. You need to decide what it is that you want.

Mr. Poore: I'll go up and take some measurements, but as far as the cul-de-sac – I think a cul-de-sac is more maintenance; is harder to plow, leaves snow in the middle; if there's grass, who mows; 't' is perfect – a truck could drive straight in, back up, make a pass in, a pass over; and I intend to clean all turnarounds myself with the Town pick-up, because it's small enough.

Mr. Hopkins: What pavement is there, is that wide enough?

Mr. Brox: It's required to be 24 by 35.

Mrs. Vacco: If you check R&D Engineering, the former Town Engineering firm, I believe they okayed 18 feet because 24 feet would not fit the terrain.

Mrs. Hacker: So the issue we have then is with the Dinse driveway going off the turnaround.

Mr. Early: I would respectfully leave that decision to the Highway Superintendent.

Mrs. Vacco: Placement of driveways falls under the jurisdiction of the Highway Superintendent, unless authorized by Local Law it falls to the Town Board. I will check into the engineering report and along with Mr. Kramer will check on road dedication of Deer Run and find out if that was approved in those current specifications and if not it would have to fall to Town Code Highway specifications, and at that time the Planning Board could request the developer to bring that 't' turnaround up to Town Code Highway specifications.

Willow Drive

Mr. Pohl read the correspondence dated May 6, 2004 requesting Mr. Bernardi to file the proper application for subdivision of land and proceed accordingly.

Mrs. Hacker said that she has had several conversations with Mr. Bernardi and also with Rebecca Anderson, Environmental Specialist with the New York State Environmental Conservation department.

Mrs. Hacker: His intentions are too continue his driveway into the shape of a cul-de-sac to therefore create frontage to allow him to sell two adjoining lots. At that I explained that any extension of a town road would constitute a site plan review for a subdivision.

I had quite a few questions for Rebecca Anderson. She has agreed to meet me on site tomorrow; we will go over the papers Mr. Bernardi has. I have been told by Mr. Bernardi that the elevation on these two spots are beyond the 100-year flood plain.

Tomorrow we will meet at 9:00 AM.

Apparently the Geary driveway exists on a sheet of paper but not on the tax map. We want to correct the placement of that driveway.

Mr. Stringfellow: Whether it is on the tax map or not, it is filed with Erie County.

Mrs. Hacker: I will get the tax map before the meeting tomorrow morning.

Mr. Hody: Does the Town put in road right of way markers?

Mrs. Hacker: I suggested that several years ago, to the Town Board, and was overruled.

Mr. Brox: Monuments are already required.

Discussion followed regarding the marking of lots and parcels, usually with iron pins/stakes.

Mrs. Hacker: We need to be aware of these things for when we get to the Darling subdivision.

Discussion turned to building in flood plain areas.

Mr. Brox referred the members to Town Code section 104-32 G.

Mr. Poore: As to the placement of a cul-de-sac down there, I'm not sure where he would have room to put in something big enough to manipulate a truck.

Highway Superintendent Poore, con't.

Mr. Brox: He's got to build a cul-de-sac 120 feet across.

Mr. Poore: That's what I'm saying, I don't know where he's going to have room to do that.

Mr. Brox: Then he can't build a subdivision.

Mr. Poore: The other problem I have is the turnaround is built right now, which he is proposing to donate/deed to the Town, to me that's a very workable turnaround, with one exception – you could never build a road off either end of it; so then I don't know where his other roads to his other lots are going to be. As far as the turnaround itself, I would prefer that over a cul-de-sac; and I don't know where he would put that. The Town plows are working fine with that.

Mr. Hopkins: If the 't' turnaround is allowed, remember his driveway is right off the end of the 't'.

Discussion followed regarding placement of driveway and proposed driveways.

Mrs. Hacker: I think this is all premature. We will meet with him tomorrow, we will hear him out and then if he wants to approach this Board for a subdivision, then that's where we are.

Mr. Poore: With the extension that he is proposing to deed over to the Town, we would be pushing snow off onto private property to keep it clean.

Mr. Kramer: That wouldn't be the only situation like that in Town.

Mrs. Hacker: There's nothing more we can do on this tonight.

Mr. Stringfellow: If the contour lines on the map that Dennis gave us last meeting are accurate, then the end of Willow Drive and the 't' turnaround as it exists now is above the 100-year floodplain, but if you extend down where Mr. Bernardi wants to extend, you are going to be building a road and maintaining a road in the floodplain.

Mrs. Hacker: And I was told that wasn't the case, so we have to go see it. That is his responsibility, not ours.

Mr. Pohl: As part of the whole subdivision process that flood plain is going to have to be shown on there, and at that point the engineer doing the design will identify and will know whether its in the floodplain or not.

Mrs. Hacker to Mr. Kramer: Mr. Bernardi said that there is a new house, built in the last three to five months, on Thornwood Drive that is closer to the creek than his property, is that so?

Mr. Kramer: There is a new home down off Thornwood, back off a long driveway. They had to get a variance because they didn't meet frontage requirements. It was originally shown as a paper street when Thornwood was developed.

Mrs. Hacker: It's not shown on a map as a paper street, anywhere. That's one of the questions Tony has. He has told me that there was a paper street coming toward his property that has disappeared.

Mr. Kramer: This house in question, they came to Zoning Board of Appeals and were granted a variance to build a single family dwelling because there was only, I think 60 feet of road frontage, and when you get back on the property it widens out to about two acres. So the ZBA approved that as a buildable lot.

Mrs. Hacker: Its address would be Thornwood? Mr. Kramer: Yes.

Mrs. Hacker: Did that property require a change in subdivision?

Mr. Brox: It didn't need one, because the sixty feet would be governed by the ZBA to be a legal lot which was part of the subdivision. There was no change in the map cover.

Mrs. Hacker: Mr. Poore, thank you for coming.

WOODLEE COURT ANNEXATION

Mrs. Vacco: I have been in contact with a person who wishes to purchase a lot in Woodlee Court. It is the subdivision that was approved by the Planning Board with the understanding that part of the lot was in the Town of Boston and part of the lot was in the Town of Orchard Park. The subdivision was approved with understanding that any homes would be built within the Town of Boston.

Mr. Brox: It's stamped right on the filed sub-map.

Mrs. Vacco: The potential landowner contacted me and we tried to come up with a way to make this work. I also spoke with the Town Attorney from Orchard Park, and tried to work together so that it would not have to come to a modification of subdivision. He took it to his Town Board (Orchard Park) and they said absolutely not. Our Town Board had approved that this property would become the Town of Boston's. The only way, in my opinion, would be to modify the subdivision to take out the stipulation. I also approached the Town of Orchard Park asking that we do an inter-municipality agreement that the tax revenue from this lot would be forwarded to the Town of Boston, and was told by the Comptroller's office in Albany that is illegal. So modifying the subdivision would be the only legal way to allow him to build in the Town of Orchard Park, but know, that the Town of Orchard Park will receive the revenue, and the Town of Boston will service the road, which they are already doing.

Woodlee Court Annexation, con't.

Mr. Brox: What about the fact that the Town of Orchard Park has no road frontage in the Town of Boston? Orchard Park won't allow you to build a house without road frontage on a public road, you're building on backlands.

Mr. Pohl read the letter forwarded from the Town Board, from Ronald and Mary Smith, for Kenneth Szyszkowski, perspective buyer. Mr. Szyszkowski states in his letter that he wants to build further back on the lot (located in the Town of Orchard Park), which he feels is more consistent with homes already on Woodlee Court.

Discussion followed.

Mrs. Vacco: I have talked with Association of Towns Legal Department, and with Leonard Berkowitz (O.P. Town Attorney) as to what we could do to accommodate this potential homeowner, modify or annex; and Orchard Park is not willing to annex.

Mrs. Hacker asked Mr. Brox to respond to this letter with his recommendation to the Planning Board.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer: I see Mr. Krencik and his son are here, I would ask if they had some questions.

J. Krencik: We were wondering what is going on with CVS. They are going to purchase our property if it's passed.

Mrs. Hacker: The Planning Board has sent a recommendation for approval, with stipulations, to the Town Board.

Mr. Hopkins: The Town Board has approved the site plan, with stipulations at the May 5, 2004 meeting.

Mr. Krencik: There is a concern over soil and its clean-up.

Mrs. Hacker: Sir, I'm sorry but it is now out of our hands, we have sent a recommendation for approval.

Mrs. Hacker: Anything other comments or concerns?

Mr. Cooly: I live on Wohlhueter Road, about 30 feet from where the water tower is being installed, who do I talk to about getting on that line.

Mrs. Vacco: Talk to Erie County regarding E.C. Water District #3 and

Mr. Cooly: I live right next door and am not going to get water.

Mr. Hopkins: It's being done in phases.

Mr. Cooly: That could be seven years down the road, would like to get it sooner. So would like to know who do I talk too?

Mrs. Hacker: Talk to the Town Board, their meetings are the first and third Wednesday's of the month.

Mrs. Hacker: Anything else?

Mr. Early: Has Mr. Barrett had any contact with you? Has anybody else looked at the property?

The usual comments and concerns about parking issues and amount of parking spaces were discussed.

Mrs. Hacker: Please review the plan that was distributed tonight for discussion at the next meeting, also the Charlap plan.

Mrs. Hacker: There is still a problem with the front corner at Three Girls' Café, with cars being parked there and others pulling out of Valley View Lane not being able to see oncoming traffic northbound on Boston State Road.

Mr. Kramer: Maybe we should contact the County and ask them to install a guardrail.

Mr. Hody: Sometimes they are required to take out blacktop and actually plant grass to help eliminate this type of situation.

Mr. Kramer: That is what was done in front of the Liberty Tavern in Boston.

Mrs. Hacker: Who would we contact?

Mr. Hody: Charlie Sickler, Superintendent of Highways, would help you get the formal process started.

Mrs. Hacker: Any further business?

Being none, Mr. Stringfellow made a motion to adjourn at 8:50 PM., seconded by Mr. Hody. All were in favor.

Respectfully submitted,

Michael J. Pohl

Michael J. Pohl
Secretary

MJP:tjf