

BOSTON PLANNING BOARD MINUTES

December 11, 2012

PRESENT: David Stringfellow, Chairman
Jennifer Lucachik, Secretary
Dave Bowen
Cathy Maghran
Tony Zeniuk
Paul Ziarnowski

ABSENT: Robert Chelus

ALSO PRESENT: Michael Kobiolka Town Attorney
Jeff Genzel Town Board Liaison
Thelma Faulring Secretary to the Boards and Committees
Sean Hopkins 5500 Main Street, Williamsville, 14221
Dana Darling 6540 Omphalius Road
Joe Gauthier, Jr. 1900 Bullis Road, Elma
Alan Bratek Participation in Government Student
Drew Carey Participation in Government Student
Brad Mitchell Participation in Government Student
Derek Zolnowski Participation in Government Student

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Mr. Stringfellow called the meeting to order at 7:30 PM and appointed Alternate member Dave Bowen to serve as a regular voting member for this evening.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of November 27, 2012. Mr. Stringfellow had some typo corrections of the draft minutes that were distributed to the members. With those corrections being made Mrs. Maghran made a motion to accept the minutes of November 27, 2012, seconded by Dr. Ziarnowski and carried.

GENERAL CORRESPONDENCE

Secretary Faulring reported:

- Code Enforcement Officer Ferguson’s November End of Month report
- Letter of resignation from Keith Claus

Mr. Stringfellow made a motion to accept with regret the resignation of Keith Claus and request that the Town Board appoint Mr. Bowen as a full member of the Planning Board, seconded by Mrs. Maghran and carried. Mrs. Maghran asked that a notice be published in the ‘Hamburg Sun’ requesting new members. Secretary Faulring asked if any member attended the training session on December 5, 2012 in E. Aurora. Paul Ziarnowski said he attended.

DEANNA DRIVE SUBDIVISION EXTENSION – Sketch Plan Discussion

Mr. Hopkins gave an overview of the changes / additions that have been made since November 27, 2012:

- Added a 50’ right-of-way to the north for future development
- Future roadway to the south
 - Not feasible due to wetlands and topography
 - If project is not completed then look into the possibility
- Public roadway connection to the south
 - Patio home project
 - Private infrastructure, driveways, water lines, sewer lines
 - Not feasible with a public road connecting into a private road
 - There is an emergency access between the two projects which will allow residents access in both directions
 - If made a public roadway we would have to start all over with the patio home project
 - Have received many inquiries about the attached patio home project
- This is still in Sketch Plan approval process after this there is:
 - Full engineering process
 - All concerns regarding drainage, grading, landscaping

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Review of Sketch Plan 100 dated December 4, the following are:

- Comments / concerns / suggestion by the Planning Board members and others
 - Responses by applicants and others
- What is exception parcel?
 - Quaker Cemetery
- Lot 25, is that a private parcel?
 - That's not part of the subdivision, that's already there; 1 – 5; 29; 27; 30 26; 25 those are already platted lots, there are no buildings on 25 and 26; Glen Kern owns those parcels
- The right-of-way to the north is 50 feet, the Town normally requires 60 feet, what's the reason for knocking off 10 feet?
 - That was per the suggestion by Mr. Brox, in this type of situation.
- I would like to discuss that with the Highway Department.
- This is not a highway, just an access to a another potential subdivision; could be made public at some point in time

Discussion followed about what is required, what is acceptable.

- Are you home builders or developers?
 - Developers
- Build and lease?
 - No. we want to develop the whole property; develop the infrastructure and the homes as well
- So it's a public road, once your done you move on?
 - We're going to sell the lots with houses on them. We might entertain selling a few lots to builders but we want to have control over the project itself; so we can restrict what is built there
- What is your definition of a patio home?
 - These are single family homes not patio homes, that's a separate project to the south of Deanna Drive, 1400 square feet
- Homeowners Association?
 - No, just like any subdivision
 - Once infrastructure is in it will have to be approved by the Town Board and will be turned over to the Town after approval
- Phases?
 - Will come in and go to the south to meet the access road over to Brookfield
- What happens if the demand isn't there, what happens to the rest of it – a dead end?
 - In each phase we will comply with the Towns requirements of a T-turnaround
- Why two projects going at the same time?
 - We envision that these are two completely different markets
 - The attached patio homes being attractive to seniors, empty nesters, young professionals
 - This being a traditional subdivision attractive to a young family with children
 - The problem with infrastructure is this would be 800,000 or one million if you put it all in one phase, you can't go to the bank for that; you can go to the bank for this because the back has collateral, they have the buildings; the bank doesn't want a road as collateral
- What kind of experience do these two guys have, building two projects at the same time?
 - Dana is an excavator and Joe is a paver
 - I did work on Hickory Meadows here in Boston
 - I built the Tim Horton's here in Boston
- T-turnarounds are temporary and must be removed or turned into a cul-de-sac if you terminate the project

Discussion went to the Hickory Meadow subdivision being done in two phases.

- Who takes care of drainage problems?
 - Each phase as it is built has to comply with very stringent DEC regulation
 - You cannot create more runoff than already exists
 - Basically we will have a positive impact
 - Your Town Engineer has to completely approve of the drainage plan

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- It has to work or it doesn't get built
 - DEC will come out and inspect
- Stormwater has to be built first right, to handle any storm during construction
 - Yes and there's a whole other set of rules and regulations for drain construction
- Who's legally responsible for it if it doesn't work?
 - The developer
- If there is an unsatisfied buyer in terms of the finished grade, who is responsible for that?
 - Whoever did the work would be responsible for the site work
- The final elevation of the homes are not specified anywhere
 - We're not at that point
 - The road will be determined, the stormwater will be determined
 - An estimated grade or finished floor will be determined and some of that determination is going to come from the style and design of the house
- Don't have confidence with the 391 after it drains on my property after it drains through 20 other properties and my property can have two feet of water on it
 - Your subdivision probably predates these regulations
 - I dig basements all the time and spend a lot of time laying it out ahead of time
- I would think that there should be some type of escrow put in place that authorities could access those funds to make sure finished grades were...whose ever responsible if it's the Building Permit Department
 - There would be a home warranty that you're required to comply with by New York State Law, but there's not a separate escrow provision for site work or landscaping
- Right now you're just looking for sketch plan
 - There will be more refined information on drainage to look at, we're just not there yet
- It's contained in Article 5 Section 104-08 with four or five pages of other requirements; what I'm gathering is you just want to know if this Planning Board has any objections to the layout of the lots as they are
 - Right because unless we have that determination we can't finish the engineering
 - You're only looking at a one dimensional plan at this juncture
 - Setbacks will need to be met
 - We have a variance for lot depth
 - We will probably record some deed restrictions that the landowners are going to have to follow, when we get there we can provide them to you
- We need to check on the width of Deanna Drive; we will need to have approval of the Highway Department
 - The width of the right-of-way and the width of the pavement are not the same thing
 - Paving for this type of subdivision is 24 feet which easily fits into a 50 or 60 or 66 right-of-way and easily accommodates emergency vehicles
- The previous subdivision is very much what you see right now; and only a few lots sold; the owner of the property officially abandoned that subdivision, it ceased to exist; so Dana is not by any means required to follow the original plan, he chose too but there was no requirement that he do it; I will plan to talk to the Highway Superintendent to determine the road issue
- How far down does the water table lie on this property?
 - Guessing at minimum 15 feet, at the back of those it drops off easily 15, 20 feet to a lower level and it drops off again from that level to the creek
 - If I see groundwater as I'm digging we stop and don't dig any further, we stop and bring the foundation up
 - We will have to do boring at the site to figure out where the groundwater is and what type of foundations are preferred
 - The building department will look at each foundation for each lot
- Would it be possible to walk the property?
 - Sure any Saturday or Sunday morning
- There is a legal requirement that if we go as a group, a majority of the members, then it is considered a meeting and it has to be publically announced ahead of time; and there can be no decisions made during that visit
- Is it our business or the Town's business to ask if these guys are financially stable?
 - Legally you can't ask that, it gets checked by the bank
- Come in and go to the south, is it possible to put in the substructure for the total road without finishing it

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- Will probably put in the sewer and the water and end it at a phase line; we might have to cut the road out and run utilities, depending how it drawn up, we haven't got to that point yet
- Ditches, no curbs?
 - Shoulder and ditches
- What is the surface between here and the patio home going to be?
 - Paved. It has to hold emergency vehicles
- Whose responsibility will it be to maintain that?
 - That will come with the responsibility of maintaining the patio homes, it will be private so they will maintain it
- Who is responsible for maintaining the northern access route?
 - There will be nothing in there; if and when the Schunk family or someone else decides to develop that as part of their project they would be required to put that road in there and it would have to be to Town Specs

Discussion turned to T-turnaround on Willow Drive.

Discussion followed moving the proposed north right-of-way to another location further to the west.

- The December 4 letter said 'if you have any questions please call...' Are these questions to be directed to the developer or to the Chairman?
 - This is a sketch plan and there are questions that might be asked that we can't answer at this time without fully engineered plans
- I think we need the fully engineered plans in order to ask the correct questions.
- Still not comfortable with the 50 foot right-of-way to the north.

Chairman Stringfellow asked that the members to compose their lists of questions and submit them to him and in turn he will forward them to the developers.

Discussion followed regarding the Quaker Cemetery.

Discussion followed regarding the Brookfield Patio project.

Once again Chairman Stringfellow asked the members to have questions to him as soon as possible so they can get forwarded.

Mr. Hopkins: So on the sketch plan, are we good to go? We know there's a lot of engineering, and there's a lot of other question.

Mr. Kobiolka: A sketch plan is part of the initial application and doesn't really need approval.

Mr. Hopkins: Not technically an approval, but we're just looking for a consensus that we can go ahead with the next phase. The next meeting with the plans is a meeting where you might want to have the Town Engineer present. A list of questions would be great for Joe so that he can have them to start the engineering plans.

LIASION – COUNCILMAN GENZEL

Mr. Genzel reported from the Town Board meeting of December 5, 2012:

- Erie County Water Tariff amendments – basically raising your water rates
- We all signed a letter to Erie County Public Works concerning Boston State Road lack of shoulder south of the Town Hall past Faith Church
- Scheduled a Public Hearing for the ambulance service contract, there was no increase requested
- Received Town Historian's annual report
- Received W.N.Y. Southtowns Scenic Byways request for a sign in Town – this is to prevent billboards from being posted in our Town
- The Zoning Board of Appeals approved Emerling Chevrolet signs

TOWN ATTORNEY – MR. KOBIOLKA

Mr. Kobiolka reported:

- The Town Engineer opened the bids for the repair of the waterline on Keller Road
 - One bid from New Frontier, Eden for \$36,000
 - One from Fiske for \$49,000
 - Town Engineer recommended the one from New Frontier in Eden

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Mr. Stringfellow: Is there anything else to discuss?

Dr. Ziarnowski: I went online to the NYS Department of State training for the new people joining the Board, there is a two hour tutorial on the workings of the Planning Board and protocol and duties; and it was probably one of the better training things. I was really impressed.

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Dr. Ziarnowski: One other thing, once we finish a project can we put closure on it? Can we have a meeting and 'pick it apart' this is the way we wanted it to go down, or we fell short on this, or there are some things that the Building Inspector needed to look at; instead of just ending a project.

Discussion followed regarding having the Code Enforcement Officer attending our meetings.

Mr. Kobiolka: Like at the restaurant across from me. They wanted an outdoor eating area, that was supposed to be removed after summer, and now it's got Christmas lights on it.

Mrs. Maghran: I like when we approve projects with contingencies.

Mr. Stringfellow: When we put contingencies on things I think the Town Board has been good at passing those contingencies right through. Whether they get followed up on or enforced or not is Code Enforcement.

Discussion again followed about having the Code Enforcement Officer attending as least the last meeting of a project.

Mr. Bowen: How can he issue a Certificate of Occupancy if the site plan isn't done as approved?

Mr. Stringfellow: Like the history at Tim Horton's a Certificate of Occupancy was issued and the site plan was not complete.

Mr. Stringfellow: I don't see any reason not too, when we're through with a project whether it's site plan approval or subdivision, put together a letter to the Code Enforcement Officer saying these are our concerns please follow up on them.

Mrs. Maghran: I make a motion to adjourn (8:48 PM), seconded by Dr. Ziarnowski and carried.

Respectfully submitted,

Jennifer Lucachik
Secretary