

MEMBERS Mitch Martin Chairman
PRESENT: Dave Bowen
Mary Ann Rood
Elizabeth Schutt
David Stringfellow

ABSENT: Jim Liegl
Paul Ziarnowski Vice Chairman
Jay Boardway Town Board Liaison

ALSO Thelma Faulring Secretary to the Boards and Committees
PRESENT: Sarah desJardins Planning Consultant
Michael Kobiolka Town Attorney
Kevin Monaco Applicant – 7040 S. Abbott Road
Don Schreiber Applicant – 7849 Boston State Road

MEETING TO ORDER

Chairman Martin called the meeting to order at 7:31 PM. and advised those in attendance that the Planning Board would conduct agenda items until 8:00 PM and then break for the Public Hearing.

BOSTON SELF STORAGE – SITE PLAN REVIEW – 7849 BOSTON STATE ROAD

Following discussion:

Mrs. Rood: I will make a motion to recommend to the Town Board approval of the site plan submitted by Schreiber and Winkleman with the condition that Mr. Schreiber follows the proposed landscaping description submitted by Forever Green on March 14, 2017.

Mrs. Schutt: Second.

Mr. Martin: There is a motion and a second, are there any further questions? Being none, all in favor say aye. All were in favor of the motion.

MONACO GARDEN CENTER SITE PLAN REVIEW – 7040 S. ABBOTT ROAD

Mr. Monaco stated that the pole barn is going to be used for storage at this time.

Following discussion:

Mrs. Rood: I will make a motion to send a recommendation to the Town Board to approve the site plan submitted by Monaco Garden Center.

Mrs. Schutt: Second.

Mr. Martin: There is a motion and a second, are there any further questions? Being none, all in favor say aye. All were in favor of the motion.

Chairman Martin continued with the regular agenda items until 8:00 PM for the scheduled Public Hearing.

TOWN BOARD LIAISON – COUNCILMAN BOARDWAY

Was not present

TOWN ATTORNEY KOBIOLOKA

Mr. Kobiolka reported the following:

The Town Board did agree to appeal the decision on the application for the group home on Cole and Omphalius

- the Town wants to take a stance in terms where the Town stands on the issue and it’s right in line with what the Town has done the past 2 years
- the case will be briefed and will be written up during the summer
- oral argument will scheduled in Rochester the first week in September; so we probably won’t get a decision back until October or November possibly the first part of next year

Attorney Kobiolka, con't.

This is the 200th Anniversary of the Town of Boston

- April 5 is the date the Town was organized
- At the Town Board meeting on April 5 the Town will have some minor events
 - A Birthday Cake
 - A gentleman dressed in garb of the 1817's
 - Proclamations from
 - County Executive Poloncarz
 - Senator Gallivan
 - County Representative John Mills will be here
- Other dignitaries

PLANNING CONSULTANT DESJARDINS

Mrs. desJardins: At some point we are going to have to talk about the rezoning request and the SEQR process for that

Mr. Martin: David Stringfellow brought up the issue of the Section of Code where there is a discrepancy as to what the Highway Superintendent role would be; I would like to know what that Code Section is and would like to have a proposal on how to change it so it be more obvious to a lay person as to what is required so we can make a proposal to change that Code to the Town Board.

Mrs. desJardins: Section 104-9B

Mr. Kobiolka: What is the issue with the Code?

Mr. Martin: From the previous meeting there was confusion in regards to Deanna Drive project as to whether the Highway Superintendent should do a preliminary approval and a final approval; I would like it to be more clear in the Code so moving forward there is no misunderstanding as to what the objective is.

Mrs. desJardins: As long as we have time, we did a Lead Agency solicitation

- to about 7 different agencies
- they have 30 days get their comments to us
- once the 30 days is up typically if we haven't heard from someone like in this case the DOT we will inquire to them when they can get it to us
- eventually when we get all the documentation the Town Board will have to decide whether any of the impacts from this project are so large as to be not mitigatable or require a lot of mitigation
- usually they will make that decision with input from this Board
- once we receive this information it will be sent to your homes and at a subsequent meeting we'll go through each one and decide if it's a small impact, is it moderate, is it a lot of impact
- then decide whether to recommend to the Town Board to issue a Positive Declaration or a Negative; Positive Declaration is bad for the developer and why
- the Town Board will make that decision; they don't have to take your recommendation
- the applicant is going to keep pushing us to keep this moving

Answers to questions

- There is a Public Hearing at Town Board level for rezoning
- The Planning Board can take public comment at the pleasure of the Chairman
- If neighbors show up and want to speak you can let them or advise them that this is not the public hearing and not let them, the neighbors do not have to be notified by the Planning Board

Mr. Kobiolka: It would up to the Chairman of the Planning Board if they want to hold an informational meeting which is not binding on anybody or if the Planning Board members want to talk to anybody as representatives of the Town, the community. Previously we took written comments so people didn't have to come and stand around at a Public Hearing.

PUBLIC HEARING - DEANNA DRIVE SUBDIVISION EXTENSION

MEMBERS Mitch Martin Chairman

PRESENT: Dave Bowen
Mary Ann Rood
Elizabeth Schutt
David Stringfellow

ABSENT: Jim Liegl
Paul Ziarnowski Vice Chairman
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ALSO Thelma Faulring Secretary to the Boards and Committees
PRESENT: Sarah desJardins Planning Consultant
Michael Kobiolka Town Attorney
Dana Darling Applicant – Deanna Drive Sub-division extension
Joe Gauthier, Jr. Applicant – Deanna Drive Sub-division extension
Joe Palumbo Engineer – Deanna Drive Sub-division
Peter Sorgi Attorney – Deanna Drive Sub-division

The following are property owners on or in the vicinity of Deanna Drive

Linda Schooley 6415 Willow Drive
Bill Schooley 6415 Willow Drive
Mark Matyas 6444 Willow Drive
Marianne Matyas 6444 Willow Drive
Lawrence Leonard 6434 Willow Drive
Marian Schiralli 6410 Deanna Drive
Brian Schiralli 6410 Deanna Drive
Nancy Iovenitti 6390 Deanna Drive
Ron Yormick 6405 Deanna Drive
Bob Telaak 7900 Feddick Road
Michael Flattery 7847 Back Creek Road

Mr. Martin asked for a motion to open the Public Hearing.

Mr. Stringfellow: I move we open the hearing.

Mrs. Schutt: I'll second.

All were in favor of the motion.

Mr. Martin: If anyone would like to come forward to speak for or against please state your name and address, please do so now.

Peter Sorgi: Attorney representing Mr. Darling and Mr. Gauthier introduced Mr. Palumbo and then gave a brief overview of the project:

- 34 lot subdivision extending Deanna Drive
- Property is zoned for this
- Has sketch plan approval as to the concept
- Have a rear parcel of about five acres which is going to be a Deed Restriction for permanent open space
- At this point we know that you are not going to vote this evening because we have to amend the plans because we have agreed to put in guttered curbs or some type of curbing for drainage as opposed to the open ditch
- So that is the change, what we're asking tonight is obviously we want to hear what everyone has to say and answer any questions that anyone has and at the end of the meeting we would like to know what a list of the issues are so we can address them to the next meeting
- What typically is done in subdivisions is we would put restrictions on the type of home so somebody wouldn't come in and build something that is not in character with the others in the area, it's a self-imposed restriction that is how we can maintain control

PUBLIC HEARING - DEANNA DRIVE SUBDIVISION EXTENSION

The following issues were raised by Planning Board members:

- Planning Board issue
 - Response

And may be out recorded out of order to complete on issue at a time

- Sidewalks
 - At this point our plan does not show sidewalks
 - Not a through road
 - Building specs doesn't say it should be included
 - Don't know Code Section off-hand
 - With gutter curbs walkability is in the area
 - Already have existing homes with no sidewalks there
 - Individual homes with sidewalks are homeowners responsibility, doesn't make sense to have sidewalks here and there
 - When you start throwing in a lot of these things it becomes unaffordable and those costs are pushed onto the homeowners
 - Doesn't make sense in this particular project

Public Comments/issues:

Ron Yormick – Deanna Drive

- Drainage on north side of property not Town or County maintained
 - Drainage will be taken care of when it's fully engineered
- Is the road and infrastructure going to be done all at one time
 - 2 phases in terms of road construction
- The four existing homes on the street – are we going to get the sewers
 - The sewers are going to be on the road coming past Deanna Drive
 - The County's idea is that people, obviously it's a public sewer, so people have the right to tap into that, we're not going to tapping in for them but it will be there if they want to run a line
 - Mr. Darling: The sewer is actually in the back of the property, it runs from the back of our property to the end of our property which is declared by the County, from there it just ends
 - The people would have the right to extend that line to their homes
 - We don't own lots 1 – 5
 - The County in the end may require it
- Road condition following construction
- No access to north – Willow, Park, Thornwood and Deanna all continue as one community
- Approximately 6 acres at the West end of the property that's open space and there is not access to it
- My problem is 4 of 8 existing properties will have to pay astronomical prices to extend that sewer so I would like to see the sewer line put in for the entire project including the vacant lots

Mark Matyas – Willow Drive

- I have a drainage ditch in the back of my property which is immediately adjacent to your property, what's going to happen there, what's your plan for that
 - There's a ditch that runs on the north side of the property the intent is as construction takes place will be cleaned so the water will continue to flow to the west
 - Anything that goes through that ditch line will go through our retention pond before it goes into the...

Marianne Matyas – Willow Drive

- Is there any plans to connect Willow Drive to the development that will increase traffic on Willow
 - Currently there is no plan to connect to Willow because it is private property and the developer does not own the property to make the connections; the Town has required us to leave a lot available for a potential, future right-of-way connection

PUBLIC HEARING - DEANNA DRIVE SUBDIVISION EXTENSION

- Proposed retention pond to protect this wetland
 - Deed restriction to protect this property

Mrs. Matyas continued to address Mr. Sorgi personally and did not speak at the microphone, as requested, so not all of her questioning was clear or understood – this ‘private’ conversation is not part of these minutes

- The design is to be a dry pond so it won’t be holding all the time
- The intent is runoff from Deanna Drive itself, we sized to actually take everything off from the east from Boston State Road down, control it so we don’t have any ponding on, in the neighborhood and put the pond down low and it’s designed to be a dry pond so you won’t have mosquitoes there
- The runoff from 39 houses will go there
 - yes
- Will it overflow
 - No because it’s at the bottom of the escarpment

Conversation between Mrs. Matyas and audience – not in these minutes.

Discussion between Mr. Sorgi and Mrs. Matyas at the site plan.

Mr. Martin: Anyone else have any other questions?

Robert Telaak – Highway Superintendent

- Is there any maintenance on that dry pond as far as mowing and who’s going to take care of it and is there access to get to it
 - That is still very much under discussion with the Town, the intent is to make it as maintenance free as possible so we don’t have issues with the Town Board; there is access between the lots to get to it for potential maintenance; there is an easement for the sanitary sewer...down the bottom of the escarpment
 - Not public access, access just for the easements
- The plans that Dana gave me showed the road pavement a little extra wide and with the extra width on the gutters I would think that would be fine for walking or jogging on the road, plus the Town would automatically be plowing that and it wouldn’t be a homeowner issue to shovel the sidewalks
- Basically the roads are usually 20 feet, 10 ten feet on each lane and I think Dana showed me these are 12 or 13 feet lanes, actual pavement on the road
- We will have to talk to the developer about the existing portion of the road because there is going to be a lots of trucks and equipment going in on that road; they’re going to have to fix the road if they damage it but maybe they could widen it out because Deanna Drive right now is narrow at 20 feet

Mr. Martin: Anyone else with any comments? Any Board members with any comments?

Mr. Bowen

- The five acres on the west side, if there is an emergency down there or a fire what is the access?
 - The only proposed access would be an easement, not really an access, an easement for maintenance
- What happens if there is a fire or emergency there?
 - What do they do now, it would be exactly the same thing that they do now
 - They would come through the easement area, I don’t think there is a problem with the easement covering emergencies
 - There is not going to be a roadway there, the escarpment is like straight down
 - What are you asking for
- You are the professional, I’m asking you
 - I think what he’s saying professionally is that the chances of trees or what not catching fire down there is incredibly remote and is similar to anywhere along the creek throughout the Town
 - I’m sure emergency vehicles have the rights to get where they have to go

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- My concern is if the landowners build fences will there be access in case of a fire or an emergency
 - Yes, because we incorporate a 20 foot easement
 - So homeowners here won't be allowed to put a fence across this easement
 - That would have to be in a Declaration of Restrictions that would have to be approved by Mike in terms of forwarned that would be something that would be included that that's not allowed right there
- You talked about the drainage flowing from 391 west what's happening now with the drainage on the east side of 391 because the drainage on the east side ends up, in severe raining, flowing down the middle of Thornwood and Willow

Mr. Martin: I think he's asking when you're done what will happen with it then

- We won't be affecting anything north of the property

Mr. Bowen

- Mother Nature doesn't act that way. On the east side of Thornwood when there is a significant rain the water washes over 391 from the east side of 391 to the west side you're talking about drainage from the west side of 391 through your property; the drainage doesn't start on the west side it starts in the hills on the east side
 - Yes and it comes down Boston State Road and where it crosses Boston State Road we incorporated one just to the south of that when the Brookfield Patio Homes, what we did is incorporate a ditch along the south side of that property to take that water pass it through the site and not affect the buildings that they're putting in or anything down stream
 - Actually in the end I think we ended up taking that water, containing it in our detention ponds prior to discharging it into the creek
 - We certainly are not interfering with the properties to the north
 - We're going to have to adopt whatever the engineering comments are; so if that's a comment we're going to have to address that
 - The existing lots that are on Deanna Drive are all incorporated with any water coming across Boston State Road would be incorporated with it as well because it is picked up in the drainage that's in Deanna Drive
 - Everything that gets collected down Deanna Drive whether it's east of Boston State Road or west goes through our detention system prior to discharge into the creek

Mr. Martin: Anyone else have any final comments?

Mr. Stringfellow

- You are only showing water and sewer underground what about electric, telephone, cable
 - Electric and gas won't put tickets in until we have an actual project; won't put a designer on the project; so until we have preliminary final they probably are not going to give us someone to show where they want to put their utilities
 - It will be underground when it's all done, all utilities
- You're showing two detention ponds on lots that you are going to sell
 - We're showing bi-retention ponds part of the D.E.C. requirements for storm water
- If I buy the lot and find that every time it rains hard the back of my lot is flooding I'll just get somebody to bring in a couple loads of fill and fill in that low spot
 - It will be Deed restricted by the D.E.C.
 - D.E.C. fines are pretty heavy, so the D.E.C. will regulate that
 - We need to final input from the engineer as we go piping the ditches which you have asked us to remove is going to change that now
 - As we commit to doing the piped ditches those ponds may change
 - There were some questions about the process and where are we in the process; we have sketch plan approval which is a concept, the property is zoned for this use; taking this plan and saying okay the configuration looks okay let's move forward; we're now at preliminary plat where you have more details on it

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- The purpose of the Public Hearing is to listen to comments and understand what you're looking for and incorporate that into the final plat and we'll have full engineering comments
- Your safeguard is the Town Engineer who has to review the plans, ultimately approve the plans
- I've never seen a Planning Board approve a subdivision without, over the objection of an engineer
- You've talked about the 20 easement going down to the creek – who maintains that
 - That will be Erie county's easement to the D.E.P. so that will be for the sanitary sewer so that will be under their jurisdiction to maintain
- They also then would have any liability for any personal injury in that 20 feet of vacant land
 - If it's something that the County did then they would have liability for that
 - Erie county will write the easements
- Have you dug any pits or anything to look at to look at where the water table is on that property
 - Only what we've done next door
 - At that elevation it was down about 18 feet, that's at the same elevation that we're going to be at in the subdivision, then we drop off to a lower plateau
- I know there are a few homes on Park Drive whose sump pumps run 24/7
 - That's where that lower plateau that I was talking about
- You have not shown any landscaping; are there any trees planned along the streets or anything to make the thing look a little nicer that just put in streets and sell lots
 - The intent is to leave as much vegetation on the property as we can to allow for the development of the road, to remove only what we need to remove to put in the road and each individual house
- Are there trees on the property now
 - There are some trees, it's kind of mix and match, there's no defined
 - Typically in these self-imposed deed restrictions what the developer will do is again, it's in our interest to make sure that things are done right, if the first 2 or 3 houses go in and they're not built the way we want them it's going to be less attractive to the rest of the lots, so because of that we impose deed restrictions on the entire thing and in part of that typically is a clearing plan, typically that says only the trees that have to come down where the driveway is
 - Again it's now a Town requirement but to protect our interests, so we would be self-imposing deed restrictions and we would be happy to provide a copy, a draft of those
- Streetlights – we will want to see what the fixtures look like, what their illumination pattern is and so on
 - That's standard, once we have the fixtures picked out we have a photometric plan it will be issued with a final set and part of the final sign off
- Lot 12 – shown on plan as 143 foot width and scales to 120 like all the others
 - It does appear that it is the same size as the 120 it may be a typo on the drawing but the lot will meet the minimum
 - We will verify and it will be on the plans that we submit
- The existing electric poles will be removed
 - Yes, they will be taken out

Mr. Martin: Anyone else have any comments?

Mr. Kobiolka

- Can you provide us with a copy of the deed restrictions
 - yes
- Are those restrictions going to be part of the plat plan or just in
 - It will be filed simultaneously with the subdivision map
- So anyone that purchases it is put on notice
 - We will show it as insurance on the whole property
- On the prior plan the developer had, is in the process of finishing off, the Town was expecting a copy of the easement for the back part of the property the west side which I do not have, has that been filed, the project to the south has the conservation easement been filed

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- We'll check
- Can you send me a copy of the deed that's going to be filed, whatever structure you're proposing so that I can review it prior to final plat plan, because I have not seen the one from the prior project
 - The Conservation Easement for the prior project which was recorded, you want the recorded copy, if not what's going to be recorded
- Yes, thank you.

Mark Jablonski – Willow Drive

- Going back to the drainage ditch on the north end of your property you said you were going to dig this ditch out
- I'm the last house on Willow Drive and there's an access that goes to the field with a pipe underground
- Over the years the silt has built up over the top of that pipe
- Okay they're going to clean the ditch out but down the road who's responsible for that
- We're on one side and they're going to sell the property off to the other landowners and who maintains that ditch
- If they're going to put extra drainage from the property into that ditch eventually it's going to get more silt and it's going to fill up with dirt and it's not going to be effective
- Now who maintains that ditch once
 - Whoever owns that property
- So it would be the people on Willow and then the new property owners would have to
 - The ditch currently spans the properties
 - At the end of the day it will be the responsibility of the owners of the properties
 - But the intent of the development is not to push a whole lot of water on the north land

Discussion followed between Mr. Jablonski, Mr. Sorgi, Mr. Palumbo and Mr. Darling regarding drainage and property lines

Mr. Martin: Anybody else? Anybody else? Anybody else? If not I will ask for a motion to close the Public Hearing.

Mrs. Rood: I will make a motion to close the Public Hearing?

Mr. Stringfellow: Second.

Mr. Martin: Any questions. All in favor?

All were in favor of the motion.

Mr. Martin: This ends our meeting, is there a motion to adjourn

Mr. Stringfellow: Motion to adjourn.

Mrs. Rood: I second.

All were in favor to adjourn.

Respectfully submitted,

Thelma Faulring
Secretary to the Boards and Committees