

MEMBERS	Mitch Martin	Chairman
PRESENT:	Paul Ziarnowski	Vice Chairman
	Elizabeth Schutt	Secretary
	Dave Bowen	
	Jim Liegl	
	David Stringfellow	
ABSENT:	Mary Ann Rood	
	Sarah desJardins	Planning Consultant
	Jay Boardway	Town Board Liaison
ALSO	Thelma Faulring	Secretary to the Boards and Committees
PRESENT:	Michael Kobiolka	Town Attorney
	Ron Yormick	6405 Deanna Drive

MEETING TO ORDER

Chairman Martin called the meeting to order at 7:30 PM.

DEANNA DRIVE SUBDIVISION EXTENSION PRELIMINARY PLAT REVIEW

Mr. Martin: That project we will have to table because they are not ready; they did not provide us additional information; so essentially we take this time to discuss as a Board and then someone will have to make a motion that we table it until the May 9<sup>th</sup> meeting which still within their 45 day window of the Public Hearing.

Mrs. Schutt: If they do not supply what was requested of them in that 45 days what then are we required to do?

Mr. Kobiolka: I don't necessarily agree with that 45 day window will start to run until they comply with what this Board has requested to complete the preliminary plat; you can't vote on something that's incomplete. We should make that clear that the Board doesn't feel that the 45 day would apply until they comply with what we need to give a review.

Mr. Martin: I believe I saw an e-mail from Sarah saying that they would sign off on an extended time because they...

Mr. Stringfellow: Section 104-13 clearly answers that question: 'within 45 days after the date of the Public Hearing the Planning Board shall take action to conditionally approve, approve with modifications or disapprove such preliminary plat.' So it is 45 days after the Public Hearing, that is why I did not think we should hold the Public Hearing until we had a preliminary plat that we satisfied with and we held it anyways and now we have 45 days.

Mr. Martin: If they don't submit everything then it's a pretty easy decision to make. May 12 is 45 days and we will have a meeting before that. We will attach any bullet point items that they need to accomplish before, it would be conditional approval and has to be accepted by the planner and the engineer.

The discussion continued for an hour or more: from here on, for these minutes, topics, concerns, suggestions will be listed as they come up in discussion, duplications will also be listed. As there was no representation for or by the applicant's no response will be given. Discussion between members at bullet point will not be in these minutes.

- Sidewalks
  - Town Code Section 104-11
- Drainage
- Cookie cutter subdivision
- Landscaping
  - Town Code Section 104-11 D (g)
  - Applicant has said that they will keep as many trees as possible
  - Lot of scrubs trees back there

- Lighting
  - Town Code Section 104-11 D (g)
- Conservation Easement
  - Copy was sent, references the whole parcel, very generic
  - Town does not the easement title in the Town's name
  - Condition approval – keep it Conservation area, not recreational
  - Enforcement could be the applicant, the Town has the right but is not obligated, the homeowner adjacent to it
- Width of access drive
- Drainage
  - Town Engineer has to approve drainage
  - Redesigned to include gutters
  - Highway Superintendent okay with gutter curbs on edge of road
- Quaker Cemetery
  - In the Town Board minutes of 2012 the Supervisor made a statement that we will make sure that a fence or something so that that area is preserved and taken care of; there has been no evidence of that being done
  - Recognized as cemetery, not on NYS Cemetery Registry
- 45 day window
  - If Mr. Stringfellow is correct and the Board has to make a decision in 45 days I would strongly recommend if that's our Code in 45 days we will make the decision one way or the other
  - Don't get involved with this thing getting dragged out, dragged out
  - On May 9<sup>th</sup> we will make a decision, if they are not prepared the onus is on them
- Drainage
  - From 391 to end of development drops about 75 feet
- Recommendations
  - Elevations to the tenth of a foot should be on this plan
  - If you look at the 34 lots that each of the four corners of the lots re-evaluations to a tenth of a foot
  - Also where they have the rectangles for the building areas that on those four corners we should have elevations to the tenth of a foot
  - We should have contour lines on the full property with a minimum of one foot, so that in essence we're going to see what happens with the water in an event like August of 2015
  - At the time of the Certificate of Occupancy if the owner is not in conformance with the regulations he should not be issued a C.O. until he conforms with the plans
  - The elevations and contour lines that were just described should be a part of every deed, should be a restriction in every deed so it's fully disclosed
  - Until we have an understanding of the drainage pipes a building should not be permitted to be built unless it's built on grade; if it's not built on grade you have a high risk of cutting into the water table and if you cut into the water table you're going to pumping the water on your neighbor's property or arrange for a stub in the drainage pipe which then would increase the size of the pipe
  - Description of the flow of water across 391 to Deanna; a 25 foot drop from Deanna Drive to Thornwood Drive creating a river flowing down Thornwood
- Drainage
  - Want consultation with Erie County Corps of Engineers to discuss drainage pattern
  - Gutter drainage should drain into proposed pond
  - Would like to see percolation rate
  - A consultation of the evaporation rate
  - We will want to see the estimates of the water flow that would be feeding that pond
  - They claim that the pond is designed not to overflow
  - Would to review the calculations of the Town Engineer

- Sewage
  - It was an understanding that the sewer would flow from west to east, excuse me from east to west but it doesn't it flows from west to east because the main sewer line is along the creek going down
  - The first 5 lots 1,2,3,4,5, 29, 28,27, 26 and 25 are septic
  - Are there any drainage issues on the proposed subdivision
  - I should say seepage issues in terms of the tile beds and in terms of lots 1, 2 and 3 which are owned by Telaak they're very small lots, who would be the authority to approve to make approvals for a residential dwelling because of their smallness in size
  - If there were no sewage service available then in essence we would be looking at leach beds and I don't think they should be approved
  - Sewer should go up to 391 to include existing homes
- Dig test pits
- Rezoning of Brookfield Patio Home property and Deanna Drive extension
  - It was enacted with 12 conditions, I want to address #11, but first
  - After it was enacted at the same meeting ((June 2012) Keith Kaszubik, Town Historian commented 'there is definitely a cemetery in the area of the proposed Brookfield residential project and historical records show that as long ago as 1917 there was a property tax exemption.'
  - Supervisor Ballowe noted 'that the builders will contact Mr. Kaszubik so that fencing or some sort of barrier can be installed to help preserve the area.' That was not one of the conditions on approval of rezoning, just the Supervisor telling them to do it.
  - #11 – sorry it only pertains to the R-3 part not the subdivision
- Emergency egress
  - Between lots 21 and 22
  - Not enough turning radius
  - Two emergency vehicles can't pass each other
- Right-of-Way to Willow
  - 50 foot right of way goes into a telephone company building, need to know before approving
  - Deed to Town
  - Should be paved
  - Intent is to not let the valley grow up as a whole bunch of subdivisions and not being able to get from one to another without having to go on the State Road
- Discussion turned Highway Superintendent signature on a set of plans
  - Secretary Faulring provided a set of plans that did have the signature of Highway Superintendent Telaak
- Conversation followed between Mr. Bowen and Deanna Drive resident Ron Yormick regarding lots 25 – 29, 27 being a separate deed
- Sewer construction should be continued right through to the State Road
  - Should be a requirement

#### Future Projects

- Provide green space

Mr. Martin: Any other thoughts or comments from anybody.

Being none Mr. Stringfellow made a motion to table, seconded by Dr. Ziarnowski and carried.

Mr. Martin: Tabled until May 9.

#### REVISION TO TOWN CODE SECTION

Mr. Martin read the proposed revision:

"Before the Preliminary Plat is submitted to the Planning Board for conditional approval it shall bear the signature of the Highway Superintendent in any location as an indication that he has reviewed the plat in consultation with the Town Engineer and has no objection to the proposal. The Highway Superintendent's

signature is further required on the linen prints of the Final Plat once it is approved by the Planning Board per Section 104-22.”

Mrs. Schutt: I will make a motion to send the proposed amendment to the Town Board for them to review and approval and inclusion, seconded by Mr. Liegl.

Mr. Martin: On the question? Discussion followed.

Mr. Martin asked for a roll call vote of the members.

Secretary Faulring: Are you favor of the motion to amend Section 104 – B ?

Mr. Bowen	in favor	Mr. Liegl	in favor	Mrs. Rood	was absent
Mrs. Schutt	yes, in favor	Mr. Stringfellow	in favor	Dr. Ziarnowski	yes
Mr. Martin	aye				

PLANNING CONSULTANT DESJARDINS

Mr. Martin: In your folders are some agency reviews for the mixed use project; and they will be on the schedule for May 9, Sarah is going to send out her thoughts on what was sent to us; some of the things that are referenced in here are standard and she will give us a breakdown of these documents, nothing yet from the D.O.T.

Mr. Kobiolka questioned why these responses were sent to Sarah and not to the Supervisor, the Town Attorney and the Town Engineer.

Secretary Faulring will forward each received so far to the Supervisor’s office and Town Engineer Hannon

TOWN BOARD LIAISON – COUNCILMAN BOARDWAY

Was not present

TOWN ATTORNEY KOBIOLOKA

Mr. Kobiolka reported the following:

- Town Board has hired an additional Code Enforcement Officer, Glenn Christner a licensed architect and certified in Code Enforcement, and he will be attending Planning Board meetings
- Working on the close-out grants for FEMA for parking lots and the rood at the Town Highway Garage
  - Work has been done just waiting for payment
- Town has renewed the library lease with the Boston Free Library, a one lease for \$1,000.00
  - The Town Clerk maintains some of her records
  - Overflow of meetings at Town Hall, arrangements can made to use the library

Mr. Martin: Anything else?

Dr. Ziarnowski: Yes, Tracy Hirsch’s property. There was to be no equipment parked outside after the building was completed. There have been a couple of trailers parked outside there wall winter. Can the Code Enforcement Officer send a letter?

Secretary Faulring will send a letter to Code Enforcement Office Ferguson instructing him to contact Mr. Hirsch.

Discussion followed: regarding meeting or discussing outside of the meetings; going to visit sites without public meeting status.

Mr. Martin: Is there anything else.

Being no further business Mr. Stringfellow made a motion to adjourn, seconded by Dr. Ziarnowski and carried

Respectfully submitted,

Thelma Faulring  
Secretary to the Boards and Committees