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Thomas Murphy
Code Enforcement Officer

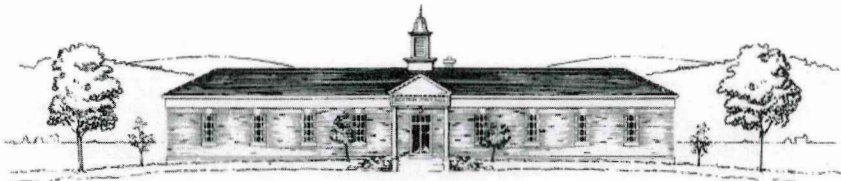
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NUTRITION PROGRAM
(716) 941-5773



TOWN OF BOSTON

TO: Planning Board	Town Supervisor	Town Board Members
Town Clerk	Highway Superintendent	Town Attorney
Code Enforcement Officers	Town Assessor	Planning Consultant

AGENDA

PLANNING BOARD MEETING

November 14, 2023 at 730pm

Town Hall – Court Room

- 1) Call Meeting to Order
- 2) Approval of Minutes
October meeting
- 3) Old Business
 - a. Public Hearing 730pm - Brett Borowiec – Requesting Preliminary Plat Approval of a two lot sub-division at 5932 Old Orchard Dr.
- 4) New Business
 - a. Ellen Crowley – Requesting Preliminary Plat Approval of a two lot sub-division at 7050 Eckhardt Rd.
- 4) Reports
 - a. Planning Consultant
 - b. Town Attorney
 - c. Town Board Liaison
 - d. Board Clerk
- 5) Motion to adjourn.

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Planning Board 2023-10-10
Meeting minutes

Attendees: Paul Ziarnowski, Jim Liegl, Jay Jackson, David Stringfellow, Attorney Sean Costello, Planning Consultant Sarah DesJardins

Absent: Elizabeth Schutt, David Bowen, Gary Stisser, Town Liaison Jennifer Lucachik

1. CALL MEETING TO ORDER

Meeting called to order by Dr. Ziarnowski at 730pm

2. APPROVAL OF MINUTES

September special meeting minutes approved at previous meeting.

September 12, 2023 – Motion made to approve by Mr. Liegl

2nd by Mr. Stringfellow

APPROVED

3. OLD BUSINESS:

None

4. NEW BUSINESS

- a. Brett Borowiec – Requesting Preliminary Plat approval of a 2-lot sub-division to be located 5932 Old Orchard Drive.

Mr. Ziarnowski: Any questions from the board?

Mr. Stringfellow: Mentioned about the lot being a ‘flag lot’ which is all right. Already obtained a variance for frontage. There is a frame garage; is this going to stay? RESPONSE: yes – the purpose is to give this location its own address.

Mr. Stringfellow: The lot is not buildable until you get well behind the framed garage because it needs to be 100ft wide.

Ms. DesJardins: This is an existing situation, and the framed garage is living space.

Mr. Ziarnowski: Is there someone living there now? RESPONSE: Yes, there is a friend living there now.

Ms. DesJardins: The building inspector said the only way to make this right, because you cannot have two residences on one lot, so this is the reason for the sub-division. This is so both the house and the garage apartment have their own lot. There will not be any other building because it exists.

Mr. Stringfellow: Somehow this became residential? RESPONSE from Ms. DesJardins: Correct.

Mr. Stringfellow: This needs to at least have its own driveway on its own property.

Ms. DesJardins: Yes, he will. Received an email to state that a driveway will be put in.

Mr. Borowiec: The neighbor’s property that this structure is on the Dad’s property. Spoke about the property and the driveway and referenced on the map where the driveway would be put in.

Mr. Stringfellow: Not sure what to do with this situation. What is there now does not meet the code and won’t meet the code when it is sub-divided.

Ms. Desjardins: According to Tom Murphy/Code Enforcement Office, it will be up to code if the property is sub-divided. Now there is a living space on its own lot, driveway, and correct frontage, according to the Zoning Board. This is the thought of the building inspector to make this legal.

Mr. Stringfellow: The lot is not wide enough where the garage is now.

Ms. DesJardins: Tom Murphy/COE looked at the survey and said that everything meets code.

Mr. Borowiec: Doing what was advised. Acquired the property when Bill Ferguson was the building inspector who had a relationship with the grandfather who knew exactly what was going on with this property.

Business was done by handshakes. The property was then purchased to help the family. To help keep sister

on the same lot, to allow her to attend the same school, the property was purchased. Since doing that, want to go forward and now needed to obtain permits. Tom Murphy/COE now trying to correct the previous administration missteps, is trying get this where it needs to be. Have no real reason to divide the property, but this is what was asked.

Mr. Jackson: The house is 16ft away from the property line. RESPONSE: it is more than that.

Mr. Stringfellow: The property must be 100ft wide at the building line. He is not building.

Ms. DesJardins: This is Tom Murphy/COE’s way of helping the applicant.

Mr. Borowiec: Not disrupting a neighbor. Father owns the property.

Mr. Ziarnowski: Why the 10ft, like an easement, going around the back end of the property going to the other side of the property? RESPONSE: Have been misdirected. Would be showing 4.45 acres if it was known and the right away would have been bigger on the back of the property. However, the survey was already done and it is all owned (Mr. Borowiec) so it does not matter at this point. The 10ft in the back is so that he can get to the other property.

Mr. Jackson: Access road/path. RESPONSE: Not really. Mr. Jackson talked to Mr. Borowiec with looking at the map.

Mr. Liegl: On the survey, the frame garage has an apt/living space. Why wouldn’t the survey designate that?

REPSONSE: Because it is a garage. Not completed yet. Not habitable at this point.

Ms. DesJardins: It is a garage with an apartment above it. RESPONSE: Correct. It is going to be nice when it is done.

Mr. Liegl: Could someone move in there next week? RESPONSE: Yes. There is someone staying there now.

Mr. Liegl: That would be like a home, vacant.

Mr. Jackson: What Mr. Borowiec is trying to do is be forthright.

Mr. Borowiec: Legally all it can be is a detached garage. When this started, there was a barn there; nothing more came of it. No paper trail with Bill Ferguson.

Ms. Weiss: Doesn’t there have to be a certain amount of frontage? RESPONSE: That is what the variance was for.

Mr. Ziarnowski: He got the variance from the ZBA.

Mr. Stringfellow: Is there electric service to the garage? RESPONSE: Yes, on a separate service. So is the gas.

Mr. Stringfellow: It has its own. Is there plumbing? RESPONSE: Yes. Radiant heat in the garage.

Ms. Weiss: This is going to be a sold property? RESPONSE: No. Maintaining the property.

Mr. Ziarnowski: On sewer? RESPONSE: Yes. Need to do this to legitimize? RESPONSE: Yes. To make all the board members better, would like a letter from Tom Murphy/COE for the next meeting.

Mr. Borowiec: Mentioned about the lot size

Attorney Costello: Talked about the survey and the zoning district.

Mr. Borowiec: If wanted to reduce the property size, would that be ok? RESPONSE from Ms. DesJardins and Mr. Ziarnowski - Yes – it would just be a matter of moving the property lines. As long as not making another piece of property.

Mr. Ziarnowski: Next step is a public hearing. Routine.

Motion by Mr. Ziarnowski to schedule meeting for November 14, 2023.

2nd by Mr. Jackson

APPROVED for public hearing in November contingent on the letter from Tom Murphy/COE.

Mr. Liegl: Further discussion about the framed garage and the property with the other board members.

Mr. Ziarnowski talked about the two issues that Tom Murphy/COE is having.

Foxhole Winery on Cole Rd – Never came in front of the Planning Board.

Can't remember who said this is in Colden and that's why they did not come in front of the board. Now the owner is overstepping with having dinners and an inadequate septic system, etc. The owner says he can do what he wants.

Ms. DesJardens: The owner has requested that the Town Board entertain a special events permit. However, if entertained could this appear to be legitimizing. He needs to be legal with the Planning Board and Town Board.

Attorney Costello: The owner is looking for a live entertainment license. The Town Board has not acted at this time.

Horseshoe Hills LLC – About five years ago a young couple wanted to build stables on Lower East Hill Rd. They were never approved but built anyway.

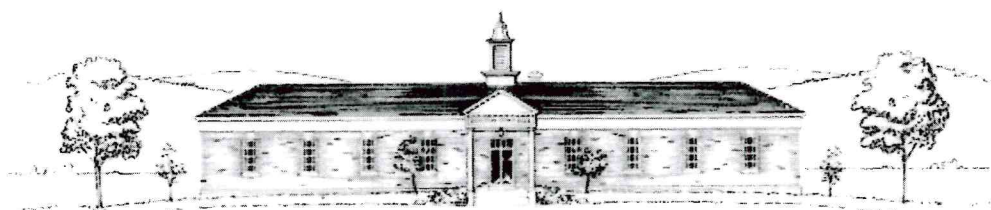
5. REPORTS

Planning Consultant/Ms. DesJardins – nothing
Town Attorney/Sean Costello – nothing
Town Board Liaison/Ms. Lucachik – not present
Board Clerk – nothing

Mr. Ziarnowski mentioned training.

6. Motion made to adjourn the meeting at 805p by Mr. Jackson
2nd by Ms. Weiss

APPROVED



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THOMAS C. MURPHY
Code Enforcement Officer

October 26, 2023

Honorable Planning Board Chairman Dr. Paul Ziarnowski,
Esteemed Members of the Town of Boston Planning Board,

RE: Subdivision of premises known as 5932 Old Orchard Drive, Hamburg.

On October 6, 2022 Mr. Brett Borowiec obtained an area variance from the Town of Boston Zoning Board of Appeals (Petition #602) to reduce the frontage required to subdivide his parcel in an R1 zoning district. The required one-hundred-foot frontage was reduced to seventy-five feet.

Town of Boston code section 123-19B. states that the lot width at the building line in an R1 district shall equal 100' while code section 123-19C. states that the lot width at the front line shall equal the lot width at the building line. [Congratulations to the planning board for catching this building department oversight, perhaps someone would be willing to spend a couple of hours a week in my department helping out?]

The building department, however, is willing to grant the converse and consider this code from the opposite direction. As Mr. Borowiec was granted reduced frontage through formal procedure, I am willing to allow reduced lot width at the building line. His actual width at the building is scaled to be eighty-nine feet [front] and ninety-six [rear] for an average lot width of ninety-two and one-half feet at the building. Although seven and one-half feet short of the code requirement, it meets 92.5% of 123-19B. while the zoning board has allowed a 75% application of 123-19C. This code enforcement officer is satisfied with the situation.

If I may be of any further assistance, please do not hesitate to ask.

Sincerely,

Thomas C. Murphy
Town of Boston, New York
Code Enforcement Officer

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123-19 - Minimum lot size.

Unless otherwise provided, the minimum lot size in the R-1 District shall be as specified in this section.

A. Lot area: 20,000 square feet.

B. Lot width at the building line: 100 feet.

C. Lot width at the front lot line shall be equal to the minimum required lot width at the building line.

D. Minimum lot depth:

(1) Dwellings: 200 feet.

(2) Other uses: by yard requirements.

7050 Eckhardt Rd.

From: Ellen Crowley
To: bostonplanning@gmail.com
Date: Friday, September 22, 2023 at 11:30 AM EDT

To whom it may concern,

This is a letter regarding 7050 Eckhardt Rd. Our plan is to divide the property is into two parcels. The side with the existing house will either be rented out or sold. The side that is a field across from house will be used to build a new house.

Any questions I can be reached at

Thank You
Ellen Crowley property owner

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

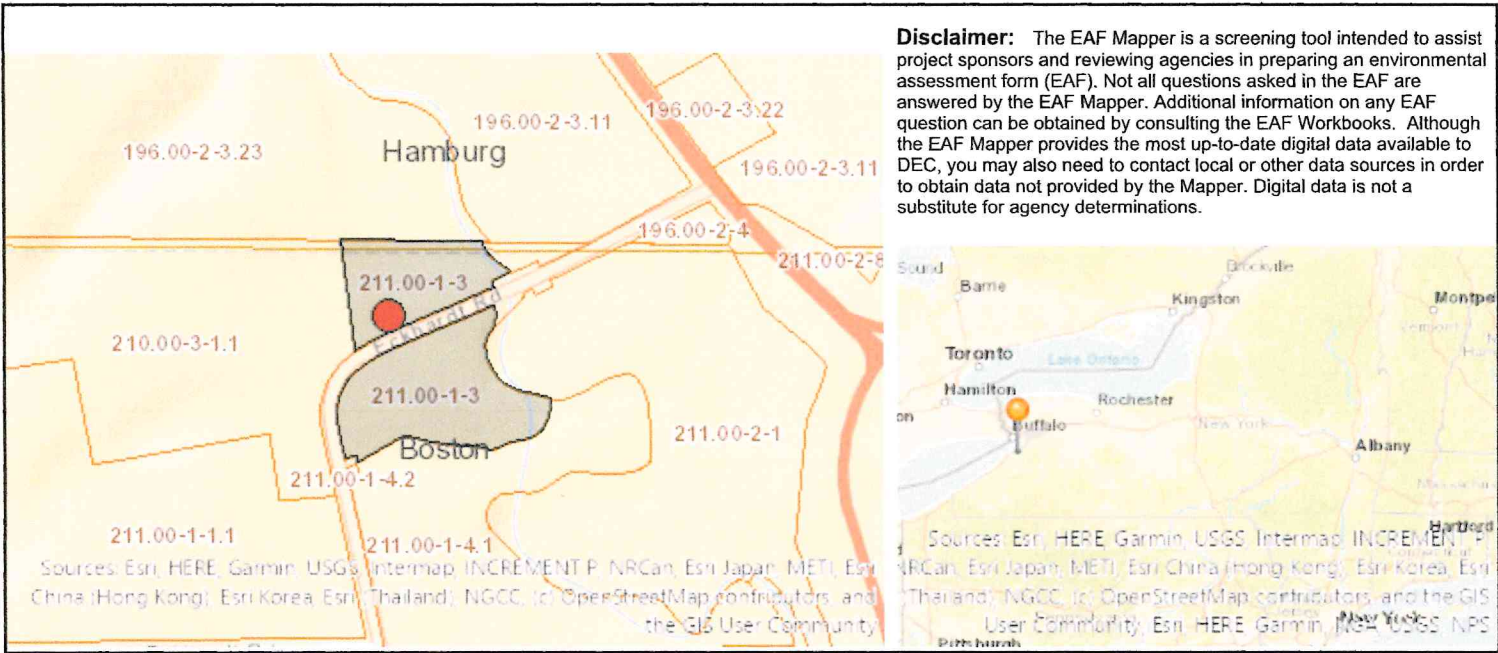
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Ellen Crowley Subdivision			
Name of Action or Project:			
Ellen Crowley Two-lot Subdivision			
Project Location (describe, and attach a location map):			
7050 Eckhardt Road, Boston, NY			
Brief Description of Proposed Action:			
Two-lot Subdivision			
Name of Applicant or Sponsor:		Telephone:	
Ellen Crowley		E-Mail:	
Address:			
7050 Eckhardt Roa			
City/PO:		State:	Zip Code:
Boston		NY	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		☒	☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	☐	☒	☐
	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:18 Mile Creek, Reason:Exceptional or unique character, Agency:Hamburg, Town of, Date:4-23-92 If Yes, identify: _____	NO	YES	
	☐	☒	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	☒	☐	
	☒	☐	
	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	☐	☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	☐	☒	
	☒	☐	

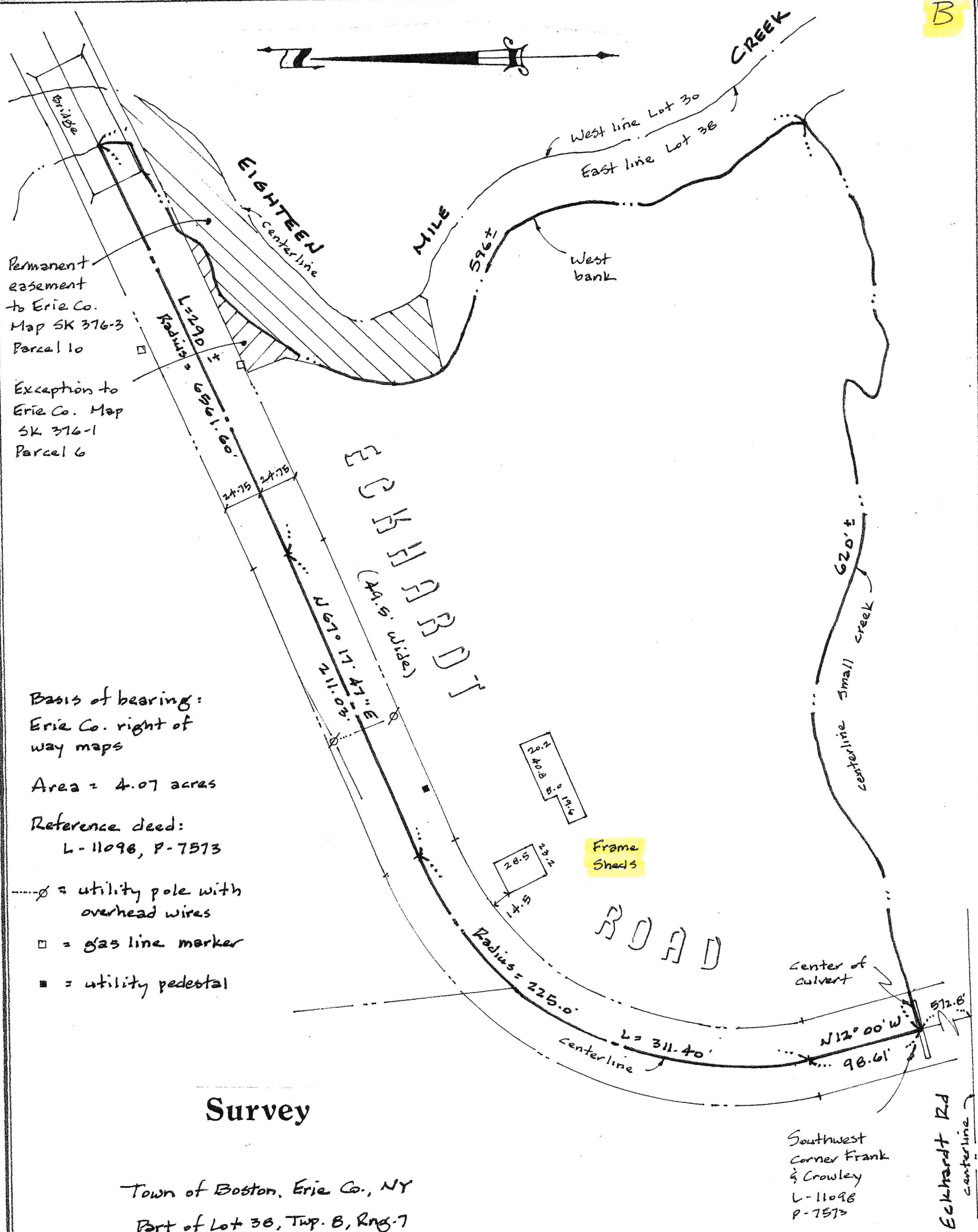
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: 	NO	YES
	☒	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: 	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: 	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: 	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Ellen Crowley</u> Date: <u>10/17/23</u> Signature: <u>Ellen Crowley</u> Title: <u>Owner</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:18 Mile Creek, Reason:Exceptional or unique character, Agency:Hamburg, Town of, Date:4-23-92
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

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