

BOSTON PLANNING BOARD

July 19, 2016

PRESENT: David Stringfellow Chairman
Dr. Paul Ziarnowski Vice Chairman
David Bowen
James Liegl
Mitch Martin

ABSENT: Jennifer Lucachik
Mary Ann Rood
Elizabeth Schutt
Jay Boardway Town Board Liaison
Michael Kobiolka Town Attorney

ALSO PRESENT: Sarah desJardins Planning Consultant
Thelma Faulring Secretary to the Boards and Committees
Jacob Metzger Engineer – Proposed mixed use project
Bill Solak 6727 Redwing Drive Representing applicant – Proposed mixed use project

Resident is the area of the mixed use project

Diana Weiss	5571 Meadow Drive
Caroline Westcott	7061 Boston State Road
Vince Puglia	5513Meadow Drive
Marlene Becker	5495 Meadow Drive
Pat White	5489 Meadow Drive
David Bernas	7083 Boston State Road
Mary Bernas	7.83 Boston State Road
Glenn Westcott	3 Lille Ln. / 7061 Boston State Road
Donald Rosek	5535 Meadow Drive
Kim Sass	5535 Meadow Drive
Judy Sodja	5546 Meadow Drive
Caren Wesp	5589 ? side Drive
Bill Sodja	5546 Meadow Drive
Susan Lakso	5543 Meadow Drive

Chairman Stringfellow called the meeting to order at 7:30 PM. and explained that this is a 7 member board and any actions on any motions that might be made this evening has to be a majority of the Board not a majority of the members present, so four yes votes would be required for any motion to pass.

MINUTES

Mr. Stringfellow asked if there were any additions or corrections to the draft minutes of June 28, 2016.

Mr. Liegl pointed out a couple of typos and Mr. Stringfellow pointed out a couple of typos, to which he added ‘none of those changing the meaning of the minutes.’

Mr. Stringfellow: I will make a motion that we approve the minutes subject to the correction of a those typos.

Dr. Ziarnowski: Second.

Mr. Bowen, Mr. Liegl, Dr. Ziarnowski and Mr. Stringfellow voted in favor of the motion; Mr. Martin abstained as he was not present at the June 28, 2016 meeting.

GENERAL CORRESPONDENCE

- Planning Board letter to the Town Board requesting an opinion regarding the appointment of a non-resident with attachment from of an e-mail from Dr. Ziarnowski
- Town Board letter of response to our request saying that letter was received and filed.
- Planning Board letter dated July 12, 2016 to Dr. Ehlers requesting an interview and inviting him to stay for this evening’s meeting

Mr. Stringfellow: For the benefit for the rest of the Board members Dr. Ehlers did call me today and said he had conflicts, his wife had to be one place and his child had to be in another place and he was not able to come tonight.

MIXED USE PROJECT – BOSTON STATE ROAD

takes care of general correspondence. Next item is a concept discussion on revisions of the mixed use project on Boston State Road. This is the one near the 219 Expressway. Is there someone here to speak to that?

Jake Metzger – Metzger Civil Engineering and Bill Solak is here:

- This is not a new project to the Board, we've been here before
- The plan that was introduced in February (2016) that plan was (referring to site plan):
 - High density apartment complex on this portion
 - Commercial high bay lease space up here
 - And the future hotel space along the 219 Expressway
- We've made quite a few changes to the plan we want to present tonight; this is the concept plan that we are proposing now (again referring and pointing to a displayed site plan).
- Most of these changes were a result of discussions and comments that we received from the Planning Board, discussions that we received from the public
- What we have is:
 - A dedicated public road coming into the property
 - These are going to be 20 single family style patio homes development; a cluster housing development
 - Up here we switched the apartment complex, which was originally down here, and we moved it further north, what that's going to do is buffer residents along Meadowbrook, so they are not going to staring at two-story apartment buildings, with traffic coming in and out; what they are going to be buffer to is single family homes
- We took the commercial lease space that was in this area and moved it further north
- We've scaled that back there are only three buildings, in the previous one there was five
- We still want to leave the hotel space
 - previously we showed, we felt that maybe a bit ambitious for the area in this small cluster area
- The development is kind of planned with these residents in mind and a step down type of buffering situation ; so up here we have the commercial space, then there is a multi-family higher density residential apartments and then the single-family homes which will abut to the existing family homes which are to the south
- What we have here is a public road
 - Once we dedicate that to the Town that will take away our need to go for a variance as far as the width of this frontage of this property goes
- Zoning
 - Is currently zoned as C-1
 - When we came the first time in February what we proposed was to change the whole property to C-2
 - There were some questions and discussions on if the multi-family apartment buildings were allowed in a C-2 zoning
 - So what we've done is not do the C-2 zoning
 - We're going to do an R-3 zoning for this location and this location
- These commercial spaces and the future hotel will be rezoned to C-2
- I also want to touch upon the Comprehensive Plan for the Town
 - We found that what we're proposing is very much what the Comprehensive Plan is asking for
 - IN the hamlet of North Boston they want a mixed use development, that's what we're proposing
 - We have not only single-family home we have multi-family higher density apartments as a commercial component to it
 - To take it a step further the Comprehensive Plan touched on was the need for a higher density apartments or higher density affordable living in this area, specifically in hamlet of North Boston
 - Also they want a highway commercial component as well which makes sense because 219 is right here and they want something useable for businesses close to the 219 and that's where these commercial buildings will come into play as well as any future hotel that could be there

Mr. Metzger: I think I've touched upon any comments that I wanted too but I'll open it up for any questions or comments from the Board and or the public.

Dr. Ziarnowski: The public will not be speaking, this is not a public hearing, but we have several questions.

Mr. Stringfellow: Which Board member wants to start?

For the minutes – the Board member or associate will be identified , with his/her following statements as follows:

- Board member
 - Mr. Metzger's or Mr. Solak's response

Also for these minutes questions are placed under the members name who asked the question and may not be in exact order as asked during the meeting

- That little access road that goes to the recreational area that's about 10 feet wide, are you going to have any boundaries besides the 10 feet or do those people property...or is there like three feet on either side so there is like a buffer space on either side?
- Signage for that
- What demographics are you looking at for the multi-unit buildings – families, singles young people, or whoever
 - We're not targeting any demographics
 - If there's a single family with younger children or affordable housing
- With all those residences in this area to me it's not user friendly – sidewalks, the pond is it for public use with biking trails around it, you got a couple in there, the recreational area, the hotel over there. If people want to go out for a jog it would be a nice neighborhood, people across the street would have a nice biking path that they could cut through that could walk or jog and utilize the pond – any proposals for that?
 - We haven't looked at it specifically but with the clustering development there is a need for a recreational space and that's what this will be; as far as public use it's going to be a recreational use so any public member could come and use it but what we're specifically targeting are the people that are living right here
- So the people on this road have to walk across a 60-foot wide road to get here
 - Sidewalks can be added if need be
- I would like to a walkable area especially in subdivisions
- I'm not a fan of roundabouts, especially with a fire truck getting in there and turning around there
 - This is the standard that was taken out of the Town Code, a fire truck can successfully turn around; and this turn is a 21 foot radius which allows for a 50-foot wheel base fire truck, this hammerhead looking situation is specifically for emergency vehicles to turn around
- Sidewalks – there is ample room for then if needed

Mr. Martin:

- Are they three unit apartments, are they 2 unit, single
 - Each building has eight units
- How many bedrooms
 - Two bedrooms in 7 and one has one bedroom
- How many people at maximum do you think will occupy this entire space
 - 20 single family homes with 3 per house,
 - Mr. Stringfellow calculated- probably over 499 people
- How many parking spaces
 - 264
- Something this size on a major road do you think you would have to put a signal out front
 - We don't know,, we contacted SRF they specifically do traffic studies and that's on it's way
- What is the square footage of these homes
 - That's going to be up the builder that develops this property
- You're not putting these homes in, you're proposing them but you're not actually going to build them
 - Right, we're developing the property, dividing these lots up;
 - the building lot is a minimum of 11,000 square feet Cluster housing front yard 30 feet, side yard 5 feet, rear yard 20 feet
 - so to answer your question you can put a building big enough that that's going to fit on this 11,000 square foot parcel that is back from the road 50 foot, that is back from the rear 20 foot and side yards 5 foot
- So what do you think is going to go there
 - Single family homes, patio homes
- You commented earlier that you got input from the community and the Board to change the design; I know what I liked about the original plan are gone out of this one, so what input and who did you get your input from
 - Manly it wasn't a popular idea to put higher density apartment buildings backed up to these peoples front yard,
 - So we tried to buffer them from this development by giving them basically the same situation they have on their street which is single family homes
 - That was the major focal point, driving force behind this major concept plan
- Some of the things I liked the car wash, more commercial, the hotel was better than the multi-unit apartments
- Where did you find that the Town needs more multi-units
 - In the Comprehensive Plan
- The Comprehensive Plan doesn't evidence that

- There is a section that says in the Town of Boston there is 16% rental units in the Town, I think Erie County has 33% and the Town of Boston wanted to increase that number to get closer to 30 %
- Comparing it to Erie County is totally irrelevant
- Do you know of anything comparable to this
 - In the Town of Boston
- No not in Boston, anywhere
 - Not off the top of my head
- I would be interested in physically seeing something like this that was developed 10 years ago

Dr. Ziarnowski:

- Patio homes – relative value
 - I don't know, whatever the market
 - Depending on who you sell to
- So they're going to be all different
 - They would be
- Do you know what the date of that Comprehensive Plan was
 - 2001
- So if I'm a business person and I do 2001 data, , so that doesn't wash that you tell us that this is going to be the Comprehensive Plan that we're really excited about the Comprehensive Plan of 2001,
- I think that is the point Mitch was getting too; what are the numbers now
- Dana Darling has his project going now
- Things have changed since 2001
- Plans aside, how does this benefit the Town, what does the Town get out of this
- You're taking a large portion of C-1 and turning it into residential, how do we win, from cost analysis of services for the community
 - You're getting more residents in your Town
- And what happens with that
 - More tax dollars revenue from that; use it as you see fit
- More fire, more police, more school, more water
- If you do the cost analysis you'll see that we're making much more money on that vacant C-1 land than we are for you guys to develop it
- All these people sitting here are going to subsidizing the developer
- We get nothing out of it
- I wish you would do your homework on that
- Why if you're going to do a recreational are here give me more than a couple of swing sets
- That back part there, you've got that much density and you've got that much empty – what are you saving that for
 - We didn't need to develop it
- Can it be greenspace, recreation space, bike paths
 - It can be
 - I don't know where but there are wetland in this area so we can't just come and clear cut and put swing sets up and a playground
- Mr. Bowen: If that's a recreation area who makes any repairs, maintains the road on that the Town, the developer
- Mr. Stringfellow: As long as I have been on the Planning Board the Town has tried to keep away from gaining these small recreation area so my guess would be that the Town would not accept that
- Mr. Bowen: Does the Town have to plow all these roads
- Mr. Stringfellow: only those that are dedicated to the Town
- If I lived there how long would it take me to get out of there at 8:00 AM
 - I don't know, the traffic study will tell us that
- Is there an anchor tenant for the hotel
 - Not to my knowledge, no
- You're coming in with a commercial plan and a mixed use plan and all you have to give us is not the mixed use plan but just the residential plan then it's really not a mixed use plan a
 - However small portion it is there is a commercial component to it in
- I see no master plan of mixed development

Mrs. desJardins:

- Typically don't you try to sell to one builder or do you sell each lot individually
 - We would sell individually
- And then each homeowner could pick the builder
 - yes

Mr. Bowen:

- One of your objectives was to address the affordable housing issue, what is affordable, are these going to be rental units
 - Yes
- What will be the affordable rent
 - I can't speak to the economics or the specifics of it, whatever the market says
- You said that it was going to be affordable, I think that conflicts with the whole concept of market rents
 - More affordable, I guess, than a mortgage payment
 - I'm sure there are rental units in the Town of Boston that is comparable to what is here
- My guess is if you're increasing supply the price would have to go down
- What do you anticipate the selling cost to be of the single-family homes
 - Again I can't speak on the economics
- But they're going to be affordable
 - Yeah to the area, a single-family home which is anywhere from 150 to 250 I would imagine
 - Plan to sell these lots individually, it would depend on how many square feet that would determine the cost
- Dr. Ziarnowski: So would you drop a big chunk of change if you have to drive through and have apartments next to you and have a cul-de-sac and build a grandiose house
 - It depends on the client; empty nesters would like the fact that there is not a lot to maintain, they would like the fact that 219 is very close; some people are looking to downsize
- Mr. Martin: But his point is do you want to downsize next to affordable housing, probably not
 - I can't answer that
- I don't understand how you can decrease the width of road and deed it over to the Town
 - We're not decreasing the width of the road
 - This is the property boundary that's set at sixty feet and that's what we would dedicate to the Town a sixty foot strip
- Mrs. desJardins: That's what typical sixty feet wide but within that you've got a road way and a right-of-way on either side of it for utilities and such
- I thought there was an issue with the right-of-way
- Mrs. desJardins: if it was a private road they wouldn't have enough frontage along 391, but if it's a public road sixty feet is what is required

Mr. Stringfellow read from the Code Book – Right-of-way Widths – an Arterial street 80 – 120 feet right-of-way width; a Collector street a minimum width 66; Minor street minimum width 66; a Marginal access road minimum width 60. This would have to be marginal access in order to qualify under the Town Code

Mr. Bowen: So this is marginal access for 300 cars.

Dr. Ziarnowski: Who determines that?

Mr. Stringfellow: I assume that would be the Highway Superintendent, but I'm not sure of that. He would be the one signing off on the Town accepting the road.

Mr. Bowen: Commercial property creates the opportunity of jobs for the residents; so by changing the zoning of this property to something other than commercial you take away the opportunity for jobs.

Mr. Metzger: It's vacant property currently so there's no jobs on it now.

Dr. Ziarnowski: Was this property purchased by the present owner under C-1?

Mr. Metzger: I believe so, yeah.

Dr. Ziarnowski: Isn't there a precedent that you can't claim hardship, self-imposed hardship? I bought it and now I can't turn a buck on it, so for the number of reasons that have been reiterated here that you have to come up with something better

Mr. Stringfellow: This property came before the Planning Board in 2014 with a proposal to rezone it and put in an apartment complex; at that time the Planning Board looked at it and said this is probably one of the best commercial sites in Town, we are not interested in having it be used for residential uses. It came again about two years later in late 2015 or early 2016 proposed as an apartment complex and we said this is prime commercial property we are not interested in

Mr. Stringfellow: (continued)

having it used for residential purposes; it came up a second time with a variation in it, slightly different shape of the apartment complex and we said this is commercial property we are interested in having it being used for. This is the fourth time it has come before this Board proposing residential use of this commercial property. Every time this Board has said ‘we will not recommend to the Town Board that they do that.’ that’s where I stand right now.

Mr. Metzger: Okay, well I’m going to change your mind..

Mr. Bowen: I stand the same place.

Mr. Stringfellow: Is there any other...

Mrs. desJardins: Since I wasn’t here in 2014, is it the consensus of the Board that you would rather see this whole thing used as commercial purposes, even backing up to the neighbors?

Dr. Ziarnowski: I think it’s the consensus of the Board that they have to come up with a majority and a better plan for commercial and not a majority of residential with a pie-in-the-sky commercial plan.

Mr. Stringfellow: Any other comments to come up? If not, would someone like to make a motion that we close this discussion and move on?

Mr. Bowen: I’ll make that motion.

Mr. Liegl: I’ll second that.

All were in favor of the motion.

PLANNING CONSULTANT REPORT

Written report was distributed.

Mr. Stringfellow: Basically if we want to move forward we should request that the Town Board move forward and begin the SEQR process.

Mrs. desJardins: If you not comfortable with the plan then that goes away.

Mr. Stringfellow: That’s my feeling that we’re not comfortable with the plan.

Dr. Ziarnowski: That motion was made at last presentation that they’re in their right to do SEQR but not with our blessing; no action no recommendation to the Town.

Mrs. desJardins: I did meet with the Supervisor and I am going to try to get the Code Book updated, apparently it hasn’t been for several years; and also zoning map updated and on the website. I will meet with Zach (Councilman Munger) who is working on getting the website updated and running.

Mr. Stringfellow: The Zoning Map was updated by David Shenk and Mr. Kobiolka, before David left office as Town Clerk, so we have a few years in here in which the Zoning Map has not been updated. Any rezoning does come to the Planning Board, correct?

Mrs. desJardins: For recommendation .

Mr. Stringfellow: So our minutes should show if any rezoning’s have occurred since then, We should be able to search our minutes and Sarah is certainly capable of coloring other lots on the map a different color.

LIAISON – TOWN BOARD UPDATE

Mr. Stringfellow: There is no Liaison present.

TOWN ATTORNEY

Mr. Stringfellow: The Town Attorney is not present.

Mr. Stringfellow: No need to go into Executive Session because we did not have an interview. We’re up to the motion to adjourn.

Dr. Ziarnowski: Let’s revisit the applicant who cancelled out twice; are we going to give a third?

Mr. Stringfellow: It seems that we are not going to get any advice from the Town Board; I understand your feeling about a person who owns a business in the Town but does not live here may have a different point of view that a person who does live here. We have at times had people on the Planning Board who have had a different point of view than everyone else on the Board, but they did represent some of the people in Town. If a person a business in Town, owns the property and pays taxes in Town, it’s not so clear as it would be if somebody who simply leases space and rents a building here. If we get no advice from the Town Board then my feeling is that we should extend the courtesy of an interview and then we should make a decision if we recommend it or not.

Mr. Liegl: My personal opinion is that this is the second time and we went through this three, four times before and when I put it on my schedule to be here at 7:00 I’m tailoring my whole day to be here at 7:00, and then all of a sudden it changes.

Mr. Bowen: I understand that he is a business owner but every one of us has our own things that we're doing and I think it's kind of disrespectful.

Mr. Martin: This is a testament as to whether or not they're going to attend a meeting as a member if they can't attend when you're looking to be a member. If I was going for an interview I would make sure I was there. I also think the chips could fall through if there is no recommendation then they should live in Town. Typically, in my day job, most towns that I go to you live in the town to be a member of any board, Town Board, Planning Board, Zoning Board; if he would like to be on the Board then he should move into Town.

Mrs. desJardins: I have to concur with what he said as far as my day job, I go I see different towns too; I've never seen a member of any Board that did not live in Town.

Mr. Bowen: I think there is legal precedence in that regard, in Peekskill that was the case I referred to and sent to all of you in an e-mail. I think just the fact that the Town Board isn't giving us advice on it, I don't think we should stick our neck out. I think we have our decision, we don't entertain it.

Mr. Stringfellow: Does somebody wish to make a motion that we require Planning Board members to be residents living in Town?

Mr. Martin: I'll make that motion.

Secretary Faulring: And have it added to the Town Code? It doesn't say anything about it in the Town Code.

Dr. Ziarnowski: Just make it our policy like we did with the date, until you guys do something different, this is our ruling.

Mr. Stringfellow: So Mr. Martin's motion is that the Planning Board adopt as a policy that we do not accept members who are not living in the Town...

Mr. Martin: And recommend to the Town Board that it be the Town policy.

Mr. Stringfellow: We have a motion on the floor, is there a second?

Mr. Liegl: I second it.

Discussion followed.

Mr. Stringfellow: All those in favor of the motion please say aye.

Mr. Bowen, Mr. Liegl, Mr. Martin and Dr. Ziarnowski voted in favor of the motion, Mr. Stringfellow was opposed to the motion.

Mr. Stringfellow: Is there anything else for the meeting tonight?

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

Respectfully submitted,

Thelma Faulring
Secretary to the Boards and Committees