

PRESENT: David Stringfellow Chairman
 Dr. Paul Ziarnowski Vice Chairman
 James Liegl
 Mary Ann Rood
 Elizabeth Schutt

ABSENT: David Bowen
 Jennifer Lucachik
 Mitch Martin
 Jay Boardway Town Board Liaison

ALSO PRESENT: Sarah desJardins Planning Consultant
 Michael Kobiolka Town Attorney
 Thelma Faulring Secretary to the Boards and Committees
 Dave Filighera Applicant – 8038 Boston State Road
 Sean Hopkins Representing Deanna Drive extension project
 Dana Darling Applicant – Deanna Drive extension project
 Joe Gauthier Applicant - Deanna Drive extension project
 Joe Palumbo Engineer – Deanna Drive extension project

Chairman Stringfellow called the meeting to order at 7:30 PM. and appointed Mrs. Schutt to serve as a voting member for tonight’s meeting in the absence of other members

MINUTES

Mr. Stringfellow asked if there were any additions or corrections to the draft minutes of July19, 2016.
 Dr. Ziarnowski made a motion to approve the minutes, seconded by Mrs. Schutt and carried.

GENERAL CORRESPONDENCE

- In folders – Code Enforcement Officer Ferguson’s end of month reports for June, July and August
- Planning Board letter dated July 20, 2016 advising the Town Board that the Planning Board is adopting the policy not to entertain any requests from non-residents for appointment to the Planning Board .
- Planning Board letter dated July 21, 2016 to Dr. Ehlers expressing appreciation for his business in Town for the past 25 years, with the hope that this business relationship will continue for many more years; advising him of the policy adopted by the Planning Board not to accept letters for appointment to the Planning Board from non-residents and suggesting that he contact the Town Clerk in his town of residence for vacancies that may occur on those volunteer boards
- Town Board letter dated August 11, 2016 to the Planning Board advising them ‘referred your correspondence adopting the policy not to accept any requests for appointment from non-residents, to the Town Attorney’
 - Mr. Kobiolka said that he did some research and there is some law supporting the Planning Board’s decision on that you have to be a resident to sit on a Board
 - Mr. Stringfellow: it seems reasonable to me on the other hand to they define residency; if he has owned a business property and operated it and paid taxes for 25 years, but happens to live in another town
 - Mr. Kobiolka: my understanding of residency that it is not being a resident

CONCEPTUAL SITE PLAN REVIEW – 8038 BOSTON STATE ROAD (5:12)

Mr. Stringfellow: I would like to say that Sarah has done a nice job working with the applicant on this and getting it to the point where everything we need is in front of us. Does anyone have questions or comments about this project? He is proposing to build a building on the back of the lot for storage of supplies and whatever.

Mr. Filighera : Correct, yes shingles, putting in my trailers for the winter, just some outside items that I need to put in; I’m having things ‘walk’ away at night so I need to put things away.

Mrs. desJardins: Can you explain the fence and what you plan to do with that?

Mr. Filighera: The fencing and referring to the plan, facing the building – to the left is a brand new fence that runs along the left hand side of the property the residents on LuDon replaced it last year; the one in yellow is very dilapidated and broken, I want to replace that and make that new and I want to continue it across the back of the property line and up along the other side, the same exact fence that runs down this side. There is no fence along there right now. The property lines are so close with the next door neighbor selling his property and it’s a lot simpler if there is a fence line there and not an imaginary line.

Dr. Ziarnowski: What's back there?

Mr. Filighera: On the right hand side of the building is that S&S Powersports, and I think he rents out a couple shops in back; on the south side is all residential and to the west is residential

Mr. Stringfellow: Have you spoken to that neighbor yet?

Mr. Filighera: No I wanted to get approval first.

Mrs. desJardins: Is the fence yours or theirs?

Dr. Ziarnowski: Which side are the posts on?

Mr. Filighera: On my side.

Dr. Ziarnowski: Then it's yours. Are you having electrical back there?

Mr. Filighera: No, it's strictly cold storage.

Mr. Stringfellow: When you say cold storage you mean it's a building that's not heated.

Mr. Filighera: No not heated. Not even a cement floor, just posts, cement blocks and the building set on top of the cement blocks.

Dr. Ziarnowski: What's the height of the building?

Mr. Filighera: 10 to 14 feet – 10 foot walls 14 feet to peak.

Mr. Liegl: Those boxes are the fence posts correct?

Mr. Filighera: Yes they are.

Mr. Liegl: Doesn't look like more of it's on your neighbor's property than on your property.

Mr. Filighera; That's just the way it looks because I know that this step here that the fence is on, on my property here, they're all in a line; some of them are tilted back and it's pretty dilapidated.

Dr. Ziarnowski: You're running your access road back, how far back, it's not that far back is it?

Mr. Filighera: No it's just the same parking lot all the way through.

Mr. Stringfellow: Your intent is to put the fence on your own property, not on the neighbors?

Mr. Filighera: Correct, yes.

Mr. Stringfellow: Customarily, he who builds the fence must look at the uglier side, are you aware of that?

Mr. Filighera: Understand, yes. All the exposed posts will be on my side.

Mr. Stringfellow: Are there any other questions?

Dr. Ziarnowski: I have a question on Hannon's drainage coming off the roof.

Mrs. desJardins: I talked with Jim (Hannon) yesterday and he said this a benign project; that because everything slopes down toward the back that the drainage will stay the same.

Mr. Filighera: There's no problem with drainage back there, that's for sure. It's all gravel, it's all stone back through there.

Mr. Kobiolka: The large survey shows the blacktop adjacent to your property to the north, that is not your property correct?

Mr. Filighera: That is not mine, the property line is right here.

Mr. Kobiolka: Is there any significance that whoever drew the map put the pavement there, is that something...

Mr. Filighera: This pavement all in the front here, this is all blacktop all through here, my complete front, his complete front...

Mr. Kobiolka: No why does this show this here?

Mr. Filighera: Oh that's because basically that's a copy of my survey and that's what's on the survey.

Mrs. desJardins: That's right.

Mr. Liegl: You are planning on talking to the neighbor about the fence?

Mr. Filighera: Yes of course, I would never do anything without talking to him first.

Mr. Stringfellow: It appears to me that everything we need for conceptual is here and everything we need for final is here.

Mrs. desJardins: I don't know what more information he could give you.

More on the fence.

Mr. Stringfellow: If no one objects then I will make a motion that we send a recommendation to the Town Board that they approve the site plan.

Dr. Ziarnowski: Second.

All were in favor of the motion.

PRELIMINARY REVIEW – DEANNA DRIVE SUBDIVISION EXTENSION (18:30)

Mr. Stringfellow: This is back to us after a period of some years, I'm not sure how many.

Pre-discussion bits of conversation included:

Bring people who weren't here up to speed on this whole thing

- That's all we're going to do tonight
- That is the purpose of the presentation

Mr. Hopkins: Good evening everybody I'm Sean Hopkins on behalf of the applicants Dana Darling, Joe Gauthier and Joe Palumbo from Carmina, Wood and Morris. As couple of you recall we worked on this project over a considerable period of time several years ago; involved a rezoning of the property directly adjacent which Dana and Joe are successfully developing. As part of that overall project we proposed to develop the remainder of Deanna Drive subdivision as 34 individual lots for detached single family homes; that property was zoned R-2 and remains R-2 .

(Pointing to the site plan) These are the existing recorded subdivision lots, some of which have homes on; the lots do require a variance from the Zoning Board of Appeals under the R-2 Zoning classification the minimum depth is 175 feet and because we matched the existing character of Deanna Drive the minimum depth of our lots is 125 feet and we went to the Zoning Board of Appeals originally that variance expired and we went back to them and they granted us a three year renewal which is valid to May of next year. Why we decided to come back in front of you was to re-acclimate everyone on the project pursuant to your subdivision regulations the first step in the process is a pre-application review. It's not an approval, it's to get your preliminary input; Joe's is actually working very diligently on the full engineer plans which are almost complete and barring any unforeseen input tonight he will be providing a full set of those plans to Mr. Hannon along with the engineer's report, the SWPPP and extensive documentation per his technical review.

Mr. Hopkins continues: Other things of note as part of the previous approval here's 18-Mile Creek, we agreed this back area, which you can see is cross-hatched which slightly less than six acres in size will be permanently preserved as open space, there are some small wetland areas back there and if anyone has been back there knows that there are some steep slopes.

We're finally at the point based on...

Mr. Stringfellow: Who will own this preserve?

Mr. Hopkins: That preserve will remain owned by LLC that owns the site.

Mr. Stringfellow: And therefore liable for any injuries or anything that occurs on that property?

Mr. Palumbo: If it's a result of negligence.

Mr. Kobiolka: What happens if the LLC goes under? Who does it revert to?

Mr. Palumbo: The LLC won't go under.

Mr. Hopkins: Remember that LLC owns this as well so Dana and Joe don't have any inclination to walk away from their existing project.

Mr. Kobiolka: Have we recorded the easement for the greenspace for the...

Mr. Hopkins: No we will be doing that actually with this; why we didn't do that yet is when you get back into the detailed engineering gear which Joe is working on we just want to make sure that line is precise, every indication is that it is so we will be that with part of the preliminary plot review.

Mr. Kobiolka: Will there be access for the general public to get to...

Mr. Hopkins: No, no we're not envisioning access to the general public back there; I don't think there's any reason to provide that.

Mrs. desJardins: Did the Town do SEQR?

Mr. Hopkins: Yes, so the Town did SEQR on the entire project, as some of you may remember, issued a Negative Declaration on June 20, 2012 with this exact layout so it's both for this and the property next door; so we did wetlands, archeology, everything you can think of was studied in connection with that project so yes SEQR is complete. So we just wanted to give you a quick overview what the project was. It has been probably, last time in front of this Board with this project was probably 2012.

Dr. Ziarnowski: Before that that was a paper subdivision when they put in Deanna Drive correct?

Mr. Hopkins: It was. There was a subdivision approved for this site way back, I'm not sure if the Town had a Planning Board at that point, but there was a subdivision approved in 1967; the previous owner then subsequently abandoned that subdivision. Literally went to Erie County Clerk's office, probably got sick of paying taxes on all those lots, abandoned the subdivision.

Mrs. desJardins: Were those lots that are there now built at that time?

Mr. Hopkins: Some of these lots were already built. How many houses are there?

Mr. Darling: There's three houses total on that street.

Dr. Ziarnowski: So was the Town obligated because it was on paperback then to say okay Dana you can do a subdivision there?

Mr. Hopkins: No. But we're obligated because the previous owner did not, if we wanted to do that for approvals. I mean we can't come back and say 'well there was a subdivision, they abandoned it therefore you automatically have to give us whatever we want.'

Mr. Stringfellow: So we could, if we choose say that was a subdivision that was okay in 1967, today the Code is different you must meet today's Code?

Mr. Hopkins: With the exception that the ZBA granted the variance so you don't have jurisdiction over that Other than that I don't know what else...

Dr. Ziarnowski: Was that putting the cart before the horse getting the variance before subdivision approval.

Mr. Hopkins: No because we went in front of you first, everyone knew we needed the variance. That was disclosed from the very first day we worked on the project. We made the lots wider so we meet the minimum square footage; we did have extensive discussions about this and ultimately this was the consensus, but the Planning Board was involved in that. We do now have to meet a course in terms of drainage and all that it's much more complicated, when Joe makes that submission it's an extensive submission including DEC approval, County Health Department approval, we'll need all of that stuff.

Dr. Ziarnowski: Joe, Dave Bowen isn't here, he's a big drainage guy, one of the issues that he brings up if houses are built piecemeal how does that drainage of that completed house affect or not affect the adjacent house that isn't built yet which may landscape or sculpt the property in a bigger fashion.

Mr. Palumbo: What we've done is the site actually sheets all the way to the 18-Mile Creek so east to west and with the way we've designed the road, the road is sloping down like at 1% from where we tie into the existing Deanna Drive, so the majority of storm water now sheets this way...with no detention whatsoever...just kind of across whatever is there, so the roads themselves will be designed with ditches on either side to collect very shallow swale, basically green swale that collects storm water; each of the building lots the houses will be higher will have swales between the buildings and behind the buildings so we've designed a swale along the north property line and along the south property line and down two sides of the road and one down the middle of what I would call the loop, so all the lots will have drainage for their yards, two swales that will follow the existing contours; we're proposing a huge cut or huge fill each of the houses will step as the road comes down and then the drainage will come out to the street or to the backs of the properties basically and then we've designed storm water collection system so everything is treated per DEC standards.

Mr. Hopkins: And we have to meet all new green infrastructures standards and R.V. standards, it's a lot more stringent than it was four years ago.

Dr. Ziarnowski: There was a communication for emergency vehicles. And what's the exemption lot?

Mr. Palumbo: The exemption lot I believe is an old cemetery.

Mr. Hopkins: It's an old Quaker Cemetery...

Mr. Darling: It's acknowledged by the State but it's not registered.

Mr. Hopkins: So as part of the process we agreed, working with the Town Historian and SHPPO, we decided not to mess with it but just leave it.

Mr. Liegl: I wasn't here in 2012 but from the notes it seemed that there was a lot of going back and forth with what was wanted and things that weren't there. Was there originally a road that was connecting that subdivision with the one adjacent to it? Either way?

Mr. Hopkins: No there wasn't one shown, but we were required to show this, potential future right-of-way here as part of the approvals, part of the SEQR review but no access this way except for gated emergency access which makes sense.

Mr. Liegl: From conversations with others we're trying to make Boston and these subdivisions more inter connected somehow walkable to get people off of 391 and Boston State Road, bicycles, walking subdivisions to get people off the road.

Mr. Hopkins: Unfortunately we have no frontage, so not really much we can do on this particular site in terms of...

Mr. Palumbo: When we started looking at his these are all individual lots back here, this is the only one that would be substantial enough to be able to come in with another subdivision to be able to pit another connection through. So we placed this potential further access in a location that would allow a neighbor to come in and do another subdivision and a connection point in the most logical place that we could find.

Mrs. desJardins: Who will own that?

Mr. Hopkins: The Town can acquire ownership of it as part of the subdivision approval process or it can just be left as a future right-of-way. My suggestion would be that the Town should probably consider a ??? (30:48) to make sure it's there in the future.

Mrs. desJardins: How wide is the emergency access?

Mr. Hopkins: Around twenty feet.

Mr. Palumbo: Fifteen feet emergency access is all it is so that service can get through from the subdivision to the patio home complex.

Mr. Hopkins: We also agreed that would be retained by the LLC in connection with the project next door which is still owned by Dana and Joe.

Mr. Palumbo: Our project next door is privately owned, maintained.

Dr. Ziarnowski: Is that going to be gated or open?

Mr. Darling: Gate with a bus door.

Mr. Stringfellow: That 15 foot access concerns me; 10 years after this subdivision is built each of the homeowners will be mowing and thinking that he owns half of it...

Mr. Hopkins: It will be paved connection. The emergency exits will be paved down otherwise how would a car get through?

Dr. Ziarnowski: You aren't going to allow any access to the creek?

Mr. Palumbo: The residents of the general public?

Dr. Ziarnowski: Kids are going to get back there either way they're going to be cutting through the yards; are they going to be going through the private areas to get back there...

Mr. Palumbo: There's a steep slope back there to get to the creek; to put the general public back there without some sort of access would be ludicrous; there's probably a 20-30 foot drop back there.

Mr. Hopkins: You don't want to encourage people.

Dr. Ziarnowski: Sidewalks?

Mr. Palumbo: No sidewalks.

Dr. Ziarnowski: My general comment and this is my opinion again like it's a post WWII baby boomer subdivision and you get out the monopoly houses and put this one here and this one here, if you have the opportunity to do something neat for the Town, something different for the Town, think outside the box a little bit, I'll leave that up to you, but you just have a cookie cutter, rubber-stamped subdivision is a little bit disturbing to me in West Seneca every single block looks like that. This could be a showplace subdivision.

Mr. Liegl: I would like to see sidewalks.

Mrs. desJardins: Why no sidewalks?

Mr. Darling: Joe and I went to the Town website and it's more of a DEC requirement to get the drainage absorbed into the ground quicker...

Mr. Palumbo: There currently are no sidewalks going out to Boston State Road now so essentially the sidewalks would be going from house to house and don't really go anywhere.

Mr. Liegl: I think that's what we're looking at because you get people walking on Boston State Road and that's the only way they can go from one place to another.

Mr. Hopkins: We don't have any legal right to do anything out there.

Mr. Liegl: But if you keep them within the subdivision they're not going out on the road but just something as simple as a sidewalk where kids could walk around it as opposed to being in the street...

Mr. Palumbo: Being a looped road the potential for traffic on this road will be homeowners only so you're looking at 34 cars, maybe 64 if they have two cars.

Mr. Kobiolka: It's not a safety factor.

Mr. Palumbo: It's really not a drive through where you're going to get traffic going through it, or to cut through it to get to a Wal-Mart or to get to a ...

Mr. Liegl: But if that guy on the corner lot is the guy who has three kids, every car in that subdivision is going out that driveway, that road.

Mr. Hopkins: I'm a big fan of sidewalks, I live in Williamsville where sidewalks are the norm.

Mr. Liegl: The current generation they're out there on bikes and everything, I would be riding a bike on Cole Road and Omphalius...

Mr. Palumbo: They don't use the sidewalks, joggers use the streets. I live in the city of Buffalo where we park in the streets, the streets are tiny and you have bikers, joggers, walkers with strollers, everything you can imagine in the street, they refuse to walk on the sidewalks, why I don't know but they insist upon being in the street...

Mr. Liegl: Just because it hasn't been done doesn't mean it can't be done, can't be considered...

Dr. Ziarnowski: What kind of style houses Dana, all the same?

Mr. Darling: We don't have ...

Mr. Hopkins: We don't have a designated builder yet, until we get the project approved we can't even market the lots.

Mr. Darling: We have a few people interested that want to build their houses but we haven't determined that yet.

Dr. Ziarnowski: Would appreciate you guys thinking something a little bit attractive/

Mr. Palumbo: It has to fit within the area too as well. You can't turn this whole subdivision around and decide that we're going to be building \$400,000 or \$500,000 houses...

Dr. Ziarnowski: I'm not saying the value of the house, I'm saying the aesthetic appeal of the dollar value of the house that you put in there, a variation, an attractiveness....you have the opportunity to do something neat and I think you could make

it a showplace and not expensive houses, you're not talking about the cost of the house but talking about curb appeal that you're not going to get from a monopoly set.

Mr. Stringfellow: On the 15 foot wide access who is going to own it and maintain that?

Mr. Hopkins: Dana and Joe, that was discussed no one else is going to want to take ownership of it I don't think the Town wants it.

Mrs. Schutt: And it will be paved and will be kept open even during inclement weather?

Mr. Hopkins: It will be gated otherwise the public would use it.

Mrs. Schutt: But it will be plowed so that it is passable?

Mr. Hopkins: Yes, otherwise what's the point of having it.

Dr. Ziarnowski: Is this going to be with the whole road in?

Mr. Hopkins: It will probably, we're not sure, and again it will depend on the demand, but most likely 2 phases right?

Mr. Darling: Right.

Dr. Ziarnowski: If that was me I would say I'm holding out for the second phase because I'm not taking a stinking little lot in the front when I have the opportunity to put one in the back and there won't be any read and utilities back there.

Mr. Palumbo: You're going to have to get in through the road down one side or the other to get the utilities In

Mr. Hopkins: We want to go ahead and submit the engineering, we'd love to be to be in a position to put a pole in place by spring.

Discussion turned to the patio home, trees, lawns,

Secretary Faulring: Are we still on the subdivision?

Mr. Stringfellow: Conversation kind of gifted. Are there any more questions on the subdivision? I guess the Board is up to speed and...

Mr. Hopkins: Right I don't think there is any formal action required we'll go ahead with the engineering, once technical review is done we will come back. Thank you.

PLANNING CONSULTANT REPORT

Mrs. desJardins: The 'Welcome to the Town of Boston' letter, can we finalize that? I'd like to start using that I would like to see the Code Enforcement Officer distribute it.

Secretary Faulring: He was distributing it when an application was brought in, but stopped when we started discussing changes to it.

LIAISON – TOWN BOARD UPDATE

Not in attendance

TOWN ATTORNEY

Mr. Kobiolka reported:

- Town Board repaved the parking lot
- Summer playground has started
- Summer time usually a slow time

Mr. Kobiolka: Wasn't there an emergency drive at the bottom of the subdivision that ties in with the current project?

Mrs. desJardins pointed out the access road on the subdivision plat

Discussion followed:

- On the proposed 15' right-of-way
- Concern with no dedication of Conservation easement in back of other project
- Review of Comprehensive Plan
 - Last done in 2000 and was good until 2010
- SEQR was done on the entire project patio homes and subdivision
 - Moved ahead with patio home project
 - Had to get second variance for subdivision lot depth because time ran out on the first, now time is starting to run out on the second
- No hearings have been held on this subdivision
- Not comfortable with access road
- Sidewalks in Code?
- Sidewalks are in Comprehensive Plan
 - Discussion continued on adding sidewalks

- Pre-application discussion was done in December 2012
 - Doesn't say that anything was approved

Mr. Stringfellow: Is there anything else for this evening?

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

Respectfully submitted,

Thelma Faulring
Secretary to the Boards and Committees