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|-----------------|---|---|
| MEMBERS         | David Stringfellow                                    | Chairman  |
| PRESENT:        | Paul Ziarnowski                                       | Vice Chairman   |
|                 | David Bowen   |   |
|                 | Jim Liegl   |   |
|                 | Mitch Martin  |   |
|                 | Elizabeth Schutt                                      |   |
| ABSENT:         | Jennifer Lucachik                                     |   |
|                 | Mary Ann Rood   |   |
|                 | Jay Boardway  | Town Board Liaison  |
| ALSO            | Michael Kobiolka                                      | Town Attorney   |
| PRESENT:        | Sarah desJardins                                      | Planning Consultant   |
|                 | Thelma Faulring                                       | Secretary to Boards and Committees                                  |
|                 | Sean Hopkins  | Attorney for Deanna Drive subdivision extension & mixed use project |
|                 | Joe Gauthier  | Co-Developer – Deanna Drive subdivision extension project           |
|                 | Dana Darling  | Co-Developer – Deanna Drive subdivision extension project           |
|                 | Joe Palumbo   | Engineer – Deanna Drive subdivision extension project               |
|                 | Bill Solak  | Representing – Mixed Use project                                    |
| Property owners | in the vicinity of mixed use project in North Boston: |   |
|                 | Diana Weiss   | 5571 Meadow Drive   |
|                 | Others were in attendance – did not sign in           |   |

MINUTES

Chairman Stringfellow called the meeting to order at 7:31 P.M. and asked if there were any additions or corrections to the draft minutes of September 13, 2016.

Mr. Stringfellow made a correction of swells to swale on page 4 and with that correction Mr. Stringfellow made a motion to accept the minutes, seconded by Dr. Ziarnowski and carried

Chairman Stringfellow asked if there were any additions or corrections to the draft minutes of September 27, 2016. Being none Mr. Liegl made a motion to accept the minutes, seconded by Mrs. Schutt and carried.

CORRESPONDENCE

Secretary Faulring noted the following:

- In folders tonight
  - Code Enforcement Officer Ferguson’s end of month reports for September, October, November and December
- Town Board letter dated October 6, 2016 approving duplex site at 9776 Trevett Road; the Town Engineer attended the T.B. agenda review and gave his approval as requested by Planning Board
- Previously sent to members:
  - Registration form for training opportunity – March 26 – 28 at Saratoga Springs – complete and return ASAP for Town Board agenda on February 1 or March 1 for approval
- ‘Welcome to the Town Of Boston’ letter with minor changes

PRELIMINARY CONCEPTUAL SITE PLAN REVIEW – Boston Self Storage – 7849 Boston State Road

For these minutes:

Repeated questions will not be repeated in the minutes

Members or associates names will not be noted

- Planning Board member or associate
  - Mr. Schreiber

Mr. Schreiber:

- The plan shows the new building which will go behind the existing
- Will need a zoning variance for a setback of only five feet like the other small building on the property
- Bank slope is the same, same drainage to the rear

- Parking
  - Usually with storage there is not parking; you pull up load or unload and drive away
  - There is 30 feet between the two doors, which is normally 25 feet
- 5-foot variance move that up and ask for less of a variance
  - I could go to a 10 foot variance
  - But to get a big truck around that corner comfortably that extra footage would make that easier
  - There is 30 feet between the existing and the new building
  - 2 years ago received the same variance and have no problem with any water; perforated pipe in rip-rap in
- Clarification: The normal setback is 30 feet; his building is going to be at 5 feet; the variance request is for 25 feet
- Niagara Mohawk in the original variance
  - Yes, in fact they actually granted us to work on their right-of-way
  - Our property line sits at the base of that slope; that slope used to come all the way out; we took all that away
- Landscaping
  - Will do my best to bring the barberry bushes back to life; DEC have banned those bushes
  - Put in some trees – 1 or 2 of them died

Discussion followed – consensus of the Planning Board members was to obtain a variance from the Zoning Board; come up with a landscape plan/remedy; and return to the Planning Board for further review if variance is granted from the ZBA.

#### CONCEPTUAL SITE PLAN REVIEW – MIXED USE PROJECT – North Boston 25:16

Sean Hopkins distributed books to members of the Planning Board and gave the following update on this project:

- Presented twice previously; April of last year and July of last year:
  - Proposed – three hotel sites; 5 single story storage/commercial buildings; car wash and 96 apartments
  - Some concerns raised: proximity of multi-family to the rear yards of those homes on Meadow; would have been a private roadway and would not have had enough frontage on Boston State Road; concerns about the viability of three different hotels along this portion adjacent to the 219
- Based on the input received last April we modified the plan which Jake presented to the Board last July to the current way out
  - We've taken the multi-family out and replaced that with a clustered subdivision which consists of 20 individual for single family homes; this would be a public roadway as opposed to a private roadway, would be constructed to Town specifications; we've moved the multi-family component to where we showed the commercial businesses; we have preserved one future hotel site;
  - Mr. Emerling did have a market study done a couple of years ago and it did show there could be demand for a hotel; we would like to accommodate that but will have to find a user
  - Instead of five commercial buildings we've now replaced them with three commercial buildings that was previously shown as hotel #3
  - We've eliminated the car wash, it's just not viable placing it that far back from the Boston State Road frontage
- What I've handed to each of you is a binder for supplementing the rezoning application and for the purpose of providing you with extensive documentation in connection with the environmental review of the project pursuant to the State Environmental Quality Review Act
  - Unlisted action
- What we would like is for you to recommend that the Town Board commence the coordinated environmental review
  - A coordinated environmental review is not required for unlisted actions but is quite clear based on previous discussions that you would like to input from the involved agencies

- Those agencies including the DEC, DOT, etc. etc.
- I also need to note that this project does need to be referred to the Erie County Department of Environmental Planning pursuant to NYS General Law Section 239 M as a result that we are within 500 feet of Boston State Road
- Wetland delineation was conducted
  - Only 0.42 showed impact
- SHPPO was conducted
  - no environmental impact
  - Also provided is a Phase 1-A in a phase 2 Cultural Resource report
- Single-family homes on Meadow now backing up to single-family homes on this site
- Traffic Impact Study done by S.R.F. Associates a firm out of Rochester
  - They looked at 3 different studies, 3 different intersections within the study area, and their conclusion after the full build out of this project each of those intersections will continue to function at a level of service of B or higher
- We think that we are in a position to ask that you can recommend commencement of the Environmental Review; if you do have reluctance to do that our only choice would be to go to the Town Board and ask them to do that
  - Ultimately the Town Board it's envision would be the Lead Agency because they need to make a decision in connection rezoning

The following are Mr. Hopkins' responses to questions and/or comments from Planning Board members:

- Jim Hannon has not been sent a copy yet; we welcome Mr. Hannon's comments
- SEQR says that it recommends that the Environmental Review commence as early as possible in the process, we've now been at this for 9 months
- Same plan as last July only thing that we have updated wetland information
- Last July meeting was tabled after discussion, I wasn't at that meeting and the minutes aren't available online
- Build on market demand, obviously the road will go in first, that would open up the residential lots, then the multi-family in phases, and finally the hotel and single story commercial components
- Some residents at the meeting in April and as we go forward we will hold an informational meeting with those contiguous property owners
- C-1 to R-3 21 acres
- R-3 for that size lot, utilize the cluster on that size lot
- \$250,000 to build a patio home in WNY
- I will provide a list of examples where single-family and patio homes are together in that same area
- (Comprehensive Plan?) Clearly this will have positive, physical impact and you need development
- DOT will not respond until SEQR process has begun
- Commercial generates more traffic than residential

More discussion followed:

- regarding retail – do we need more or not
- more people using services
- Mr. Hopkins not involved in project in 2013 and 2014
- access of emergency vehicles;
- Necessity of more traffic studies
  - Boston State Road and the 219 are subject to DOT Jurisdiction
  - Peak hours
- Roadway to S. Abbott? Wetlands would make that problematic
- Detached single-family home at about 1600 – 1700 square feet

You would like this Board to refer it to the Town Board so they can begin the SEQR process so you can start to nail down things like is there enough water...?

Mr. Hopkins: Yes. Recommendation for them to commence SEQR from this Board is not an endorsement of the project of the rezoning; it's a disclosure process – let us start getting the input of other agencies as well.

Mrs. desJardins: Once you get all the information from all the involved agencies it does come here and then you can make a recommendation to the Town Board.

Mr. Hopkins: This is not being viewed by us as a positive recommendation.

Mr. Kobiolka: Would it be your opinion that this Board would then have the sole discretion over the subdivision?

Mr. Hopkins: Yes. If the rezoning is ultimately approved the subdivision consisting of the 20 single-family homes pursuant to your subdivision regulations, yes would fall back within the jurisdiction of this Board.

Mr. Kobiolka: This Board would have recommendations for the other components?

Mr. Hopkins: Yes on the other components.

Mr. Kobiolka: On the other components, which would then be approved by the Town Board.

Mr. Martin: I object to the fact that you say commercial property would increase traffic, it depends on the commercial and the time frame.

Mr. Hopkins: Yes that's true.

Mr. Stringfellow:

- This is the 5<sup>th</sup> time this Board has heard this project; there have been some changes to it
- Basically it's a big apartment complex
- This Board has said each time that property was C-1 when your client bought it, he knew that, he knew what acceptable in C-1 and what was not
- This Board feels that this property is very good property for C-1 uses, we want to see it applied for C-1 uses, we do not want to rezone any part of it residential
- We have told you that 4 times before and you continue steamrolling ahead and spending more money and going further with it like it was a great thing and we are in favor of it
- We have told 4 times and I will tell you for a 5<sup>th</sup> time I am not in favor of converting any of this property from commercial to residential

Mr. Stringfellow: Is there a motion that we recommend to the Town Board to begin the SEQR process?

Mr. Kobiolka: First of all I think we ought to Jim Hannon's input; this is referred down to the Planning Board for the Board's recommendation on rezoning, this Board doesn't have the power to rezone it or not to rezone it that is in the province of the Town Board so I think it would be appropriate if this Board would make a recommendation in terms of whether or not this Board wants rezoning or doesn't want rezoning and do you think it's appropriate Sarah?

Mrs. desJardins: Legally, yes you have to let them start the SEQR process, you have to let them ask the Town Board to start the process. All that does is gather more information for you to make a decision. Once you get that information back you can unanimously recommend thumbs down, not a problem. But if you don't start this process they're going to go to the Town Board and ask them to do it without your blessing and the Town Board is going to have to do it.

Dr. Ziarnowski: It does come back to us?

Mrs. desJardins: Absolutely it does.

Mr. Hopkins: Both of you are correct and I'm not suggesting you do this if this Board is saying we're tired of wasting time on this, our opinion is never going to change; you could just go ahead and do two things: recommend that the Town Board start SEQR and also recommend against the rezoning. We would ask that you wait until you get the input from the involved agencies but that would fall within your discretion. But then you are going to be out of the process moving forward.

Mrs. desJardins: Right.

Mr. Bowen: But the process would come back to us as I understand.

Mr. Hopkins: It wouldn't if you made a negative recommendation tonight.

Mrs. desJardins: If you just recommend tonight that the Town Board start the SEQR process all that means is for the next month or two they will be gone and whoever sends that information out will do that and we'll get information the DOT, the DEC, the County, the Town Engineer. The Town board will get that information and then you will get that information and then you make a recommendation up or down on the rezoning itself. The Town Board will establish themselves as Lead Agency as they make the decision on that.

Mrs. desJardins clarified her point: If this Board were to say please start the SEQR process and by the way we were going to recommend denial no matter what, that's fine except that now you have no ability to tweak this project or input on it at all, now it's out of your hands. Now, just let the Town Board start the SEQR process and in a couple of months when we're scheduled to back you're have all this information in front of you from all these agencies and then you can still recommend denial; but if you recommend denial tonight you're completely done with this rezoning you have no more input at all.

Mr. Stringfellow: If we don't make a recommendation tonight and they go to the Town Board and ask them to start SEQR, does that take us out of the process?

Mrs. desJardins: No, they can make that request.

Mr. Stringfellow: Let's wrap this up. Does anyone on this Board wish to make a motion that we recommend to the Town Board that they start the SEQR process?

Mrs. Schutt: I will make a motion that we recommend to the Town Board that they start the SEQR process but that we have grave reservations about the project.

Mr. Stringfellow: Is there a second?

Mr. Bowen: I'll second that.

Mr. Stringfellow: Any discussion? All in favor of the motion please raise your hands.

4 were opposed to the motion and 2 in favor of the motion. The motion dies.

Mr. Hopkins: Just so we're clear. We will go to the Town Board ask them to commence the Lead Agency solicitation process; once that occurs you still on us to come back here?

Mr. Martin: That's correct.

#### SITE PLAN REVIEW - DEANNA DRIVE SUBDIVISION EXTENSION

Sean Hopkins for Dana Darling and Joe Gauthier with Joe Palumbo:

- Previously here in August of 2016 for sketch plan review
- Since that point Joe and his engineering firm have proceeded with the preparation of fully engineered plans and now back with a request for a preliminary plat
- Joe provided a draft of his fully engineered plans to Town Engineer Jim Hannon and to note for the record we did not consider that to be the filing of a preliminary plat application; the application itself was filed on January 5th
- The layout of the project remains unchanged
- The environmental review pursuant to SEQR was completed and you did act as an interested agency
- Rear portion of the site includes steep slopes and wetlands will be preserved as permanent open space' we will provide a Declaration of Restrictions, Deed Restrictions: this land 'back here' will not be developed at any point in the future, that is one of the zoning conditions proposed by the Town Board
- Single-family homes on individual lots
- Jim Hannon did write us a technical review letter
- What we're simply asking here this evening is to schedule a Public Hearing
  - Subdivision Regulations – that's required within 45 days of the submission of a preliminary plat application

Mr. Stringfellow: '...on the submission of a preliminary plat application that meets all the requirements of the Town Code.'

Mr. Hopkins: Okay. That's our presentation. If you have any questions we will address them

Mr. Stringfellow: 104-9 Submission for conditional approval

'The signature of the Highway Superintendent is required. The aforesaid prints shall bear the signature of the Highway Superintendent as an indication that he has reviewed the plat in consultation with Town Engineer and has no objection to the proposal.'

Mrs. desJardins: That will happen between now and when you approve the preliminary plat which will come after the public hearing.

Discussion followed regarding the Highway Superintendent signature timeline.

Mr. Hopkins: We would ask you to request that he sign them. Before this road is dedicated over to the Town he will have to confirm that he is okay with it.

Mr. Martin: We want you to follow Code.

Mrs. desJardins will provide the Highway Superintendent with a set of plans and ask him to consult with the Town Engineer.

Mr. Stringfellow: When that is done those two have reviewed it and Highway Superintendent has signed it then it is an acceptable Preliminary Plat and the 45 day limit begins.

Mr. Hopkins: But we're not saying that he has to approve the plans.

Mr. Stringfellow: That he has no objection to the proposal.

Dr. Ziarnowski: When we reviewed these plans a couple of months ago there were some comments that were made not to make this like every other subdivision in the area:

- The 15 foot emergency access
- The completing blocking off of the parcel in the back with no access to it

I think the recommendation was go and see what you and do and you came back with the same exact set of plans and we're supposed to say this is great now. My problem is it's the same set of plans, nothing's changed.

Mr. Hopkins: We're not envisioning that's publicly accessible for an open space, we never...

Dr. Ziarnowski: Why? Why shouldn't you have 24 acres of accessible land to a mass conglomerated population?

Mr. Hopkins: Certainly we would be willing to consider this if the Town wants to accept it as park land, we would certainly donate it.

Dr. Ziarnowski: Why can't you have that as accessible property in your development?

Mr. Hopkins: And who would be liable in the event of an injury? Remember Dana and Joe are going to sell these lots, they wouldn't own them. And I do want to note for the record that subdivision approval process says that your preliminary plat application and plan should be consistent with what you present at sketch plan, we did. We presented the sketch plan last August, based on the input received at that meeting we were told we could go forward, Joe did the...

Dr. Ziarnowski: I don't think you were told you could forward.

Mrs. Schutt: Between parcels 14 and 15 back by the permanent open space...

Mr. Hopkins: That's an easement to get back to that open space for maintenance or whatever might have to be done back there. It's a sanitary sewer easement.

Mr. Kobiolka: You indicated that the back portion was going to an easement an environmental easement...

Mr. Hopkins: The back area, the steep slope and wetlands, the condition that was imposed by the Town Board is was subject to review from this Board way back when, some of the members were different, is that be permanent open space.

Mr. Kobiolka: Has that been filed yet?

Mr. Hopkins: No that's usually done after you file a subdivision map.

Mr. Kobiolka asked for a copy when filed.

Dr. Ziarnowski read from previous minutes of September 13, 2016

[Mr. Hopkins: We want to go ahead and submit the engineering, we'd love 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 grifted. 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.

Dr. Ziarnowski: There was no motion for you to go ahead.

Mr. Stringfellow: I see a 60 foot right-of-way on these plans; when I look at Code for street types a collector street or minor street only 66 feet, only a marginal access street is allowed to be 60. This is a subdivision, this is not marginal access, you need a 66 r-o-w to comply with Code.

Mr. Hopkins: I guess our position what was originally approved. This is the same layout that was shown on the original subdivision map.

Discussion followed regarding 'that was then, this is now' You need to meet today's Code.

Mr. Martin: I will make a motion to table discussion until a complete application is filed, seconded by Mrs. Schutt.

There was no further discussion. All were in favor of the motion.

### ELECTION OF OFFICERS

#### Chairman

Mr. Stringfellow: I nominate Paul Ziarnowski.

Dr. Ziarnowski declined.

Mr. Liegl: I nominate Mitch Martin.

Dr. Ziarnowski: Second.

Mrs. Schutt: I make a motion to close nominations and have the Secretary cast one vote for Mitch Martin for Chairman.

All were in favor of the motion. Vote was cast for Mr. Martin.

#### Vice Chairman

Mr. Liegl: I nominate Paul Ziarnowski.

Mr. Martin: I second that.

Mr. Martin: I make a motion to close nominations and have the Secretary cast one vote for Paul Ziarnowski for Vice Chairman.

All were in favor of the motion. Vote was cast for Dr. Ziarnowski.

#### Recording Secretary

Mr. Martin: I nominate Jennifer Lucachik.

Mrs. Schutt: I second that.

Dr. Ziarnowski: I make a motion to close nominations and have the Secretary cast one vote for Jennifer Lucachik for Secretary.

All were in favor of the motion. Vote was cast for Mrs. Lucachik.

### PLANNING CONSULTANT

Mrs. desJardins: Nothing other than the Welcome to Boston letter, I'd really like to start using that.

Secretary Faulring: The changes that I made were deleting the 'he/she' portions of the letter and changing the wording only to make the sentence sound complete without the 'he/she' words.

Mr. Stringfellow: Also the wording Town Planner should be Town Planning Consultant.

### TOWN BOARD LIAISON

Not in attendance this evening.

### TOWN ATTORNEY

The Town Board at its last meeting changed their meeting schedule to one meeting a month. There's really not that much on the Town Board's agenda each month the first Wednesday of each month, a second meeting if necessary. I would make that suggestion that if the Town Board is going to meet only once a month

the Planning Board meeting twice a month and for several months didn't have anything on the agenda perhaps they could go to one meeting a month and a second meeting if necessary.

Discussion followed.

Mr. Martin: I will make a motion effective immediately the Planning Board will schedule one meeting a month on the second Tuesday and schedule a second meeting if necessary on the fourth Tuesday, starting on February 14, 2017; and if need be have the Town Board issue a resolution to reflect that.

Mr. Stringfellow: Is there any discussion?

Mr. Bowen: Can we assume that the Town board Liaison will attend our meeting then?

Dr. Ziarnowski: No you can't. I brought that up in an e-mail to Marty and the response I got from he did not mention anything about the Liaison, so no, that's another issue.

Mr. Liegl: I will second that.

All were in favor of the motion.

Mr. Stringfellow: I make a motion to adjourn.

Dr. Ziarnowski: I second that.

Mr. Bowen thanked Mr. Stringfellow for his leadership.

All were in favor of the motion to adjourn.

Respectfully submitted,

Thelma Faulring  
*Secretary to the Boards and Committees*