

MEMBERS	Mitch Martin	Chairman
PRESENT:	Paul Ziarnowski	Vice Chairman
	David Bowen	
	Jim Liegl	
	Elizabeth Schutt	
	David Stringfellow	
ABSENT:	Mary Ann Rood	
	Jay Boardway	Town Board Liaison
ALSO	Michael Kobiolka	Town Attorney
PRESENT:	Sarah desJardins	Planning Consultant
	Thelma Faulring	Secretary to the Boards and Committees
	Susan Lakso	Resident on Meadow Drive - Mixed Use Project
	Diana Weiss	Meadow Drive
	Caroline Westcott	7061 Boston State Road
	Elizabeth Huson	Meadow Drive – Mixed Use facility
	Bill Solak	Mixed Use Project
	Jacob Metzger	Mixed Use Project
	Sean Hopkins	Mixed Use Project

MEETING TO ORDER

Chairman Martin called the meeting to order at 7:35 PM. and stated that he wanted to go to agenda item #3 and skip #2 membership participation if you would come forward.

AMENDED MIXED USE SITE PLAN

Mr. Hopkins: Good evening, Sean Hopkins of the Law Firm of Hopkins, Sorgi and Romanowski; also here is Bill Solak, as well as Jake Metzger from Metzger Civil Engineering.

You have looked at his project previously including earlier this year. Subsequently the Town Board did hold a Public Hearing on the rezoning in early July; based on some info received during that lengthy Public Hearing we took another look at the plan and we made some changes.

The plan as you last saw it:

- Featured single family homes here contiguous to those homes that back up on Meadow
- Featured multi-family here
- A hotel site here close proximity to the 219 right-of-way
- 3 mixed use buildings, envisioned to be single story buildings designed for businesses like local contractors, landscapers, etcetera, etcetera.

Base on the input that we received we went back to the drawing board and tried to reduce the scope of this project; most importantly with the consideration of the single family homes that back up to us on Meadow:

- This area that was not previously there would consist of about 60 feet of permanently open space
 - that would be deed restricted permanent open space
 - thereby ensuring those contiguous property owners that no development would occur there now or in the future
- We dedicated this very large area on the back portion of the site that is also contiguous with single family homes on Meadow as permanent open space as well
- All those green areas here, back here and also adjacent to the fields over here would be permanent open space
 - Subject to a deed restriction and if the project is approved that would be recorded at the Erie County Clerk's office
 - That area would never be developed
- We've reduced the acreage of what we're rezoning from approximately 28 acres to approximately 21 acres
- In order to effectuate those changes we've removed those 3 single story commercial buildings
 - To reduce the scope of the project
 - We have actually talked to a couple of people in the hotel business what they told us loud and clear was there is a 0% chance a hotel is going to be built there if you have contractor yards next door (businesses that are going to be there at 5:00 in the morning)
- Have dedicated this area as a hotel site

- Taken those multi-family units, the same number as before 96, and tried to spread that out in order to provide additional greenspace between the buildings and the parking areas
- The number of residential lots has been reduced from 20 to 17 to increase the greenspace

That's a summary of the changes we've made since we were last in front of you; we did present this plan to the Town Board during a Work Session in early September, they referred it back to you to take another look at it and we welcome any questions that you have.

Mr. Kobiolka: When it was presented to the Town Board in September I noted the differences and adaptations made by the project applicant and I thought it would be in the best interest of the Town and the Planning Board to have this reviewed by the Planning Board. You won't really find this procedure of going up and coming back down in the Town Code but I thought since there were substantial changes the Board would want to look around at the changes. At the Public Hearing there were a number of signatures presented which would call for a super majority on the Board; with this buffer around this now eliminates the need for a super majority, so now for the rezoning it would now be just 3 votes rather than 4 to approve; also some of this area that designated as commercial is now being used as residential which is another change so I thought it was appropriate, we are a small Town and this is a bigger project than we've seen, so I thought it was appropriate to come back down to Planning Board, take a look at it and whatever recommendation the Planning Board wants to make it would then go back up to the Town Board, but I wanted the Planning Board...we saw this, you approved this, what happened? My suggestion to Mr. Hopkins, with the changes that were made to have the Planning Board review, it's not in the Code, it was just my suggestion and whatever the Planning Board does with a recommendation, and I think that's what the Town Board is looking for, you can give them the same recommendation, change it, add to it whatever this Board thinks; that's why we're here.

Mr. Martin: And this is purely on the zoning and not on the subdivision?

Mr. Kobiolka: Right, that's correct.

A very lengthy discussion followed:

- Much of which expanded on the comments that Mr. Hopkins presented in his amended site plan overview
- Up to 300 Town residents attended the Public Hearing in July
 - Several residents spoke
 - 1 or 2 in favor
- How many times Mr. Hopkins has been in front of this Board
 - This is third time
 - This project was first at this Board since 2012
- Commercial acreage is reduced
- Wetlands – 3 parameters
 - Soils Hydrology Hydrophilic vegetation
 - Army Corps of Engineers have not been contacted because this is not an approved active project
 - SEQR doesn't apply to Federal Agencies, these are Federal wetlands
- Taxation on open space
 - Mr. Emerling retains ownership
- Width of entry road
- Don't feel apartment complexes are an asset to the Town tax wise
- 96 proposed units, same as original
- Has the applicant integrated the comments of the five separate meetings that have taken place since 2012
 - We considered them but feel this is the best use of this site
- Simple majority vs. Super majority
 - This amended site plan prevents a super majority vote

Mr. Bowen: Mr. Chairman, so we have recommendations from 5 meetings, we have recommendations from Town Board, we have recommendations from the Town meeting, we don't have those recommendations available to us for this discussion; in that context I would like to make a motion that this be tabled.

Mr. Hopkins: There's no recommendation coming from the Town Board.

Mr. Bowen: I said there were recommendations from the Planning Board for the last 5 meetings, direct to you that there were recommendations from the Town...

Mr. Hopkins: No there was just input made by people that spoke.

Mr. Bowen: Excuse my terminology. There were recommendations by the Planning Board in the 5 meetings, we don't have those in front of us, I don't have in front of me the input, the summary input from the community people that occurred, so

in that context I'm asking, making a motion that this be tabled 'til we get all that information, to assess it in the context of your sixth, fifth or sixth proposal for this particular project.

Mr. Hopkins: Those minutes were from your meetings...

Mr. Bowen: I don't have them here...

Mr. Martin: Sorry to interrupt but we do have a motion on the table I have to have someone second it or let it fail.

Mrs. Schutt: I will second to table.

Mr. Martin: Any questions? We'll do a roll call vote to table.

Mr. Liegl had a question on wetlands A, B, and C.

Discussion followed.

Mr. Martin: Are there any other questions of Sean? Any questions on the motion and second to table. Can we do a roll call vote?

Secretary Faulring: The motion is to table, if you're in favor of the motion please say yes:

Mr. Bowen: yes	Mr. Liegl: yes	Mrs. Rood is absent
Mrs. Schutt: yes	Mr. Stringfellow: yes	Mr. Ziarnowski: yes
		Mr. Martin: yes

Mr. Hopkins: You meet in two weeks?

Mr. Martin: A month.

Mr. Hopkins: I just need to know what you want from us.

Mr. Martin: It's internal; if we need anything more from you we will ask.

Mr. Hopkins: We did submit a complete copy to each of the members of the Town Board, also has been submitted to the D.O.T., the New York State Department of Environmental Conservation, and Erie County.

Mr. Martin: Let's get through the rest of the meeting. Thelma added membership participation to the agenda....

Secretary Faulring: Wasn't I supposed to?

Mr. Martin: No, I think that was just for the last meeting. At the last meeting we talked about Code for drainage and Open Meetings Law. I just wanted to ask if there was anything else you wanted to discuss.

TOWN BOARD LIAISON

Not in attendance.

PLANNING CONSULTANT

Mrs. desJardins reported:

There is a company in Alabama interested in the funeral home property on Boston State Road. They were interested in a vacant piece of property across from Emerlings south of there, that is zoned residential; they wouldn't tell me what they wanted to do with it and they decided to abandon that thought; and I just got an e-mail yesterday and they wanted to know what the funeral property was zoned, and it's zoned C-1; I don't know what the use is.

TOWN ATTORNEY

Mr. Kobiolka reiterated his statement of why he wanted to have the amended mixed use project referred back to the Planning Board. Another Public Hearing will have to be held.

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

Discussion included:

- Drainage
 - Wanted to be sure that we were looking at the same thing
 - Some members have no Code Book and others have different dates
 - Request from the Town Clerk all drainage amendments from 2004 on approved by the Town Board
- E-Code
 - Date?
 - Current?
- Meeting start time
 - Place on agenda for November

Mr. Martin: Is there anything else for this evening? If not is there a motion to adjourn?

Mr. Stringfellow: I move to adjourn.

Mr. Ziarnowski: I second.

All were in favor of the motion.

Respectfully Submitted,

Thelma Faulring
Secretary to the Boards & Committees