

MEMBERS Paul Ziarnowski Chairman  
PRESENT: David Bowen  
Jim Liegl  
Keith Pelkey  
Elizabeth Schutt  
David Stringfellow

ALSO Sean Costello Town Attorney  
PRESENT: Jennifer Lucachik Town Board Liaison  
Thelma Faulring Secretary to the Boards and Committees  
William Brunner 7171 Boston State Road  
Glenn Christner Architect, Brunner’s Eatery – Site Plan Review  
Tim Kirst Brunner’s Eatery  
Jason Keding Town Supervisor

Dr. Ziarnowski called the meeting to order at 7:30 pm.

2 Brunner Eatery – Site Plan Review

Mr. Christner:

- Decided to take accent lights off
- New lighting on addition is recessed cans above the doors and above the brick is an LED strip in a culvert
- Lights are shown on 8<sup>th</sup> inch scale plan and will be shown on electrical plan
- Colonial carriage lights were removed

Dr. Ziarnowski: He has toned down the sign and cycling is less. I asked Mr. Brunner if sign actually does help and he said ‘absolutely, people look for the Reuben sign and we get a lot of response for help wanted.’ It is good to talk to the applicant and get his actual thoughts on the plans and discussions. Do we have a motion?

Mr. Stringfellow: I move that we recommend to the Town Board approval of the site plan.

Mr. Pelkey: I will second it. All were in favor of the motion.

3 Back Creek Cider Mill

Dr. Ziarnowski: Just a discussion of your amended plans. What you want to do in the process of changing?

Lenny Ciolek distributed copies of the plans that were approved in 2015 and gave an explanation of the project at that time inclusive of any grading, septic system, water, plants and everything else.

(Secretary Note: - Following this meeting previous minutes were sent to current Planning Board members for review and for new members to become familiar with the approved project; these minutes are dated 1/14/14, 2/11/14, 2/25/14, 6/10/14, 6/24/14, 7/22/14, and 8/12/14 at which time a motion was made to recommend approval to the Town Board; these minutes are on Town Website for individual review; what was then will not be reiterated in these minutes.)

Mr. Ciolek:

- The first picture in the hand-out is what we want to build
- The plant is not on the drawing board for us at all
- No metal building
- No warehouse floor plans
- Basically what we want to build is the retail center
- Some type of sampling, tasting room
- The 30 by 60 building we want to stick with
  - Storage of lawn maintenance equipment, cider, other equipment
- We’re not doing any bottling, no manufacturing
- Essentially a tasting room for our brand
- Very big all over New York State
- Cuomo is very bully on those winery cidery venues
- Brand is produced in Syracuse
- still moving forward with the apple orchards, cornfields, and pumpkin patches

Mr. Bowen: So one page 1 of site plan you say you’re going to everything except this rectangle?

Mr. Ciolek: Yes, no manufacturing at all. The blacktop area will be gone that was where the trucks would be coming in, so no semi-trucks there.

Mrs. Schutt advised Mr. Ciolek that she is an adjoining property owner.

Dr. Ziarnowski: Is what we see is what we got, or is this going to be a phase thing and you keep coming back?

Mr. Ciolek: As we move forward we will want to expand, that's down the road not at this time and not as extensive as previously submitted. Obviously wedding barns are real big, that's something we might want to do, that type of venue, but not now. We're looking to build a building a tasting sampling room with a storage building is exactly what we're looking to do with an apple orchard.

Mr. Bowen: With retail sales.

Mr. Ciolek: Yes with retail sales.

Mr. Stringfellow: What is present zoning?

Several responses from the Board R-A.

Mr., Ciolek: Erie County has zoned it as part of the AG 15 Zone, so they gave me AG 15 status. 55% of what I sold on site has to be produced on site, that probably won't happen in the first or second year.

Discussion went to original plan – (those facts and figures can be found in previous meeting minutes)

Dr. Ziarnowski: With a Wedding venue that may require a rezoning; and I can tell you now that concert venue was proposed about 35 years ago and this building (Town Hall) was not big enough to hold all the people in Town that came to talk against it.

Mr. Ciolek: Every Town, every County in New York State has a venue like we're proposing and they are welcoming them with open arms, they want these in their towns, they want these type of destination locations where people come and have a good time and spend additional money; and we found that piece of property is the perfect piece of property for that.

Mr. Ciolek described a similar type of venue in Barker.

Supervisor Keding: Obviously this was approved by a former administration; want to get caught up on the project; is it right for Boston, and go from there.

Mr. Ciolek:

- It's a classy project, not shabby
- Very nice, very controlled, very upscale
- Open 3 – 4 days a week
- Not open in the winter time
- Bonus for our business
- Like the Beak and Skiff

Dr. Ziarnowski: We worked long and hard on this in 2015 and thought we had it done.

Mr. Ciolek told his story about other venues that he had hoped to obtain.

MR. Costello: Under the Town Code Town board approval of a site plan is valid for only one year unless a Building Permit is pulled within the year or there could be a six month extension, so at this point you will have to go through the process again. I want to make sure that everyone is on the same page that another site plan approval review and approval by the Town Board would be required for this.

Mr. Ciolek: If I owned that piece of property up there, that 34 acres of land up there and I went to the Building Inspector and I wanted to put up a pole barn, would he grant me a Building Permit to put that pole barn up?

Mr. Costello: I'm not exactly sure of the procedure on a pole barn. But you're not talking about putting up a pole barn...

Mr. Ciolek: These are pole barns, these are pole barns...

Secretary Faulring: Is there a residence on the property?

Mr. Ciolek: No.

Secretary Faulring: Then you can't do it.

Mr. Ciolek: So you can't put up a pole barn...

Secretary Faulring: Without a variance...no.

Mr. Ciolek: Really? There's barns all over the County without residences, right?

Secretary Faulring: I don't know about the County, I'm talking about Boston.

Mr. Stringfellow: Basically what you're proposing is a retail business in an agricultural zoning, you can't do that, you would have to for a rezoning.

Discussion followed regarding zoning – what fits in what zoning; give examples a list of places that I/we can actually go visit, possibly 14 across the state, working farms.

Dr. Ziarnowski: Any changes to an already approved plan has to go through the process again.

Mr. Ciolek: Is this going to take another 2 years again? I've already spent \$10,000.00 on this.

Dr. Ziarnowski: No. Are there any other comments.

Mrs. Lucachik: I feel that a rezoning is the best way to go. The Town Board meets on April 18, 2018

Mr. Costello: Section 123-169 says any changes in an approved plan need to go to the Town Board for review and approval and in effect the Town Board would probably refer it back to the Planning Board for recommendation before they approved.

Mrs. Lucachik: Septic system would have to be changed on the plan...

Dr. Ziarnowski: Sarah is more than willing to sit down and work through this with you...

Discussion turned to timeframe – Mr. Ciolek stated that he does not plan to waste more time and money; that he would sell that piece of land and move forward.

Further discussion on rezoning or consequences of rezoning; Hamburg Brewery; harvest of apples, soil and drainage, apple production per tree, changes to site plan need to be made and redistributed; why decrease size of septic system, similarity to Hamburg Brewery.

4 Approval of minutes

Mr. Bowen: What are the minutes? They're not verbatim, someone rises...

Dr. Ziarnowski: Legally all she, Thelma has to do is out in motions and she doesn't have to do anything else.

Mr. Bowen: And legally we don't have to approve any minutes.

Dr. Ziarnowski: Basically it's so that someone is reading them. Because what happens in five years we go back and can say 'that's what happened'

Mr. Bowen: What about the audios, are they maintained?

Dr. Ziarnowski: You don't keep those do you Thelma?

Secretary Faulring: I have been.

Dr. Ziarnowski: You do?

Secretary Faulring: Not with me.

Mr. Bowen: Isn't that required?

Mr. Costello: If the Town creates the audit recording and it's easy to store, you should maintain the audio recording just like any other Town record. But if it's a device you're just re-recording over, I don't know that there is any specific...

Mr. Bowen: My understanding is there is no legal requirement to keep any audio recording.

Mr. Costello: If we were recording on separate tapes each meeting, the old style tape recorder, the Town would have to maintain that tape, if it's not possible to pull the audio file from that device and it just records over in a loop then there's no way to maintain it.

Mr. Bowen: Well it's so easy to pull any storage device.

Mr. Costello: It probably should be maintained.

Dr. Ziarnowski: We had a discussion a couple of meeting ago; when Mitch was in charge we did not approve minutes, when David was in charge we did approve minutes. I thought we had that discussion that the approval process was basically not something that we need to do but maybe something that would make everybody take a peek at the minutes because otherwise you're going to file them.

Mr. Liegl: Just to make sure they're right.

Mr. Liegl: I make a motion to approve the minutes of February 13, seconded by Dr. Ziarnowski and carried.

Mr. Pelkey: I move we approve March 13, seconded by Mrs. Schutt and carried.

5 Correspondence

Secretary Faulring reported:

- Code Enforcement Officer Ferguson's end-of-month reports for January and February
- Distributed Certificate of Completion papers to member(s) attending the NYPF Conference and return to Town Clerk or Supervisor's office
- Discussed a new form to be sent from the Planning Board to the Town Board, something like the Zoning Board Notice of Decision
  - A roll call vote
  - Signed by Planning Board Chairman and Secretary
  - Planning Board members and Supervisor Keding were in favor of trying the new form

6 Old Business

Nothing at this time

7

Reports

- a) Planning Consultant – unable to be in attendance at tonight’s meeting
- b) Town Attorney – nothing for this evening
- c) Town Board Liaison
  - April Town Board meeting cancelled
  - Town Board wants to be more involved with Planning Board projects
    - Discussion included
      - Town Board would like to review site plans
      - Section 123-166 –submit 10 copies
      - Ask applicant to submit electronic copies
      - Simply ask the applicant to submit 5 more copies
  - We will meet on April 18
    - SEQR for All Boys
    - Will make recommendation for All Boys
  - Code Review Committee
    - Rehashed some of the previous suggestions
    - Go back to respective Boards – review the ‘rehash’ and ask for other Code Section updates needed
- d) Board Secretary – nothing further

8

Motion to adjourn

If there is nothing else for this evening, is there a motion to adjourn?

Mr. Liegl made the motion to adjourn, seconded by Mrs. Schutt and carried.

Respectfully submitted,

Thelma Faulring  
Secretary to the Boards and Committees