

MEMBERS PRESENT:

Paul Ziarnowski, Chairman
James Liegl, Vice Chairman
Keith Pelkey
Elizabeth Schutt
David Stringfellow

ABSENT: David Bowen

ALSO PRESENT:

Sean Costello, Town Attorney
Allison Koczur, Secretary to the Boards
Jennifer Lucachik, Town Board Liaison
Mike Cartechine, Councilman
Sarah DesJardins, Planning Consultant
Melissa Ballard, Dollar General/Broadway Group
Patricia Watson, Resident
Braden [indiscernible], Resident
Dale & Sandy Ball, Resident
Lisa Ann Krviznik, Resident
Kathy Prackajlo, Resident

MEETING TO ORDER

Chairman Ziarnowski called the meeting to order at 7:30 PM.

AGENDA ITEM 1 - AMENDED CONCEPT PLAN

QUAKER ESTATES, ILP - Bill Solak, Michael Metzger, Sean Hopkins

- Last meeting - motion (no majority vote)
- Primary Issue in November -> possibility of zoning conditions; two documents handed out to members
 - 1. list of zoning conditions
 - 2. copy of updated concept plan
- Condition #1: All categories of residential uses shall be prohibited on the 8.47 acres of property to be rezoned from C-1 General Commercial District (“C-1”) to C-2 General Commercial District (“C-2”) including but not limited to multifamily dwellings and single-family dwellings.
- Condition #2: The following uses listed as allowable principal uses in Section 123-78A of the Town of Boston Zoning code shall not be permitted on the 8.47 acres of property to be rezoned from C-1 to C-2: gasoline stations, boat or marine sales and services, billiard or pool halls, bowling alleys, skating rinks, dance halls or video game rooms, commercial swimming pools, drive-in restaurants, drive-in theaters, golf driving ranges or miniature golf, and small-animal hospitals.
- Condition #3: The 1.16 acres of Permanent Open Space labeled as “50’ Permanent Open Space” on the Concept Plan [Drawing CP-3]... consisting of property contiguous to lots on Meadow Drive shall remain permanently undeveloped greenspace and shall not be utilized for buildings, accessory structures, roadways, driveways, parking spaces or access isles. *The purpose of this Zoning Condition No. 3 is to establish a permanent*

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buffer for any future development on a portion of property owned by the Applicant that remains zoned C-1.

- Condition #4: The future use of the 10.19 acres of property labelled as “Deed Restricted to Agricultural Only” on the concept plan... that includes a federal wetland area shall be limited to only agricultural uses. All residential uses of the Agricultural Use Only Area shall be prohibited.
- Condition #5: Zoning Conditions No. 1, 2, 3, 4 as listed above shall subject to a Declaration of Restrictions to be recorded at the Erie County Clerk’s Office and approved by the Town Attorney’s Office prior to recording at the Erie County Clerk’s Office.

- Open to discussion about adding prohibited uses in Condition #2.
- Concern was residential, and it was addressed; other uses negated, if someone could find a way to put them in there, I don’t see a problem with a drive-in restaurant or miniature golf or any of those things...
 - They’re not going to go in there, that’s not what we’re proposing to do.
- A lot of things are still permitted, I believe it only applies to section they are rezoning to C-2 at this time - all of the C-1 sections can have whatever uses are allowed in C-1 or they can come back to rezone more from C-1 to C-2.
- Restrictions are placed, if property changes hands...?
 - They are binding. That’s why the 5th condition is in there. If someone buys part of the site, they will get a title search and see the conditions.
- Reiteration on C-1 parts, nothing is in the works, but you would like to do a small...?
 - We’d still like to see a small hotel or lodge or something there.
- Access is sufficient in your mind, but what happens if it’s developed?
 - Fire Code - anything there complies, anything in the future will comply.

This proposal still needs to go in front of the Town Board and for a public hearing, and then back to the Planning Board for site plan approval. Still open to discussion with the town and the public hearing for the community to bring up things the Planning Board may have missed.

- Reiteration of what *could* be put in the area?
 - Eating or drinking establishments, new or used vehicle sales, laundry/dry cleaning plants, custom shops, warehouses, dairy, wholesale sales and distribution, terminals for local trucking and delivery can be; but there are stipulations in the C-2 code.

A motion was made by Mr. Pelkey to move the rezoning request forward to the Town Board, with a recommendation in favor of restrictions and conditions outlined in the memo. Seconded by Mr. Stringfellow.

Dr. Ziarnowski	Yes
Dr. Liegl	Yes
Mr. Pelkey	Yes
Mr. Stringfellow	Yes
Mrs. Schutt	Yes

Will be issuing declaration to the Town Board.

AGENDA ITEM 2 – BROADWAY GROUP COMMERCIAL DEVELOPMENT OF WURTZ PROPERTY

Melissa Ballard, The Broadway Group

- Mrs. DesJardins handed out a “Welcome to Boston” packet that is given to all applicants; concept plan is not nearly complete but code is being revised; all the Planning Board is doing is going to give the applicant recommendations (if any) on what to add, subtract, change.
- Submitted originally - site plan with 30 parking spots; went back and moved building to accommodate all 46 parking spots to meet criteria with code
- Proposing to put a Dollar General in the old Wurtz Funeral Home location
- 8 acre parcel, proposed to take the already zoned C-2 portion of the 8 acres (just over 2 acres) for development for the Dollar General; Entire area is zoned C-2; remaining 6 acres (long narrow piece) - approached the church to gift the property to them (St. John Baptist)
- General Info:
 - 9,000 square foot building
 - 46 parking stalls
 - Entrance off Boston State Road
 - Demolish funeral home
- As it sits now, the basement has been and continues to be completely full of water - environmental team did water sampling from basement and they’ve submitted “negative for contamination” results to the DEC and the DEC has concurred with findings.
- Project meets all current zoning requirements/ordinances; would need to be permitted for land disturbance through DEC before end of the project; county highway department would be responsible for the driveway entrance permitting

Mrs. DesJardins: Comments on Mr. Hannon’s second page are not relevant at this moment - he was not aware of the Planning Boards use of the “site plan requirement” packet. Most comments on the second page aren’t relevant at this moment. He did say that he’s not sure the detention area, where it’s proposed, is in the right place.

Ms. Ballard: Spoke with engineer that did the design but the entire engineering process has not been completed with grading yet.

Mr. Hannon also recommended: #7. A cursory review of environmental issues suggests that the applicant further research archaeological matters as most of the Boston State Road corridor in this area is considered “archaeological sensitive”. Other developments along this corridor, including the NYS Trooper Barracks, have performed archaeological surveys as part of their SEQR process. Suggest to the applicant that they contact the NYS Historic Preservation Office for additional guidance.

Dr. Liegl: Is this someone’s home [referring to the concept plan]?

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Ms. Ballard: That is a home. On the layout, we have a privacy fence on that side of the property, on both sides to shield the building. No lights on that side of building, no access point.

Dr. Ziarnowski: This is a historical residential area. Zoning was changed from residential when they put the funeral home in and it was deed restricted commercial in the middle of residential. Even though you meet the code nuances, one of the things we have in general standards in our code is that “the proposed development shall be planned to harmonize with all existing and/or proposed development in the area surrounding the project site”. The concern is to put a box in the center of a residential area. Detracting vs. enhancing and devaluing properties. [Discussion about other Dollar General building designs around the country.] Signage - in that area, it needs to harmonize with existing structures and there is not a pedestal sign in that area. Parking spaces - code says a certain amount, but in actuality, how many times have you seen anywhere in town where parking lots are full? Would rather have fewer vs more - variance to ZBA.

- Is there a need for another Dollar General in a town with 9,000 residents? Have studies been done?
 - Dollar General does its own demographic studies and then they give it to the Broadway Group. Can't answer “why here”, but they are found very close together in other places.
- Is the existing Dollar General closing to move from one to the other?
 - No, not closing the existing Dollar General.
- If the Planning Board had not expressed their opinions on the project and about its aesthetics, would you have come in with a plan that looks like North Boston?
 - What is budgeted is whatever your code allows for. Dollar General has to make money. Land cost, cost of building, cost of parking, lighting - everything that goes into building is considered in the budget. With the grading plan not being completed yet, it's possible we can't put a detention pond in the back. Underground storage - quite expensive. All of those things have to be taken into consideration before additional architectural elements can be considered.
- The code requires the dumpster cannot be further forward than the rear line of the building. The dumpster on the plan is shown further forward than that.
 - The larger plan shows updated.
- How many parking spaces does Dollar General think they need?
 - 30 is a max, they would rather put green space in - more beautiful, environmentally friendly and costs less.

[Discussion and presentation of other Dollar General's around the country.]

Dr. Liegl: We just talked with Quaker Estates and it's been a long process. They [Quaker Estates] set time aside to meet with the residents to talk to them, and I was always impressed by that. My concern is that there is a house right on the line.

- Can you look where the current building is?
 - Moved to house on the other side is closer to the street. I don't know that we have enough property in the current zoning to move it back that far.

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- Is only part of the lot C-1?
 - Yes, 430 feet from Boston State Road back.

[Discussion between PB members about concept site plan and other matters all at once.]

- You are on contingency, yes?
 - Yes, we don't purchase until we secure all permits.
- We just went through a project [Quaker Estates] that simply rezoned some property, so the C-1 zoning could be extended further back. I don't know if moving it back would improve the appearance or decrease the effect on the neighbors or not.
- Why is the building at an angle?
 - It's parallel with the street. Property lines are slanted.

Mr. Hannon suggested the Town Board take lead on the SEQR

- Has anyone sampled the ground under the funeral home for chemicals?
 - Yes, there have been environmental studies done. They were the same company that sampled the water in the basement. The basement will eventually need to be pumped and filled in before we can do anything. There's a lot of expense to prep the lot.

Dr. Ziarnowski: One thing I would like to refrain from is giving us the opinion that you're going to do this on the cheap. That's not our problem. Our problem is taking care of the community and integrity of the town.

- Is the applicant willing to do any revisions that have been suggested? Eventually they're going to start preparing engineered plans.
 - We can look into the changes suggested.

Planning board would like to see the building design and lighting, landscaping, aesthetic design, the sign. Get everything up front sooner rather than later.

Applicant will return next month (January 8) with any changes they would like to propose.

NEW BUSINESS

- Reappointment request of Dr. Liegl - recommendation sent to Town Board to request the reappointment.

APPROVAL OF MINUTES – *October 9, 2018 and November 13, 2018*

Approved Oct 9th. Approved November 13th.

*Meeting minutes do not need to be as detailed. Be available to the public 2 weeks after the meeting and posted on the Town's website with DRAFT and "uncorrected draft subject to board review and correction" in the header.

OLD BUSINESS

- No old business.

REPORTS

Planning Consultant

- New project incoming – fire company new building on South Feddick; replace existing one

Town Attorney

- No report.

Town Board Liaison

- Town Board had a lot of discussion at the agenda meeting about the Broadway group, she asked for input.
- Code Review meeting following the Planning Board meeting.
- The Town Board will be hiring a laborer for the Town Hall.

Secretary

- November End of Month reports from Code Enforcement Officer were put in everyone's folders.
- If you are interested in attending the Association of Towns conference in New York City February 17th – 20th, you will need to submit a letter of request to the Town Board by this Thursday, December 13th for the December 19th Town Board meeting.

MEETING ADJOURNMENT

Motion made by: Mr. Pelkey

Second by: Mr. Stringfellow

Respectfully submitted
Allison Koczur, Secretary to the Boards