

Planning Board 2022.05.12
Meeting minutes
Draft

Attendees: Dr. Paul Ziarnowski, David Bowen, Gary Stisser, Jay Jackson, David Stringfellow,
Attorney Sean Costello, Town Liaison Jennifer Lucachik, Planning Consultant Sarah DeJardins
Absentee: James Liegel, Elizabeth Schutt

CALL MEETING TO ORDER

Meeting called to order by Dr Ziarnowski at 730pm

Old Business:

Public Hearing - Deanna Drive/Glenn Wetzel requesting pre-liminary plat approval of a 34 lot cluster sub-division, as an extension of Deanna Drive.

Pat Sheedy project engineer. Three(3) main revisions submitted to the Town about a week and half ago.

1. extended public sanitary sewer to service all lots on Deanna Drive. 2. To offset cost, the developer will be removing the sidewalks from the sub-division. 3. Regarding the existing ditch that runs along the North Side, the owner has agreed to clean it out and re-grade a portion and remove existing bulk head/culvert. Once cleaned up, will allow better water to the creek.

Here to address and comments and questions and looking for SEQR determination and schedule Public hearing for next month for pre-liminary plat approval.

Response from Attorney Costello – This is the Public Hearing tonight for the pre-liminary plat approval.

Dr. Ziarnowski advised that the SEQR determination would be determined tonight.

Pat Sheedy addressed the audience regarding the drawings. Questions asked by the public and answered by Pat Sheedy. (at this time, Pat Sheedy was facing away from the Board Members and microphone).

PUBLIC HEARING OPENED

Mr. Bob Teelak - question about the north side being cleaned out, ten years from now when the ditch fills up, how are the owners going to have it cleaned out. Dr. Ziarnowski commented that it is not their responsibility. Mr. Jackson responded on how it would be the property owner's responsibility. Attorney Costello relayed that we can look to get clarification before the next meeting. Mr. Ziarnowski commented that the ditch build up is a separate issue from this new development.

Sarah mentioned if there was an easement.

Sean commented about looking for some info from the HOA - will they maintain

Paul mentioned that this developer is taking responsibility now.

Julie Mullan – Commented about listening to the 10 year and feels that this will be an issue much sooner. Less time for the ditch fill. Question still remains - who is responsible for the maintenance. Ms. DeJardins (Town Planning Consultant) commented that the HOA is responsible.

Dr. Ziarnowski commented that a memo was received from Mike Simon, engineer with LaBella and visited the property and over seeing this project. Start for clean up to be from Boston State Road all the way to the back. Ms. Mullan hopes for a good outcome. Ms. DeJardins says that LaBella suggested to the developer to cover from Boston State Road. Ms. Mullan asked for a timeline? Dr. Ziarnowski commented that there not one in place at this time.

Bob Teelak – Question about the lots on the north lot; Are they going to drain to the ditch that is being discussed? RESPONSE from Pat Sheedy: it will drain into the pond. Bob Teelak has concerns with the water.

Dr. Ziarnowski asked to view the project – Pat Sheedy explained the lots and drainage and pitch. This was shown from the actual drawing. Dr. Ziarnowski confirmed that Pat Sheedy will take care of it. Pat Sheedy explained how this (the ditch) will be handled by the HOA.

(Pat Sheedy talked to the audience, facing away from the Board and microphone)

Mr. Jackson talked about the drain to the pond. HOA is responsible for that too? RESPONSE: YES.

Dr. Ziarnowski asked Pat Sheedy to explain the detention pond - where is the release? Pat Sheedy referenced from the drawing.

Mr. Stringfellow asked: Is this going to be pond with water all the time? RESPONSE: Standing water, NO - only when it rains. QUESTION: How long with the pond stay wet? REPSONSE: Pat Sheedy did not have it handy but a copy of the Engineer's report was available to reference. QUESTION: 10 year storm event discussed. Size of pipes asked to Pat Sheedy and he could not answer. Ms. DeJardins advised that the engineer reports were available to view.

Dr. Ziarnowski - question from Teelak - the HOA must maintain the ditch. answer julie's question - after the initial dig out, as needed, it will be taken care of.

Mr. Jackson asked further question about the piping and was shown by Pat Sheedy from the drawing.

Dr. Ziarnowski confirmed that the developer has to maintain the ditch. RESPONSE: Yes

For the first year, the ditch will be maintained by the developer. DC requires every 5 years to be cleaned.

Mr. Jackson asked a question about Willow Drive and the ditch that runs in their back yards. What the developer will be replacing that conduit with a 12 inch pipe? RESPONSE – Partially, yes. Pat Sheedy showed more info on the plans to the Board Members. Pat Sheedy mentioned one of the pipes will be a 24 in pipe.

Mr. Jackson talked about the water and how it will go into the pond and out the pipes.

Dr. Ziarnowski - any further questions?

Ron Mirimak/Deanna Drive resident - Asked about drainage and the drainage from the North is not going to feed into the pond, correct? RESPONSE – Yes. Asked if the head walls, half way down the ditch, going to be removed? RESPONSE: Yes. The deadend portion of Deanna Drive, is it going to be expanded? There is discussion that there will be a turn-a-round. RESPONSE: Yes there will be a turn-a-round. Question then asked to view the sewer lines and this was shown by Pat Sheedy and then was then shown to Board Members. Mr. Jackson asked about the re-paving of Deanna Drive. RESPONSE – Not necessarily but will need to get with the owner/developer.

Linda Skooly/Willow Dr resident. Says this idea should be ditched. Is not in favor of the project. Suggested to give the land back to the previous owner. Talked about the street flooding every 7 to 8 years.

Julie Mullan/resident – Question: What are the benefits? What is the reason? Dr. Ziarnowski gave response about how an owner can develop as per the codes of the town. Dealing with the restraints of the process and codes that has to be followed. Talked about how the current codes need to be looked at.

Linda Skooly/resident responded about an idea years ago. Question: Why cluster housing? Pat Sheedy was asked to address. Mr. Ziarnowski helped with response re the previous developer. Talked about how the original plans were with Dana Darling project. Asked if the plans were seen. RESPONSE: Yes.

RESPONSE again – Complained about it then too. Town of Boston is country.

Mr. Bob Teelak - talked more about sewer lines and three laterals. Pat Sheedy responded that there should be five. Question – Why not just run a main line across the street? RESPONSE – the water main is on that side of the street. It is on the North side of Deanna Drive. Another question from a resident –Could not hear for the minutes and Pat Sheedy was talking directly to the audience/residents.

Dr. Ziarnowski also mentioned that any new info would be shared with Mr. Bob Teelak.

Dr. Ziarnowski advised that this was on the books for years and this cannot be stopped at this time. There is no way this be stopped. Response from Linda Skooly/resident was asking to have this slowed down.

Bob Lovenitti/Deanna Dr resident - Asking if the developer would plant privacy trees? RESPONSE: Pat Sheedy will bring this to developer/Glenn Wetzel.

Julie Mullan asked about an application to be on the board. Dr. Ziarnowski advised her to send a note of intent to the Town Clerk. Julie Mullan then asked if any other developments out there waiting to be developed? RESPONSE from Ms.Lucachik/Town Board Member - mentioned that the land across from Tim' Horton is a potential.

Brian Shereli/Deanna Dr resident asked about soil samples? RESPONSE: Pat Sheedy advised it is in the process of doing an investigation and should have back in the next weeks.

Mr. Shereli brought up about how he does not want Boston to become like Buffalo.

Ms. Lucachik/Town Board Member – responded and relayed that she was on the Planning Board for nine years and now have a grant approved for a Comprehensive Plan. There will be public hearings and asking for participation. This will be promoted on the website and boards and asking for participation from the residents. The Comprehensive Plan is as good as its input and will be asking for resident participation.

Response: Brian Shereli commented that this does not help with this project. No, but going forward we can look to change codes.

Mr. Ziarnowski brought up how Dollar General wanted to put up another store in Boston when there was already one in North Boston. It was stopped.

Mr. Jackson discussed how the area for this project is zoned for the type of project.

Attorney Sean Costello talked about zoning in Boston where this project is Zoned R2 and most of the town is Zone RA (one house/3 acres). Also talked further about how the HOA (corporation) has to take care of the property.

Mr. Ziarnowski talked about fighting for five years about the land right off the expressway where the developer wanted apartments and hotel. The Town Board said 'no'.

PUBLIC HEARING CLOSED

Mr. Bowen asked if the area is zoned R2? RESPONSE from Attorney Costello – Yes.

Ms. DeJardins responded that this is a single family home cluster.

Ms. Lucachik confirmed that this is zoned R2 as a Single Family cluster.

Mr. Costello commented that we can make sure this is in writing – single family home cluster.

Ms. DeJardins asked about the resolutions for Deanna Drive.

PUBLIC HEARING CLOSED, again.

Mr. Ziarnowski asked for Attorney Costello to explain the Environmental Assessment / Impact. Talked about Type 1 and Type 2 actions to the board and audience. Talked about unclassified/unlisted actions and based on the review and all the criteria, then we complete the part 2 with guidance by the DEC.

Explained that the Planning Board has to declare, formally, being the Lead Agency. The 30 day waiting period has expired for any other possible lead agencies. Now the Town of Boston Planning Board needs to go to the next step and suggested the Negative Declaration. This is not an approval of the pre-liminary plat tonight. Some comments need to be addressed by the developer.

Chairman to make a motion to declare that this Planning Board to be the Lead Agency. Once Lead Agency status has been declared, the board can then determine if it wants to classify this as an Unlisted Action and make a Negative Declaration.

Mr. Stringfellow - Question for Attorney Costello, with reading the code Section 123-139, item A was read. Does not think a cluster belongs in Town of Boston and will vote no. Not required to approve. RESPONSE from Attorney Costello – We would then have to go with the previous plans (Dana Darling) since they were approved in 2012.

Ms. DeJardins advised that Mr. Stringfellow's question does not have anything to do with the decision being made tonight. Correct, per Attorney Costello. The matter to be addressed is the Environmental review. Vote about the Environmental Review to be done tonight.

Mr. Ziarnowski brought up if Mr. Stringfellow votes no, the Dana Darling plan will go forward. This is an either/or situation – Dana Darling or Deanna Drive/Wetzel project. Comment from the floor, unknown speaker and what was mentioned.

Front yard setback – 30ft and the previous was 50ft set back.

Attorney Costello to address the accessory apt option for the cluster. This can be made as single family development only.

Mr. Bowen asked about finished grades going to be established as part of the deed? RESPONSE: Pat Sheedy will have to get with their attorney.

Attorney Costello confirmed it would not be a part of the deed but part of the site approval. Mr. Bowen asking why wouldn't it be part of the deed to protect the investor. RESPONSE – Attorney Costello relayed that this is a very uncommon. Attorney Costello will look into this further to see if it is an appropriate condition. Mr. Bowen advised that this was requested as part of the Dana Darling project.

motion to declare Town of Boston Planning Board to be Lead Agency for the SEQR review of the project
2nd by Mr. Jackson

APPROVED

ROLL CALL

Mr. Stringfellow – yes

Mr. Bowen – yes

Mr. Stisser – yes

Mr. Jackson – yes

Mr. Ziarnowski - yes

PASSED

Mr. Ziarnowski asked about proceeding with the SEQR. Attorney Costello said it was ok to proceed. Again, this is not approving the plan and just an unlisted action.

Mr. Ziarnowski Tabled the motion for negative declaration as unlisted action to allow board members to read further the SEQR information.

MONACO

Dr. Ziarnowski – asked about any documents. Mr. Monaco stated he dropped off document/photo to Tom Murphy/Code. Nothing was provided to Ms. DeJardins so nothing to provide to Planning Board. Nothing was available for the Planning Board. The one photo from the applicant was provided to Board members.

Mr. Stisser talked with the applicant about where the doors are going to be located and the parking lot.

Dr. Ziarnowski talked about fill and gave some back history for the Mr. Monaco request to build a building.

Applicant doing business as agricultural rather than commercial. This does not supercede the current codes.

Wants to use as potting shed and supply storage and to rent out the left-over bays with vendors he works with. Dr. Ziarnowski asked Sarah for further assistance about how the code read. Ms. DeJardins commented on how the code read with Tom Murphy/Code. Dr. Ziarnowski stated that he can have two businesses on the same commercial property. The applicant is looking comments, approval for the building.

Mr. Bowen had a question to Dr. Ziarnowski: If Mr. Monaco owns the tenant's businesses, he would still be Argri Biz? NO. not a farm product. Can a pond installer be part of ag/markets? RESPONSE: no.

Mr. Stringfellow commented on looking at elevation view and see a 200ft by 25ft high with doors that are 14ft. Why is there a parking area between the building and street. Maybe consider moving the building forward and add plantings to cover up what would be the back of the building and enter from the other side? RESPONSE: No. Mr. Monaco talked about the fall off and it would be too great. Don't know how much more fill would be needed to handle the trucks backing in and out. Mr. Jackson talked about the parking area too.

Mr. Stringfellow would like to see something for coverage. Mr. Monaco talked about the dip in the road and the ditch and contacting the County who handles the road. Don't want to create a blind spot when pulling in and out of the driveway. Dr. Ziarnowski asked where the access road will be – Next to the house? RESPONSE: Yes. Doing a buffer between the building and the house? RESPONSE: Yes. Some pine trees. Mr. Stisser asked about the drop off and Mr. Monaco described it a bit more., how it does just drop off in the back.

Dr. Ziarnowski asked about how close Mr. Monaco is to the drop off? RESPONSE: 104FT off the road and then 10ft further to have a flat surface. Dr. Ziarnowski asked if it can be moved back? RESPONSE – No.

Dr. Ziarnowski talking with Mr. Stringfellow about the landscaping options.

Mr. Bowen asked if this is different from Boston Terra Cotta. RESPONSE: Yes. Mr. Bowen talked about Terra Cotta and Monaco. Did not see any inconsistency.

Dr. Ziarnowski commented about lights - no lights unless shooting down, rather than shooting up - landscaping lights. Dr. Ziarnowski went into talking about the building dimensions. Asked about the color of the building – RESPONSE, same color as existing building.

Mr. Bowen asked about the dimensions. RESPONSE: 60ft wide by 200ft. Did not know the pitch of the roof.

Dr. Ziarnowski asked Ms. Lucachik if this goes to Town for landscaping. Landscaping is to be discussed by the PB not the TB.

Dr. Ziarnowski asked about the time-table. RESPONSE: Mr. Monaco advised that he is looking at June to start but needs to talk with supplier.

Ms. DeJardins asked if this would affect him negatively if had to come back in May. RESPONSE: Mr. Monaco did not know for sure.

Dr. Ziarnowski discussed about coming back in May. If so, can Town Board approve? Ms. Lucachik advised that the Town Board meeting is May18th and not sure what would be needed at the Town Board meeting.

Attorney Costello asked for drawings for landscaping. It would be better to submit a letter from the Planning Board to the Town Board. Contingent on the landscaping.

Dr. Ziarnowski to do a motion, but first, the landscaping needs to be reviewed with Ms. DeJardins and Mr. Stringfellow.

Attorney Costello suggested that a motion to the Town Board to approve the site plan contingent upon submission of a landscape plan acceptable with the Town Planning Consultant. Ms. DeJardins commented that the Town Board could approve contingent upon the landscaping plans. Attorney Costello said no to this recommendation. Then, this board cannot make a motion to the Town Board. It would be best to come back with the landscaping plans.

Dr. Ziarnowski asked if there were any other objections other than with the landscaping plans? Mr. Jackson likes what is provided and seems to match down the road.

Need a landscaping plan and will be on the agenda for May.

PB on May 10th

TB on May 18th

APPROVAL OF MINUTES

Motion to accept April minutes made by Dr. Ziarnowski as written

2nd by Mr. Stisser

APPROVED

REPORTS

Town Board Liaison/Ms. Lucachik - talked about the Comprehensive Plan Board

Attorney – Mr. Costello talked about sidewalks and shared with the board

Planning Consultant/Ms. DeJardins – nothing to share

Board Clerk – nothing to share

Dr. Ziarnowski commented that they did not discuss the landscaping plan about the Deanna Dr/Wetzel project. Further discussion with the other board members. Attorney Costello asked what landscaping plan is wanted. Mr. Jackson commented about the Deanna Dr., etc to sell the lots. Ms. DeJardins feels this will not get approved next month and can further discuss at that meeting.

Timeline give by Attorney Costello about

Motion made to close the meeting at 913pm
2nd by ALL