



TOWN OF BOSTON

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk - Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KELLY A. VACCO
Town Justice

SEAN W. COSTELLO
Town Attorney

KYLE CALABRESE
Prosecutor

Thelma Hornberger
Assessor

Thomas Murphy
Code Enforcement Officer

TO: Planning Board
Town Clerk
Code Enforcement Officers

Town Supervisor
Highway Superintendent
Town Assessor

Town Board Members
Town Attorney
Planning Consultant

AGENDA

PLANNING BOARD MEETING

December 12, 2023 at 730pm

Town Hall – Court Room

- 1) Call Meeting to Order
- 2) Approval of Minutes
November meeting and tabled October meeting
- 3) Old Business
 - a. Public Hearing 730pm - Ellen Crowley – Requesting Preliminary Plat Approval of a two lot sub-division at 7050 Eckhardt Rd.
- 4) New Business
 - a. Planning Board to review proposed new local law regarding short-term rentals.
- 4) Reports
 - a. Planning Consultant
 - b. Town Attorney
 - c. Town Board Liaison
 - d. Board Clerk
- 5) Motion to adjourn.

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

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Town of Boston
Local Law No. ____ of the year 2024

A local law of the Town of Boston amending the Town Code of Town of Boston to add Chapter ____ entitled “Short-Term Rentals”.

Be it enacted by the Town Board of the Town of Boston as follows:

**A LOCAL LAW TO AMEND THE BOSTON TOWN CODE TO ADD CHAPTER ____
“SHORT-TERM RENTALS” TO REQUIRE OWNERS OF SHORT-TERM RENTALS TO
OBTAIN A SHORT-TERM RENTAL PERMIT.**

Section I. Title

This local law shall be known as and may be cited as Local Law No. ____-2024 to amend the Boston Town Code to add Chapter ____ “Short-Term Rentals” requiring owners to obtain a Short-Term Rental permit from the Town of Boston in order to continue or commence operation of a Short-Term Rental.

Section II. Authorization

The adoption of this Local Law is in accordance with Section 264 of New York Town Law and Chapter 10 of the New York Municipal Home Rule Law.

Section III. Legislative Intent and Purpose

The Town of Boston recognizes that it would be beneficial for the Town to control and regulate the use of Short-Term Rentals within the Town of Boston. The provisions of this section are intended to preserve and protect the health, character, safety and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated and to mitigate the adverse effects of Short-Term Rentals.

Section IV. Amendment

The Boston Town Code shall be amended to add Chapter ____ “Short-Term Rentals” as follows:

97.1. Definitions

As used in this chapter, the following term shall have the meaning indicated:

Short-Term Rental - Any portion of real property having the required frontage on a public street per Section ____ and rented for compensation in exchange for

lodging for a period of not more than 31 consecutive days. For the purpose of this Chapter, the term “Short-Term Rental” shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel or ongoing month to month tenancies.

97.2 Presumption of Dwelling Unit as Short-Term Rental Property

- A. The presence of the following shall create a presumption that all or part of the property is being used as a Short-Term Rental.
 - (1) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 31 days and/or
 - (2) All or a part of the property is offered for lease for a period of 31 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a Short-Term Rental.

97.3. Required Permit

- A. Owners shall not use their property as a Short-Term Rental without obtaining a revocable Short-Term Rental permit.
- B. A Short-Term Rental permit shall be valid for two (2) years and must be renewed 30 days prior to expiration of the current permit if the premises is to continue to operate as a Short-Term Rental.
- C. A Short-Term Rental permit is not transferable to a new owner. The new owner of the premises subject to a Short-Term Rental must file a new permit application.
- D. Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals but must apply for a permit within 180 days of the Local Law’s effective date for all future Short-Term Rental commitments. In the event such application is denied, all commitment shall be cancelled.

97.4 Short-Term Rental Permit Application Requirements

- A. Applications for a Short-Term Rental permit may be obtained at the Town of Boston Town Clerk’s office. The Short-Term Rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board. The application shall include the following:

- (1) The signatures of all owners or their designated agents.
- (2) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this chapter.
- (3) An acknowledgement of present and ongoing compliance with the Short-Term Rental standards as defined in this chapter including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental.
- (4) A list of each property owner and the name of any manager or management agency managing the property including name, address, telephone number and email address of each.
- (5) The name, address, phone number and email address of a contact person who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of the standards outlined in this section. The contact person may be an owner or an agent designated by the owner to serve as a contact person and shall respond to any correspondence or concern from the Town Code Enforcement Officer within 24 hours.
- (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5" X 11" drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but must include the following:
 - a. The location of buildings and required parking
 - b. The location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units on each level of the dwelling that can be occupied.
 - c. If an attic is to be occupied, it must be sprinkled.
- (7) A statement that none of the owners of the subject property has had a Short-Term Rental permit revoked within the previous year for any rental properties owned individually or together with others.
- (8) County Health Department approval of the property's septic system, if appropriate.
- (9) New York State approval of the property's water supply, if a well.

97.5 Short-Term Rental Standards

A. Property Requirements

- (1) Property must comply with and meet all current New York State Building Codes.
- (2) There shall be one (1) working smoke detector in each sleeping room and one (1) additional smoke detector on each floor. Smoke detectors shall be interconnected. Carbon monoxide detectors shall be installed as required by the New York State Fire Prevention and Building Code.
- (3) Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
- (4) There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
- (5) The house number shall be located at the road and on the dwelling so that it is clearly visible from both the road and the driveway.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and visible for the Code Enforcement Officer during the permitting process. Any defects found shall be corrected prior to permit issuance.
- (8) All fireplaces shall comply with all applicable laws and regulations.
- (9) The property must have a minimum of one (1) off-street parking space for every bedroom shown on the floor plan included with the application.
- (10) Maximum occupancy for each Short-Term Rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application. The Maximum occupancy of the Short-Term Rental unit shall not exceed 10 people including permanent residents and renters.
- (11) If the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system but in no event shall overnight occupancy for a Short-Term Rental unit exceed 10 people total.

B. Insurance Standards

All applicants and permit holders must provide Evidence of Property insurance and a Certificate of Liability insurance indicating that the

premises is rated as a Short-Term Rental and maintain such insurance throughout the term of the Short-Term Rental permit.

C. Rental Contract. All applicants and permit holders must have a rental contract that includes the following:

- (1) Maximum property occupancy
- (2) Maximum on-site parking provided
- (3) Good Neighbor Statement stating:
 - a. The Short-Term Rental is in a residential area in the Town of Boston and renters should be considerate of the residents in neighboring homes.
 - b. Guests are requested to observe quiet hours from 11:00 PM to 7:00 AM.
 - c. All guests will be subject to New York Penal Law Section 240.20 or any successor statute regarding disorderly conduct.
 - d. Littering is illegal.

97.6 Procedure Upon Filing Application

- A. Short-Term Rental permit applications shall be filed with the Town of Boston Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Only completed application will be accepted. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
 - (1) The application or documentation required by this Section was not included or the full permit fee was not paid.
 - (2) A previously issued Short-Term Rental permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.
- B. Upon receipt of a completed Short-Term Rental permit application, property owners within 100 feet of all property lines of the subject parcel will be notified of the application by the Town of Boston and given the opportunity to comment.
- C. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this Section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify that all Short-Term Rental requirements have been met.

D. Upon approval of the Short-Term Rental application by the Code Enforcement Officer, a Short-Term Rental permit will be issued. Short-Term Rental permits issued pursuant to this Section shall state the following:

- (1) The name, address, phone number and email address of each person or entity that has an ownership interest in the Short-Term Rental property.
- (2) The name, address, phone number and email address of the primary contact person who shall be available during the entire time the Short-Term Rental is being rented.
- (3) The maximum occupancy and vehicle limits for the Short-Term Rental property.
- (4) Identification of the number and location of available parking spaces.
- (5) Any conditions imposed by the Board of Zoning Appeals and/or the Code Enforcement Official.

97.7 Conformity and Display of Permit

A. Short-Term Rental permits are subject to continued compliance with the requirement of these regulations.

- (1) If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this Law, he may conduct an inspection of the Short-Term Rental property for purposes of ensuring compliance with this Section. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.
- (2) The Short-Term Rental permit, maximum occupancy limit, maximum parking, contact form and standards shall be prominently displayed inside and near the front entrance of the Short-Term Rental.
- (3) The Short-Term Rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that he or she notifies the Code Enforcement Officer immediately of any change in the information displayed on the permit. If, based upon such changes, the Code Enforcement Officer issues an amended Short-Term Rental permit, the owner must immediately post the amended permit inside and near the front entrance of the Short-Term Rental.

- (4) The Short-Term Rental permit holder must conspicuously display the Short-Term Rental permit number in all advertisements for the applicable Short-Term Rental.

97.8. Compliance and Penalties

A. Violations of this Section or of any Short-Term Rental permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Section.

B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Section or of any Short-Term Rental permit issued pursuant to this Section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Law, the owners shall be notified in writing of said violations and may take any or all of the following actions:

- (1) Attach conditions to the existing Short-Term Rental permit.
- (2) Suspend the Short-Term Rental permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Town Clerk.
- (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the permit.
- (4) Issue a court appearance ticket for violation of a Town law.
- (5) Revoke the Short-Term Rental permit. In this event, the building shall be posted as such. Should a permit be revoked, all owners of the Short-Term Rental are prohibited from obtaining a Short-Term Rental permit on the property for one (1) year after the date of revocation. The Code Enforcement Officer shall send the Notice of Revocation to the property owners and shall file a copy with the Town Clerk.

97.9 Application for Renewal of Permit. Renewal permits will be granted for an additional two-year term if the following conditions are met:

- A. Applications for renewal shall be made 30 days prior to expiration of the current permit and require payment of a renewal fee.
- B. At the time of application for renewal, the owner must present the previous permit for Short-Term Rental.

- C. The property must have undergone an inspection performed by the Code Enforcement Officer.
- D. Any violations must be remedied prior to renewal of a Short-Term Rental permit.

97.10. Grounds for Suspension or Revocation of Permit

- A. The Code Enforcement Officer may immediately suspend a Short-Term Rental permit based on any of the following grounds:
 - (1) Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
 - (2) Applicant failed to meet or comply with any of the requirements of this Chapter.
 - (3) Owner is in violation of any provisions of the Code of the Town of Boston.
 - (4) Owner has violated any provision of the Penal Code of the State of New York that occurred at or was related to the occupancy of the Short-Term Rental.
 - (5) Any conduct on the premises that disturbs the health, safety, peace or comfort of the neighborhood or that otherwise creates a public nuisance.

97.11. Appeals and Hearings

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Town Board when his or her application for a Short-Term Rental permit or a Short-Term Rental permit renewal is denied or a Short-Term Rental permit is revoked. A Notice of Appeal shall be filed with the Town Clerk and the Town Board within 60 days of the Code Enforcement Officer's filing of the denial or revocation with the Town Clerk. A public hearing shall be held by the Town Board not more than 45 days after the filing of the Notice of Appeal.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part of provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Boston that are in conflict with the provisions of this local law are hereby superceded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

Planning Board 2023-10-10

Meeting minutes

Attendees: Paul Ziarnowski, Jim Liegl, Jay Jackson, David Stringfellow, Attorney Sean Costello, Planning Consultant Sarah DesJardins

Absent: Elizabeth Schutt, David Bowen, Gary Stisser, Town Liaison Jennifer Lucachik

1. CALL MEETING TO ORDER

Meeting called to order by Dr. Ziarnowski at 730pm

2. APPROVAL OF MINUTES

September special meeting minutes approved at previous meeting.

September 12, 2023 – Motion made to approve by Mr. Liegl

2nd by Mr. Stringfellow

APPROVED

3. OLD BUSINESS:

None

4. NEW BUSINESS

- a. Brett Borowiec – Requesting Preliminary Plat approval of a 2-lot sub-division to be located 5932 Old Orchard Drive.

Mr. Ziarnowski: Any questions from the board?

Mr. Stringfellow: Mentioned about the lot being a 'flag lot' which is all right. Already obtained a variance for frontage. There is a frame garage; is this going to stay? RESPONSE: yes – the purpose is to give this location its own address.

Mr. Stringfellow: The lot is not buildable until you get well behind the framed garage because it needs to be 100ft wide.

Ms. DesJardins: This is an existing situation, and the framed garage is living space.

Mr. Ziarnowski: Is there someone living there now? RESPONSE: Yes, there is a friend living there now.

Ms. DesJardins: The building inspector said the only way to make this right, because you cannot have two residences on one lot, so this is the reason for the sub-division. This is so both the house and the garage apartment have their own lot. There will not be any other building because it exists.

Mr. Stringfellow: Somehow this became residential? RESPONSE from Ms. DesJardins: Correct.

Mr. Stringfellow: This needs to at least have its own driveway on its own property.

Ms. DesJardins: Yes, he will. Received an email to state that a driveway will be put in.

Mr. Borowiec: The neighbor's property that this structure is on the Dad's property. Spoke about the property and the driveway and referenced on the map where the driveway would be put in.

Mr. Stringfellow: Not sure what to do with this situation. What is there now does not meet the code and won't meet the code when it is sub-divided.

Ms. Desjardins: According to Tom Murphy/Code Enforcement Office, it will be up to code if the property is sub-divided. Now there is a living space on its own lot, driveway, and correct frontage, according to the Zoning Board. This is the thought of the building inspector to make this legal.

Mr. Stringfellow: The lot is not wide enough where the garage is now.

Ms. DesJardins: Tom Murphy/COE looked at the survey and said that everything meets code.

Mr. Borowiec: Doing what was advised. Acquired the property when Bill Ferguson was the building inspector who had a relationship with the grandfather who knew exactly what was going on with this property.

Business was done by handshakes. The property was then purchased to help the family. To help keep sister

on the same lot, to allow her to attend the same school, the property was purchased. Since doing that, want to go forward and now needed to obtain permits. Tom Murphy/COE now trying to correct the previous administration missteps, is trying get this where it needs to be. Have no real reason to divide the property, but this is what was asked.

Mr. Jackson: The house is 16ft away from the property line. RESPONSE: it is more than that.

Mr. Stringfellow: The property must be 100ft wide at the building line. He is not building.

Ms. DesJardins: This is Tom Murphy/COE's way of helping the applicant.

Mr. Borowiec: Not disrupting a neighbor. Father owns the property.

Mr. Ziarnowski: Why the 10ft, like an easement, going around the back end of the property going to the other side of the property? RESPONSE: Have been misdirected. Would be showing 4.45 acres if it was known and the right away would have been bigger on the back of the property. However, the survey was already done and it is all owned (Mr. Borowiec) so it does not matter at this point. The 10ft in the back is so that he can get to the other property.

Mr. Jackson: Access road/path. RESPONSE: Not really. Mr. Jackson talked to Mr. Borowiec with looking at the map.

Mr. Liegl: On the survey, the frame garage has an apt/living space. Why wouldn't the survey designate that?

RESPONSE: Because it is a garage. Not completed yet. Not habitable at this point.

Ms. DesJardins: It is a garage with an apartment above it. RESPONSE: Correct. It is going to be nice when it is done.

Mr. Liegl: Could someone move in there next week? RESPONSE: Yes. There is someone staying there now.

Mr. Liegl: That would be like a home, vacant.

Mr. Jackson: What Mr. Borowiec is trying to do is be forthright.

Mr. Borowiec: Legally all it can be is a detached garage. When this started, there was a barn there; nothing more came of it. No paper trail with Bill Ferguson.

Ms. Weiss: Doesn't there have to be a certain amount of frontage? RESPONSE: That is what the variance was for.

Mr. Ziarnowski: He got the variance from the ZBA.

Mr. Stringfellow: Is there electric service to the garage? RESPONSE: Yes, on a separate service. So is the gas.

Mr. Stringfellow: It has its own. Is there plumbing? RESPONSE: Yes. Radiant heat in the garage.

Ms. Weiss: This is going to be a sold property? RESPONSE: No. Maintaining the property.

Mr. Ziarnowski: On sewer? RESPONSE: Yes. Need to do this to legitimize? RESPONSE: Yes. To make all the board members better, would like a letter from Tom Murphy/COE for the next meeting.

Mr. Borowiec: Mentioned about the lot size

Attorney Costello: Talked about the survey and the zoning district.

Mr. Borowiec: If wanted to reduce the property size, would that be ok? RESPONSE from Ms. DesJardins and Mr. Ziarnowski - Yes – it would just be a matter of moving the property lines. As long as not making another piece of property.

Mr. Ziarnowski: Next step is a public hearing. Routine.

Motion by Mr. Ziarnowski to schedule meeting for November 14, 2023.

2nd by Mr. Jackson

APPROVED for public hearing in November contingent on the letter from Tom Murphy/COE.

Mr. Liegl: Further discussion about the framed garage and the property with the other board members.

Mr. Ziarnowski talked about the two issues that Tom Murphy/COE is having.

Foxhole Winery on Cole Rd – Never came in front of the Planning Board.

Can't remember who said this is in Colden and that's why they did not come in front of the board. Now the owner is overstepping with having dinners and an inadequate septic system, etc. The owner says he can do what he wants.

Ms. DesJardens: The owner has requested that the Town Board entertain a special events permit.

However, if entertained could this appear to be legitimizing. He needs to be legal with the Planning Board and Town Board.

Attorney Costello: The owner is looking for a live entertainment license. The Town Board has not acted at this time.

Horseshoe Hills LLC – About five years ago a young couple wanted to build stables on Lower East Hill Rd. They were never approved but built anyway.

5. REPORTS

Planning Consultant/Ms. DesJardins – nothing

Town Attorney/Sean Costello – nothing

Town Board Liaison/Ms. Lucachik – not present

Board Clerk – nothing

Mr. Ziarnowski mentioned training.

6. Motion made to adjourn the meeting at 805p by Mr. Jackson

2nd by Ms. Weiss

APPROVED

Planning Board 2023-11-14

Meeting minutes

Attendees: Paul Ziarnowski, Jim Liegl, Jay Jackson, David Stringfellow, Elizabeth Schutt, Attorney Sean Costello, Planning Consultant Sarah DesJardins

Absent: Town Liaison Jennifer Lucachik, Gary Stisser

1. CALL MEETING TO ORDER

Meeting called to order by Dr Ziarnowski at 735pm

2. APPROVAL OF MINUTES

October 2023 will be tabled until the next meeting.

3. OLD BUSINESS:

a. Public Hearing 730pm – Brett Borowiec – Requesting Preliminary Plat Approval of a two lot subdivision at 5932 Old Orchard Rd.

Mr. Ziarnowski commented that this was a final plat approval. Sarah DesJardins commented that this is still considered a preliminary but is final.

Mr. Ziarnowski asked if there were any letters from neighbors.

Mr. Borowiec commented that he had the letter from CEO/Tom Murphy about the distance from the house and the property line. Mr. Ziarnowski relayed that the board members had the letter as well.

Mr. Ziarnowski talked about the lot at the rear of the property. Currently, there is 10 ft. If there was to ever be a new survey done, there was discussion about having more land in the back.

RESPONSE: Mr. Borowiec talked about a half an acre for a dwelling. If this was known, he would have only done half an acre rather than a whole acre. Some further questions were brought up about the half vs whole acre. This is not a concern.

Mr. Ziarnowski talked about the variance that was given by the ZBA.

Mr. Borowiec responded about why the property is the way that it is. Parent lives on the property.

Public Hearing Opened by Mr. Ziarnowski

No comments

Public Hearing Closed by Mr. Ziarnowski

SEQR review read by Mr. Ziarnowski:

TOWN OF BOSTON PLANNING BOARD

SEQRA REVIEW AND APPROVAL FOR TWO LOT SUBDIVISION, BRETT BOROWIEC, 5932 OLD ORCHARD DRIVE

WHEREAS, Brett Borowiec has submitted an application, including a survey dated June 22, 2023, for the subdivision of a 4.183-acre parcel on Old Orchard Drive (SBL# 226.01-4-30.11) into two individual lots, one of 1.001 acres in size and one of 3.182 acres in size, in Boston, New York; and

WHEREAS, the Town of Boston Planning Board has plenary authority for subdivision approvals in the Town, and has reviewed the environmental impact of the proposed project at its November 14, 2023, meeting; and

WHEREAS, the Planning Board has duly considered the survey and other information provided by the applicant, including proof that the Zoning Board of Appeals had granted a variance relative to the location of a building on one proposed lot, a Short Environmental Assessment Form, the criteria for determining significance set forth in 6

N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act ("SEQRA"), and such other information deemed appropriate; and

WHEREAS, the Planning Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action is classified as Unlisted with respect to SEQRA; and

WHEREAS, Unlisted actions are subject to environmental review under SEQRA; and

WHEREAS, the Town of Boston Planning Board is the only involved or interested agency with regard to SEQRA; and

WHEREAS, the Planning Board may determine to act as Lead Agency with respect to the environmental review of the project as it has final authority to approve or disapprove subdivision plats; and

WHEREAS, there are no other involved agencies, so the environmental review can be uncoordinated; and

WHEREAS, the Planning Board hereby has determined that the project will not have a significant adverse impact on the environment; and

WHEREAS, the Planning Board has determined that the proposed subdivision is authorized pursuant to the Town Code and meets the requirements thereof, including minimum lot size for the applicable zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Planning Board of the Town of Boston declares itself as Lead Agency with respect to the environmental review of the project; and

IT IS FURTHER RESOLVED, that the Planning Board of the Town of Boston hereby makes a negative declaration pursuant to the State Environmental Quality Review Act for Brett Borowiec's proposed subdivision of a 4.183-acre parcel on Old Orchard Drive (SBL# 226.01-4-30.11) into two individual lots, one of 1.001 acres in size and one of 3.182 acres in size, as shown on the survey submitted by the applicant dated June 22, 2023; and

IT IS FURTHER RESOLVED, that the Planning Board of the Town of Boston hereby approves the proposed subdivision of a 4.183-acre parcel on Old Orchard Drive (SBL# 226.01-4-30.11) into two individual lots, one of 1.001 acres in size and one of 3.182 acres in size, as shown on the survey submitted by the applicant dated June 22, 2023.

Motion to accept made by Mr. Jackson

2nd made by Ms. Schutt

ROLL CALL

Mr. Liegl

Mr. Stringfellow

Ms. Schutt

Mr. Jackson

Mr. Ziarnowski

APPROVED by all board members

Next step for the applicant to reach out to CEO/Tom Murphy.

4. NEW BUSINESS

a. Ellen Crowley – Requesting Preliminary Plat Approval of a two lot sub-division at 7050 Eckhardt Rd. Ms. Crowley is looking to split property and sell the ‘house’ side that has just over 3 acres and keep the other property, 3.75 acres, to build a home.

Mr. Ziarnowski asked for comments from the board.

Mr. Jackson: makes sense

Ms. Schutt: also makes sense

Mr. Ziarnowski commented on how the road splits the property.

Mr. Ziarnowski advised that the next step is a Public Hearing. Don’t see any code problems/violations. The one parcel has wetlands because it is on a creek. Talked more about what is considered by wetlands.

Mr. Jackson: Wetlands are state designated.

Ms. Crowley mentioned that the new building will be on a hill. Wetlands was never discussed. CEO/Tom Murphy will go over that when it comes to requesting a building permit.

Mr. Liegl – what is the historical or archaeological site that is adjacent to the property? The box was checked yes. RESPONSE: did not know there was one. The house was built in 1814. Ms. Crowley’s mother always says they were the first house built in North Boston.

Ms. DesJardins: The form was filled out by the Erie County system and they fill out what they know. It may just be because the creek is there. The creek is not going to be touched.

Any other questions?

Mr. Ziarnowski made a motion to schedule a Public Hearing.

All in Favor?

APPROVED by all board members verbally.

Advised the applicant of the next meeting in December – 2nd Tuesday.

5. REPORTS

Planning Consultant/Ms. DesJardins – Nothing

Town Attorney/Sean Costello – Nothing

Town Board Liaison/Ms. Lucachik – absent

Board Clerk – nothing

6. Motion made to adjourn

Motion made to adjourn the meeting at by Mr. Ziarnowski

2nd by Mr. Stringfellow

APPROVED. Closed at 745pm