

Planning Board 2024-01-16

Meeting minutes

Attendees: Dr. Paul Ziarnowski, Jay Jackson, Gary Stisser, Arlene Weiss, Jessica Yuhas, Town Liaison Jennifer Lucachik, Attorney Sean Costello

Absent: Dr. Jim Liegl, David Stringfellow, Elizabeth Schutt, Planning Board Consultant Sarah DesJardins

1. CALL MEETING TO ORDER

Meeting called to order by 732pm

2. APPROVAL OF MINUTES

Motion made by Dr. Ziarnowski to **TABLE** the December 2023 meeting minutes for the next meeting.

3. OLD BUSINESS:

- a. Planning Board to issue a recommendation to the Town Board on a proposed new local law regarding short-term rentals.

Dr. Ziarnowski: Need to kick this up to the Town Board. Makes a motion on a resolution saying that the Planning Board is in approval with the short-term rental agreement that was proposed for the Town Board to act on.

2nd by Mr. Stisser

Approved

Jennifer/Board Clerk to send a letter to the Town Board

4. NEW BUSINESS

- a. Boston Valley Elementary School – Requesting Preliminary Plat approval of a 2-lot subdivision to be located on Back Creek Rd and Zimmerman Rd

This was discussed second

Mr. Andy Gow representing applicant from Naussbaumer and Clarke. Was approached by the Hamburg school district interested in sub-dividing the parcel because the parcel that is on Zimmerman Rd is unused. They feel that parcel could be put to better use as a form of revenue for the school district. Right now, just sub-dividing the parcel. There is no proposed use for the second lot. The school is going to function as it always has in the past but would like to split that lot off so could sell it at some point in the future. It is zoned R2. There are utilities on the lot. Pretty straight forward.

Dr. Ziarnowski: There is no property on Back creek now, the way the line runs, Back Creek property is staying?

RESPONSE: There is no access to Back Creek Rd from the second parcel, vacant parcel.

Ms. Yuhas: How long has this been an idea with the school? RESPONSE: When meeting with the Superintendent, they had planned on doing this quite a while ago, they wrote a legal description and everything, not in the configuration we have now. Something happened and was put on the back burner. It then got resurrected by us (Naussbaumer and Clarke) about 4 months ago.

Dr. Ziarnowski: Heard back in the time that they did not know about sub-divisions and were going to just sell.

RESPONSE: Believe that they almost sold the school

Dr. Ziarnowski: By code, there must be a public hearing. Logistics. Town Council reviewed and saw no glitches or obstacles. Plenty of frontage, all the access is from Zimmerman Rd, not cutting through Back Creek at all.

Attorney Costello: No deed restrictions? RESPONSE: Will leave that up to their attorneys. Currently there are none. They will have 14 acres with the school building itself.

Mr. Jackson asked: Where is the nature trail? RESPONSE: It is close to the new property line.

Ms. Lucachik: It is in the middle, towards the school. (referenced the map)

ANY OTHER QUESTIONS?

Ms. Lucachik: Enter from Zimmerman? RESPONSE: correct. No access from Back Creek.

Mr. Jackson: It would be assigned an address from Zimmerman? RESPONSE: yes.

Ms. Weiss: Being broken up into two lots? RESPONSE: no plans to develop. This would be for a future developer.

Dr. Ziarnowski: This would be 1 and 1 (lots being divided)

No further questions from Town Attorney Costello.

Motion made by Dr. Ziarnowski to schedule a public hearing for February 13, 2024.

2nd by Mr. Jackson.

APPROVED

This is for any neighbors that may have questions.

Ms. Lucachik suggested that they talk to the existing neighbors to possible purchase.

Mr. Jackson: There are no plans at this time.

RESPONSE: They just want to sell the property.

*Dr. Ziarnowski wanted to discuss Ray Miranda before Boston Valley elementary school.

b. Ray Miranda – Requesting Planning Board review of a request to convert a construction trailer into a temporary drive-thru coffee kiosk at 7072 Boston State Rd.

Mr. Ziarnowski gave a background. New building for the new Tim Horton's but has had some legal delays. Looking to have something in place to keep the clientele used to having coffee at Tim Horton's without having a gap in the business.

Mr. Miranda spoke to the Planning Board.

Dr. Ziarnowski relayed that the Planning Board has no jurisdiction with what is happening. Code Enforcement Officer Tom Murphy is available with any questions. Advised Mr. Miranda to get all his 'ducks' in a row. Have everything set up with the Health Department, the County with anything that is needed. In the meantime, work with CEO Murphy with what is needed/wanted. Should not be a problem since the communication between the CEO and Mr. Miranda is good.

Mr. Miranda talked with CEO Murphy about the idea. At least have something in place. Must be out (of the existing building) by April 1st in the existing lease. There are no negotiations to stay to service the customers. Looking around July 1st or July 15th, depending on the weather and no further delays. Thought was to put a temporary food truck/trailer in place and proposed office building, which was in phase 2. Talking with Health dept, DOT, contractors about the water, sewer, temporary bathrooms.

Dr. Ziarnowski commented that the bathrooms are for employees only. RESPONSE: yes. The proposition is to explore to bring a temporary food truck in for drive-thru only. With limited hours, a very limited menu, possibly bringing in baked goods and breakfast sandwiches from another location; probably would not do lunch. This is not unprecedented throughout WNY. Example make a delivery in the morning and then another delivery in the evening. Again, very limited product and very limited hours. Would like not to lose the customer base. Mr. Miranda talked about the site's plans: come off the new driveway, come down the existing driveway that has been approved, and instead of going towards the convenient store, customers would continue down around the trailer and then come right back out. Would not disturb any of the construction that would be going on. Depending on when the asphalt plants open, this could be a stone

driveway or as soon as the plants open up, could then put the permanent driveway in. Would prefer to have the permanent driveway in.

Dr. Ziarnowski commented on a discussion with the CEO regarding the dirt and mud from the driveway.

RESPONSE: The sub-base would be put down – stone – to eliminate mud since there are restrictions with the DOT. Adhering to the DOT with the construction site while keeping the road clean. Stacking would be around 20-25 cars so it would not be an issue. Expect to do half or a third of the business that is being done today. Expect less volume. After talking with CEO Murphy, wanted to get in front of the Planning Board to get feedback, it's a concept and ask any questions regarding this temporary solution. Of course, once the new store is complete, this would go away.

Mr. Jackson asked about the reality of getting asphalt? RESPONSE: Depends on the weather but usually open around April. They have opened in March if the weather is good. Again, all dependent on the weather. Can put the sub-base down and stone and then at the mercy of the asphalt plant.

Dr. Ziarnowski wanted to confirm that the road would not be changed. RESPONSE: Correct – it would not be changed.

Dr. Ziarnowski mentioned that Jessica Yuhas was a Full Voting Member for this meeting.

Ms. Weiss asked about the turning lane. It will not come into play now? RESPONSE: correct it would not.

Would anticipate the traffic to be less than half. Would lose customers temporarily, hopefully. Would not be serving lunch at all; would look to close early.

Mr. Jackson: There are no building logistics with putting down a street where the building is going to go?

RESPONSE: No. Can put 2–3-inch binder down and then tear it back up.

Mr. Stisser had no questions.

Ms. Yuhas had no questions.

Dr. Ziarnowski asked: Why not just a food truck? RESPONSE: That is one of the considerations. Looking into that, but the Health department has rules for food trucks and bathrooms for the employees. Will need to bring water in by a water truck. The Sardina store ran out of water and had to bring a water truck.

Dr. Ziarnowski advised Mr. Miranda to get with CEO Tom Murphy. Off note: How is the water getting back there? Hydrant or sprinkler? Code says there must be a hydrant within 90ft, correct? RESPONSE: No, 400 ft but short 75 feet. Stipulation is to put a sprinkler in which would then extend to 600ft. The flow for a hydrant is not that great so working with engineers to do that. To bore a 6inch pipe under the road would cost about \$100,000 and to get a 2inch domestic line is \$3800. Big difference but then would need to put in a sprinkler system so working/looking at that option now. Hope it works out.

Dr. Ziarnowski commented that the current landlord does not want to work 'play ball'.

RESPONSE: Unfortunately, no. In fact, the current landlord is trying to evict Mr. Miranda.

Dr. Ziarnowski mentioned that the board has no problem with this. Get with CEO Murphy. RESPONSE: Yes, with get with CEO Murphy.

5. REPORTS

Planning Consultant/Ms. DesJardins – Absent

Town Attorney/Sean Costello – Nothing

Town Board Liaison/Ms. Lucachik – had annually renewal of appointments. No changes. Looking to restructure. Lost some folks from some departments. Looking for another code person to help Murf.

Assessor has a temporary person. Need some people.

Board Clerk – Nothing

6. Motion made to adjourn

Motion made to adjourn the meeting at 753pm by Ms. Yuhas

2nd by Mr. Jackson

APPROVED