

PRESENT: David Stringfellow Chairman
 Paul Ziarnowski Vice Chairman
 Jennifer Lucachik Secretary
 Mary Ann Rood

ABSENT: Dave Bowen
 James Liegl
 Mitch Martin

ALSO Michael Kobiolka Town attorney
 PRESENT: Thelma Faulring Secretary to the Boards and Committees
 Sarah desJardins Planning Consultant
 Tracy Hirsch Applicant – 7346 Boston State Road LLC
 Guest – Boy Scout Working on Government Badge
 (Secretary failed to get his name)

Chairman Stringfellow called the meeting to order at 7:30 PM. and asked if there were any additions or corrections to the draft minutes of January 27, 2015. Being none Dr. Ziarnowski made a motion to accept the minutes, seconded by Mrs. Lucachik and carried.

CORRESPONDENCE

Secretary Faulring reported:

- Planning Board letter dated January 27, 2015 with the Planning Board’s recommendation for the reappointment of Mitchell Martin
- Planning Board letter dated January 28, 2015 with election results for the Planning Board
- Received Town Clerk Mulé’s letter dated February 5, 2015 advising of the appointment of Mitch Martin with term expiration date of February 1, 2022
- Notice from NYPF requesting a nomination for their Board of Directors for Region 9; Boston is in Region 9
- Code Enforcement Officer Ferguson’s January and February combined end of month reports
- At point correspondence received.

CONCEPTUAL SITE PLAN REVIEW – 7346 Boston State Road LLC

Mr. Stringfellow asked Mr. Hirsch to give an overview of his proposed project.

Mr. Hirsch:

- I’m interested in putting an accessory building up at 7346 Boston State Road
- For the use of whatever I am allowed to house in that building
- Size of building was provided
- I had rented some space next door at 7350
- Then this particular building became available and purchased that from Kid’s Country Day Care Center, that is where I have my office right now
- Looking to have a building behind the property for whatever we’re able to put back there
- Went to Zoning Board of Appeals and was granted two variances:
 - 20’ variance was given for the rear yard setback; I had requested a 25’ variance but at the suggestion of Mr. Webber the back yard neighbor I agreed to setback 10 feet for maintenance at the rear of the property

- I also received a 9½' variance for the height of the building, which will allow me to build a 27½'
- Trees that are on the property will remain
- Power and gas can come right off the building
- Sanitary is behind the building, so anything new can be tied into there, the line runs in the back right next to the proposed building, so I could utilize that
- Elevation and grade – I need to shoot some elevations but it will very close to the same elevation as the existing building, so it won't be any higher or too much lower, so all the drainage would stay within the catch basin that's on the property right now
- The building will look very similar to, it's a Morton Building, that will have the same pitch roof as what's on the building, a 4 / 12; it will have the same colors as the existing building
- There are 3 overhead doors on the front of the building and 1 in the back; I will have 2 man doors on the front of the building
- Gutters on the building all the way around that will tie in to the same system that's currently there, so it wouldn't effect either the insurance agency or Dana Darlings property or Mr. Webber's property to the rear

The following are Mr. Hirsch's response to questions from the Planning Board members:

- The fence is down and the access to the back is on the eastside of the building
- (Pointing to survey map) Black top, concrete pad, gravel to the rear of the building and beyond that is just dirt
- Really nice pine tree will stay, and will not get in the way access
- Have access to another Morton Building Cole Road, so if there is something that I can't keep there, I can easily keep it at the other building
- I'm really looking to store in there what I can store in there according to the Code, so if it's material or if it's tools and that type of stuff , whatever I can store in there is what I'm looking to store in there

Dr. Ziarnowski asked for a more definitive answer as to what can and what can't be stored in the building.

Mrs. desJardins: If you strictly by the Code, what it says in C-1, in my interpretation, that he can store construction materials and tools.

Mr. Hirsch:

- There is truck down there currently; there is some stuff down there that doesn't have to remain there; it can go up on Cole Road; so that's the reason that I come to the Board to ask the question.
- I have the room behind there for it, we're commercial contractors, there is stuff that we purchase from time to time that we have to store for a short period of time. Sometimes it's just small boxes, sometimes other things. There are tools that we have and some of them are up on Cole Road and I'd like to put them in there.
- I don't have to store vehicles there
- Lighting on man doors
- I am not opposed to a 'Use Variance'

Mr. Stringfellow: We need to speak to the Chairman of the Zoning Board to determine if any of this matter was brought up at the Zoning Board.

Secretary Faulring: At the Zoning Board of Appeals the only variances were the two requested - the rear yard setback and the height variance. A Use Variance was not brought up by any of the members or the Legal Advisor.

A very lengthy discussion followed with

- varying interpretations of Town Code Sections
 - 123-71 B (3)
 - 123-71 C (2)

- There will be no fuel storage on site
- Not continuous in and out – leave at 7:00 go to job, leave equipment at site or return at 3:30 PM; no in or out or in the middle of the night
- Construction of building: concrete pad and pre-fab building

Mr. Stringfellow: Final Site Plan will have to be approved by the Town Engineer, including the drainage. I find the concept reasonable and ready to go to Final Site Plan review. Is there any motion?

Dr. Ziarnowski: I make the motion to accept Conceptual Site Plan submitted and that Mr. Hirsch and the recommendation that he seeks approval to store equipment inside, a' Use Variance.'

Mrs. Lucachik: Second.

All were in favor of the motion.

LIAISON – COUNCILMAN BOARDWAY

Mr. Boardway was not in attendance this evening.

TOWN ATTORNEY KOBOLKA

Mr. Kobiolka reported from the March 4, 2015 Town Board meeting:

- Public Hearing for the temporary greenhouse proposed by Monaco Enterprises – Special Use Permit was passed
- Boston Democratic Club is going to be holding their Annual Easter Egg Hunt the Saturday before Easter
- Hamburg Pre-Kindergarten picnic will be held at the Boston Town Park with approximately 500 children
- Governor Cuomo last year had proposed a special program, still in its formative stages, what he what to try to reduce the burden on local governments by have them work together and share services. If the Town is under the cap of 2% and are able to show some savings with other Towns that residents may be able to get in the year 2016 1% off all their real estate taxes:
 - The Town Board had passed a resolution saying that the Town Board of Boston wants to be involved with that.
 - I think that's a good thing and we already share services with the Town Hamburg with the Dog Control Officer; our Fire Companies share services
 - We cross trained here within the building; and the Court Clerk can do some of the work of the Supervisor's office and the Supervisor's office can do some of the work of the Court Clerk
 - It all results in cost savings
 - Still in its formative stages
- Back in January the Town got a letter from Community Services for the Developmentally Disabled out of Buffalo; it was dated January 16; what they are seeking to do is put up a group home on the corner of Omphalius and Cole Roads
 - with four beds
 - Under the mental health law we have three options: we can approve it, we could find an alternate site, or we could object
 - The Town Board asked me to send a letter 'objecting'
 - I got a call from the director wanting to sit and talk with me. I suggested that he talk with the Town Board members
 - He was in on March 4 and explained what he wanted to do
 - These are individuals who have disabilities and because of HIPAA (Health Insurance Portability & Accountability Act) he was not able to identify those type of disabilities
 - We explained that we already have 2 homes in Town on Mill Street with 6 beds and on Boston State with 7 beds and there is also another one Herman Hill Road, about half way up the hill
 - He was adamant that this would be a very nice place to put the home

- I feel that far up the hill; there are no sewers, a high degree of medical assistance may be needed and to be on top of that hill in January and February the placement of the home doesn't fit with what he wants to do
- He will ask the Commissioner of Mental Hygiene to set a hearing so he can take his case to the commissioner

- That's all I have, Thank you Mr. Chairman

Discussion followed Mr. Kobiolka's comment about the proposed Developmentally Disabled Home in Boston, as was previously rumored that a Home was being proposed for other types of residents. Planning Board members were opposed to any further Homes in Boston.

Mr. Stringfellow: Is there anything else for this evening?

Mr. Kobiolka will try to locate a Zoning Map for Mrs. desJardins

Dr. Ziarnowski: Is the 'Sign' proposal still tabled?

Mr. Kobiolka: As far as I know it is.

Mr. Stringfellow will contact the Planning Board Liaison for an update.

Mrs. Lucachik: I make a motion to adjourn (8:32 PM).

Dr. Ziarnowski: I second.

All were in favor of the motion.

Respectfully submitted,

Jennifer Lucachik
Secretary