

PRESENT: David Stringfellow, Chairman
Robert Chelus, Vice Chairman
Jennifer Lucachik, Secretary
Keith Clauss
Rich Skinner
Dr. Paul Ziarnowski

EXCUSED: Mike Cartechine

ALSO PRESENT:	Michael Kobiolka	Town Attorney
	Jeff Genzel	Councilman – Town Board Liaison
	Thelma Faulring	Secretary to the Boards and Committees
	Ron Yormick	6405 Deanna Drive
	Joe Gauthier	Brookfield Rezoning – Applicant
	Dana Darling	Brookfield Rezoning – Applicant
	Shawn Hopkins	Brookfield Rezoning Project
	Karl Simmeth	6678 Meadowbrook Drive
	William Solak	9000 Boston State Road – Emerling Chevrolet
	Daryl Martin	Architect – 9000 Boston State Road
	Glen Kern	7784 Boston State Road
	Michelle Kern	7784 Boston State Road

Chairman Stringfellow called the meeting to order at 7:32 PM. and appointed Dr. Ziarnowski to serve as a regular voting member for this evening’s meeting.

MINUTES

Mr. Stringfellow asked if there were any corrections or additions to the minutes of December 13, 2011. Being none, Mr. Chelus made a motion to accept those minutes, seconded by Mrs. Lucachik and carried.

CORRESPONDENCE

Secretary Faulring reported the following:

- Distributed information for on-line training sent NY Planning Federation
- Previously distributed – Letter of request for appointment from Cathy Maghran

Other correspondence at point.

EMERLING EXPANSION PROJECT – 9000 BOSTON STATE ROAD

Daryl Martin, architect, displayed picture of proposed building:

This project originated through GM:

- It’s time for an upgrade
- It’s their program that they initiated
- The addition to the building and the design is based on their new program and what they recommend
- There will be an addition on the front, an overhang about 5 feet
 - In that is what’s called an entry element, that put’s the entry in the front
 - Obviously ours is on the side
- On the side is the addition of a vehicle delivery area
 - Recommended because of climate in this
- Rest of the building
 - Interior renovations
 - New paint
 - New floor tile
 - New showroom
 - New offices
 - Handicapped accessible restrooms
 - Child play area
 - New service areas

Mr. Martin: Site wise we are not changing anything other than a cold storage addition in the back, snow plow business, metal side and metal roof. Exterior lighting will stay the same. There was letter from the neighbor and I believe her concerns were met to their satisfaction.

Dr. Ziarnowski: This all has been addressed?

Mr. Martin: The lighting has been moved so that it didn't interfere with her directly; there were tree limbs that were cut and removed...

Dr. Ziarnowski: I don't think you've addressed it all on the lighting. Take a walk sometime at night and see the projection of the lighting.

Mr. Solak: That's exactly what I did and I met with Tonya...

Dr. Ziarnowski: Tonya was only one of a few to have concerns. It should not be an argumentative type of process to say can we adjust these lights; can we get rid of that big halogen, that shoots straight off the south side of your building. That only addressed her issues.

Mr. Solak: Unless I am aware how can I address them?

Dr. Ziarnowski: You just said you walked, Let's get some members of this Board to go out there and see what we've got.

Mr. Solak: My question is 'how does it affect with what with we're doing with the place?'

Dr. Ziarnowski: Well that came up originally, and now is the time to do something about this. We had a civil discussion, you weren't here the last time...

Mr. Solak: I was here the last time when Tonya was, and that's why I addressed issues.

Dr. Ziarnowski: Well I'm not sure it's done at least to the satisfaction of myself, who happens to be a neighbor on Back Creek, across the creek to the north side of your property on Back Creek. It would be nice if we could all get on the same page with that, and you guys could adjust the lighting for everyone's satisfaction.

Mr. Solak: I don't know...if it was specifically brought to us I addressed it. Beyond that I know of no specific concerns.

Discussion continued between Planning Board member Ziarnowski and Emerling Chevrolet representative Solak, regarding lighting issues.

Mr. Stringfellow: As I have said before, the only time we have a chance to make sure that any business properties are really up to Coe is when they come in for some sort of Site Plan Review. We can require that the entire site meets the Town Code, even though that is not what you're planning to change. On the issue of the lighting I'm tending to think that is a Code Enforcement issue. The Town Code specifically says that you must keep your light on your own property.

Dr. Ziarnowski: I hear you, sure. If there's an accountability though that we can do that with the Code Enforcement at hand that we can do that. Mr. Brox was here a couple of weeks ago and said it was just a matter of looking at the helmets, turning the caps down. It's just not a matter of shielding them, but just adjusting the shield. I'm not sure it should be an argumentative issue, I'm sure...

Mr. Solak: It's not an argumentative issue. When I was made aware of something I took action.

Dr. Ziarnowski: Maybe we walk. Maybe we should just turn it over Code Enforcement.

Mr. Skinner: This cold storage -- certified trusses I take it?

Mr. Solak: Yes.

Mr. Stringfellow: Mr. Brox's review said that signage cannot occupy more than 10% of the front face of the building; according to the drawing it is a little difficult to determine what is the front of the building.

Mr. Stringfellow described the front the of the building -- middle section being moved out an additional 5 feet and two side 'fronts' remaining recessed.

Mr. Chelus: I architect school we learned that the whole entire front is considered the front, not just one portion.

Mr. Stringfellow: With that consideration the sign should fit easily. We're left then with 'do we hold up site plan approval for the lighting problem or do we simply ask Code Enforcement to enforce Code on that?'

Mr. Chelus: Another thing Mr. Brox pointed out that with the addition of the cold storage, we don't know what it looks like, we don't have elevation views.

Mr. Solak: It's an extension of the building.

Mr. Martin: It's a metal building, yellow/gold, I don't know how high it is at this point.

Mr. Chelus: We need those dimensions, how high it is. This was added after you came to us before.

Dr. Ziarnowski: On note 4 from Mr. Brox 'no notes or details for correcting the lighting have been submitted. As this is a major concern for neighbors, I would suggest that this item be tabled until the issue is resolved.' So you guys think this issue is resolved, with the one neighbor, I'm not sure that it's totally resolved. And I'm a Board member, and unfortunately for you guys I'm a neighbor too.

Mr. Martin: Well I guess the best we can do is submit a lighting plan and prove how we plan to keep the light on the property.

Discussion followed regarding the lighting issues and Dr. Ziarnowski being able to read in his bedroom at night from the Emerling light.

Mr. Genzel asked for clarification of receipt of this information for mailing.
Secretary Faulring; In the past, once a project is at the Board, additional information is accepted one week prior to the next meeting. The next meeting is February 14, so I would need the information no later than February 7.

Mr. Stringfellow: I'll make a motion to table this until the next meeting pending receipt of elevation views of the cold storage building and a lighting plan.

Mr. Chelus: I second. All were in favor of the motion to table

PROPOSED BROOKFIELD RESIDENTIAL PROJECT

Mr. Stringfellow: We've discussed at previous meeting, essentially it's a subdivision to what was initially filed in 1967 or 69, the Deanna Drive subdivision. The lots would not meet today's Code and were told that they would go for a variance and that the lots are essentially the same size as the existing lots. The Town board requests of us for some consideration and recommendation as to whether they should proceed with the request to rezone that property. We've all looked at it and think we all have opinions. I will say that I would prefer to see houses individually owned rather than rental property, but rental property does meet the Code, if it is rezoned. Does anyone want to add anything before we try to come to some recommendation to the Town Board?

Glen Kern:

- I'm the neighbor that borders there, I'm on Boston State Road
- This property would stand between me and my view of the valley
- Sounds like this is going through one way or the other
 - I'd like to see it not happen at all
- There is a lot of wetlands back there
- A fair amount of snapping turtles pass through
- Dee by the hundred
- Deanna Drive in the winter time very difficult to get out of
- If this goes in you're definitely looking at a traffic light, or a lot of accidents
- Making a left out of there is treacherous

Michelle Kern

- Spoke but was not clearly understood, mentioned something about the number of accidents that already occur on Chestnut Ridge Road and Boston State Road

Mr. Stringfellow: The time for public comment would be if the Town Board pursues this and whether we recommend for or against. If the Town Board wishes to go further, there is what is commonly called a SEQR Process and Environmental Impact and that will involve Public Hearing and anyone interested would have a chance to speak at those hearings.

Mr. Hopkins: The Town Board is required by law to hold a Public Hearing on the rezoning.

Mr. Kobiolka read from Town Code Section 123-178 B regarding the Town Board requiring a recommendation from the Planning Board.

Dr. Ziarnowski: What's the justification for making a Master Plan with the appropriate zoning and then have people just come in and say 'well I want to change it?'

Mr. Stringfellow: The Master Plan as I understand it does not really specify rezoning or zoning; it is considerably more vague than that, and our Master Plan does provide for some high density housing, lower cost, more affordable housing. Those things could be done on this property without violating the Master Plan, but it would require rezoning. It is now R-A which is Residential-Agriculture, and it has not had an agricultural use for as long as I can remember.

Mr. Kern: It is used for agricultural.

Mr. Yormick: There are bales of hay on it now.

Mr. Darling: I use that for my own personal use.

Mr. Hopkins: But the key here is that Town does have comprehensive plan that has been adopted. If You look at it, it states the proposed zoning and uses as shown on the board tonight, and it fits into that plan. I think Mr. Brox has put in writing two or three times. So I think it's not a question of it consistent or inconsistent, I think it's quite clear that it is consistent and obviously that's an important criteria.

Mrs. Lucachik: But that is also a guidance document.

Mr. Hopkins: Right but all must be in accordance with the Town's document. Right it's not set in stone

Mrs. Lucachik: But it also looks at three acres for homes.

Mr. Hopkins: There are two zonings here. This portion of the property is currently zoned R-2, we're not proposing to change that. In terms of the rezoning recommendation the rezoning of that portion to R-3 and we're not proposing single family homes. The allowable density by R-3 would be approximately 15 units per acre, 20,000 square feet for the first unit, plus 3,000 square feet per additional unit, we're proposing less than 5 units per acre, or less than one-third of what would be allowed in an R-3 zoning. These are single story, this isn't a mega apartment complex. I can also acknowledge that in the Town of Boston you prefer homeowners, but the reality of the situation is given demographics and economic times, there is demand not only in the Town of Boston but for other towns in W.N.Y. for this type of housing.

Dr. Ziarnowski: All for senior citizens?

Mr. Hopkins: that will be the target market, will be all senior citizens and could be a viable option for someone like me who is a professional and single, would be for empty-nesters, for young professional couples.

Dr. Ziarnowski: To me if I were a senior citizen, I don't know if I would plop myself in the middle of a field where I would have to get in my car to drive for all my amenities.

Mr. Hopkins: I think there are people in Boston that want to stay in Boston. This is nice for someone who wants to spend three months in Florida, lock your door and come back. You're point is understood.

Mr. Stringfellow: Are there any other comments from the Board?

Mr. Clauss: It's awful high density, we've got tons of rentals places in Town between duplexes and apartment buildings. This is something that I believe to be in a suburb idea. I do believe sprawl is an issue, and everybody on the Board certainly knows that. I don't know why people would want to move to the country, to the Boston Hills and live in a thing like that where every single building looks the same, lined up like government track houses like in the 1960's. I don't see the point. I don't see what the Town is going to gain with more renters in Town.

Mr. Hopkins: that's not what it's going to resemble 1950 or 1960's; but you can have your opinion.

Mr. Clauss: Your right I can have my opinion, this is the opinion section. Now my point is that I just don't believe this kind of thing needs to move into Marilla, or Eden or Boston. If your target group is older people – they're moving to snow belt, are they going to be able to handle driving out here? To me you're setting up all kinds of problems when they have to drive to Springfield or Hamburg for all their amenities.

Mr. Hopkins: What we're asking you to do is govern by your Code, not by your subjective opinion, 'that I don't think anyone will want to live there.'

Mrs. Lucachik: Do you have any interested parties prepared to rent now if this were built?

Mr. Hopkins: No, we can't, we're not there yet. Keep in mind, Dana and Joe are going to build this with private funds so day one you're not going to drive by and see fifty-eight units that we need to rent; it's going to be done in phases. Meaning if your opinion is right, and we hope it's not, and there is only demand for sixteen units, then you're only going to see sixteen units. This isn't a 'if you build it, they will come' project.

Mr. Stringfellow: What will you do about drainage and utilities if you only build sixteen units out of one hundred and five?

Mr. Hopkins: In terms of the subdivision, which is not in front of you this evening, that infrastructure, a large part will have to done in one phase. In terms of this if it's done this way we will have to do a drainage plan that complies with the Code at all times, and we understand that. Each phase would have to comply not only in terms of that but in terms of building code, the fire code, etc., etc.

Mr. Stringfellow: I would really like to see a picture of eight units in a row rather than one shows one unit and half of another one.

Mr. Hopkins: When we get back to you for site plan approval we can provide that.

Mr. Skinner: Will this fly without rezoning?

Mr. Darling: No. We're trying to work with everybody. We like this scheme. In trying to compromise instead of rezoning to R-4 we're asking for R-3.

Mr. Hopkins:

- We started in May of 2010 with R-4 for the entire site
 - Not members of this Board, but neighbors expressed concern with living next to mobile homes, trailers
- We modified that
 - Put this back to a subdivision and proposed 55 units here
 - Again we got feedback from the town that we have a problem with those type of developments
- Back to the drawing Board, we came up with this and feel it is a compromise
 - And to a certain degree this Board deserves some credit

Discussion followed about this type of project, - is it really needed, is there demand for this type of housing in Boston, enough rental properties in Town already.

Mr. Hopkins

- If the Town Board approves rezoning for this site, then we have to come here for:
 - Sub-division approval for this project
 - Site plan approval
- Extra parking is something that would be dealt with at site plan approval
- Connecting the two projects, what I would suggest
 - If there is a connection let it be limited to emergency access, emergency vehicles

Mr. Stringfellow: Here we are talking about creating two more projects side by side, and kids want to go from one to another, they have to go out onto the State Road to do it. I think it is the wrong thing to do; a network of small roads for a walk, to go from one subdivision to the other, and to the north too, but not to make it convenient for driving long distances.

Mr. Hopkins:

- We could put in sidewalks, along-side the emergency accesses
- We are preserving twenty-seven acres, which represents about 45% of the project, as permanent green space, we will literally be required to go record deed restrictions at Erie County Clerk's office that will say 'that land will stay forever wild' we volunteered that in writing
- We could look at some recreational trails, walking trails

Mr. Skinner: At what stage of the game would you the trails and the walkways.

Mr. Darling: Probably starting with the first phase, we would work with the walking trails; they are nothing but clearing some paths and throwing some stone down

Mr. Stringfellow: Can we as a Board come up with reasons in favor of this and reasons in opposition to this? And try to get things to a point where we see which we should recommend, and remember this is only a recommendation, the Town Board does not have to follow it if they do not want.

Mr. Kern: When I look at Boston, I came to live in Boston as one of the rural communities...I figured we would be up against a couple, bigger, nicer houses on that lot, which would be okay with me. Three miles up the road the Russo, Sorrento housing development there, is the most expensive house that ever sold in Erie County, something like this reminds me more of Angola. I've got to wonder what is Boston's plan for itself? Do we want to pack in as many people as we can, would it be that much less to build a couple mansions in that area? You'd still be making a buck and it would be something nicer to look at?

Mrs. Kern: We chose Boston because we wanted a more agricultural like setting...if we wanted to live in a subdivision, we would have moved to a subdivision.

Dr. Ziarnowski: Would it work by selling a couple of more grandiose homes on that property?

Mr. Hopkins: No not at all...infrastructure would cost a lot...

Mr. Darling: Remember we are next to a manufactures home park on one side, R-2 , which is smaller lots, and then we have a big farmhouse in front.

A lengthy discussion followed:

- People move to Boston, to get away from...
- Residents of Boston wanting to downsize and stay in Boston
- Consistent with Comprehensive Plan

Mr. Stringfellow: It's time to cut off discussion. We need to have reasons for a favorable or unfavorable recommendation; or does someone just want to go ahead and make a motion

Mr. Chelus: This is just a recommendation, right they would still have to come back to us to prove to us that this is going to be a feasible plan?

Mr. Darling: Right. The recommendation isn't automatically trigger building. It will be a long process for us to come back here with our drawings on what we feel would be feasible.

Dr. Ziarnowski: If it's rezoned and it doesn't work out for Dana, does it stay rezoned?

Mr. Hopkins: Yes, zoning isn't limited to one individual.

Mr. Genzel: The Town Engineer recommended a conditional approval with a timeframe...

Mr. Kobiolka referred the Board members to Code Section to 123-177, which reads in part:

‘...Unless application for a building permit for such special development plan is commenced within the period so established, said approval shall be void, and the zoning classification shall be as it was when the petition for the amendment was filed.’

Mr. Chelus: I’ll make a motion that we recommend rezoning to R-3 from R-A, for the south parcel.

Mrs. Lucachik: I’ll second it.

Mr. Stringfellow: There is a motion and a second, is there any discussion?

Mr. Chelus added the reasons for making his motion:

- Would like to see what the project is going to look like in the future
- The Town Board has the ability to set a timeframe or zoning reverts back to the original as it was at the time of filing
- Is consistent with the our existing Comprehensive Plan

Mr. Genzel: There is still site plan review, SEQR, Public Hearings. There is still a lot before it comes to light.

Mr. Yormick: Where is another project like this in W.N.Y.?

Mr. Darling: One in Amherst, one in Clarence...

Mr. Yormick: All rental units?

Mr. Darling: All rentals.

More discussion followed between Mr. Yormick and Mr. Darling.

Mr. Stringfellow: There is a motion on the floor, this discussion time has to stop.

Mr. Stringfellow repeated the three reason stated for the motion and asked for a roll call vote on the motion to recommend rezoning.

Mr. Clauss: If we vote yes are we recommending that it should be rezoned or it should go to the Zoning Board?

Mr. Chelus: We’re recommending tot the Town Board that it should be rezoned.

Dr. Ziarnowski: This is consistent, in rezoning this parcel, with the Master Plan?

Mr. Stringfellow: Yes. The Master Plan does say that we should have some higher density, lower cost housing. It wasn’t specific to the area.

Mr. Hopkins: And the Town’s Planning Consultant said it.

Mr. Skinner: Say it gets rezoned and they build sixteen units, and then can’t rent anymore, so they don’t build anymore; can they put trailers on there?

Mr. Hopkins: That would require an R-4 Zoning; and that would be another whole process.

Mr. Yormick spoke in favor of owners rather than renters, transients.

Secretary Faulring: The motion is to recommend rezoning, say yes if you’re in favor of the motion, no if you are not.

Mr. Cartechine	excused
Mr. Chelus	yes
Mr. Clauss	no
Mrs. Lucachik	yes
Mr. Skinner	no
Dr. Ziarnowski	no
Mr. Stringfellow	no

Mr. Hopkins: And we would ask your reasons.

Mr. Kobiolka: That was a no vote on the motion to recommend rezoning, now you need to make a motion to make a negative recommendation to the Town Board.

Mr. Clauss: I’ll make a motion that we recommend not rezoning.

Mr. Clauss and other members listed the following reasons for the negative recommendation:

- Oppose sprawl
- No need for more rental property in Town
- Lack of amenities
- Opposed to high density housing
- Members and neighbors prefer single family dwellings
- No community center
- Creates dead end road
- Like Deanna Drive, started and never finished

Dr. Ziarnowski: I’ll second.

Secretary Faulring: The motion is a negative recommendation for rezoning; say yes if you're in favor of the motion, no if you are not.

- Mr. Cartechine excused
- Mr. Chelus no
- Mr. Clauss yes
- Mrs. Lucachik yes
- Mr. Skinner yes
- Dr. Ziarnowski yes
- Mr. Stringfellow yes

Mr. Stringfellow: Motion carried.

Mr. Hopkins: Will a report go up to the Town Board?

Mr. Stringfellow: Yes. Liaison Councilman Genzel we're at your point in the agenda.

Mr. Yormick: What's the next step?

Mr. Stringfellow: The next step is up to the Town Board. They will receive our recommendation and act on it as they will.

LIAISON – COUNCILMAN GENZEL

Mr. Genzel reported: from the Town Board meeting of January 18, 2012:

- Accepted resignation of Patricia Hacker
 - Town Board sent letter of thank you
- Letter of request for Mr. Skinner is tabled
 - Town Board wants time to review his voting and attendance records
 - Will be addressed at the next Town Board meeting
- We accepted recommendation for Planning Board Chairman, Vice Chairman and Secretary
- Public Hearing and approved Local Law #1 2012 entitled Amendment to Boston Town Code Chapter 16 'Code of Ethics'
 - Look at it and review
 - All appointed Board members need to meet the Code of Ethics
- Tabled the designation of the official Town paper

Mr. Clauss: Regarding Rick's reappointment, do we get any say or make a positive recommendation?

Mr. Genzel: The Town Board did receive a letter of recommendation from Chairman Stringfellow and also the request from Mr. Skinner to be reappointed.

Mr. Skinner asked Secretary Faulring for a copy of his attendance record from when he was first appointed.

Dr. Ziarnowski: How's the clean-up down there in Boston going, at the old hotel? Nothing's happening; are they working on it?

Mr. Genzel: Code Enforcement has been down there several times and it's extremely difficult to get the owner of the Boston Hotel to do anything, let alone pay his taxes. It's like trying to get blood out of a stone.

Mr. Stringfellow: What's next?

Mr. Genzel: Code Enforcement sends a summons and gets him into court, then it's up to the Judge to fine him.

Mr. Stringfellow: Has that been done/

Mr. Genzel: I believe he's been issued a citation for the sign out front. I would have to check with the Court to see where it's at.

TOWN ATTORNEY – MR. KOBIOŁKA

Mr. Kobiolka: The contractor just finished up on Cole Road, 2700 feet (water lines); and will probably be doing hook-ups into individual houses this coming spring. He started on January 9 and finished today; the weather was in his favor.

EXECUTIVE SESSION

Mr. Chelus: I'll make a motion to go into Executive Session.

Dr. Ziarnowski: Second

REGULAR SESSION

Mr. Chelus: I'll make the motion to return to regular session.

Dr. Ziarnowski: Second.

All were in favor of the motion.

RECOMMENDATIONS FOR APPOINTMENTS

Dr. Ziarnowski: I'll make a motion that we recommend Cathy Maghran for appointment to the Planning Board as the first Alternate member.

Mr. Chelus: I second.

Mr. Stringfellow: Motion is made and seconded is there any discussion? All in favor?

All were favor of the motion.

Mr. Chelus: I'll make a motion that we recommend Anthony Zeniuk for appointment to the Planning Board as the second Alternate member.

Mrs. Lucachik: I second.

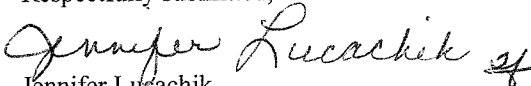
Mr. Stringfellow: Motion is made and seconded is there any discussion? All in favor?

All were favor of the motion.

Mr. Stringfellow: Is there any further business for this evening?

Being none Mr. Clauss made a motion to adjourn, seconded Mr. Chelus and carried. (8:55 PM.)

Respectfully submitted,


Jennifer Lucachik
Secretary