

Town Board Minutes June 18, 2003

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, and Town Attorney Kelly A. Vacco.

Absent: Highway Superintendent Wayne C. Kreitzbender.

Rev. James Laun, Churchill Memorial United Methodist Church, opened the meeting with a prayer.

Received a report from Deputy Code Enforcement Officer Lisowski on the June 13, 2003 inspection of the Boston Hills and Boyd Mobile Home Parks. It was noted that the Boston Hills Mobile Home Park was up to par and there were no violations.

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of Deputy Code Enforcement Officer Lisowski, to issue a demolition order for the Boyd Mobile Home Park for sites 1, 41, 64 and 65 in violation of Town Code and NYS Property Maintenance Code.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to direct Town Attorney Vacco to recommend appropriate action for issuance of the Boyd Mobile Home Park license and to invite the Health Department to inspect the facility for review and recommendation.

five (5) Ayes Carried

Received notification from the NYS DEC that dirt fill being placed adjacent to the Eighteen-Mile Creek behind the Town Hall may be in violation of the Flood Management Program.

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins to direct Foit-Albert Associates to do a survey to identify the flood zone behind the Boston Town Hall regarding the Flood Management Program.

five (5) Ayes Carried

Received a request from Dean Tybor, LD Construction Inc., to renovate 7178 Boston State Road and add a Subway Shop.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer a request from Dean Tybor, LD Construction Inc., to renovate 7178 Boston State Road and add a Subway Shop to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the June 4, 2003 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the fund bills on Abstract #6A, dated June 18, 2003, amount of \$100,160.07 be paid.

five (5) Ayes Carried

Received and filed a letter from Michael Pritchard, 8863 Pearl Street requesting information and approval to install a culvert pipe in front of his property.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer a letter from Michael Pritchard, 8863 Pearl Street requesting information and approval to install a culvert pipe in front of his property to the Highway Superintendent for review and recommendation.

five (5) Ayes Carried

Received a thank you to the Town of Boston and Councilman Simmeth from the Empire State Games for Boston's support of the Western Region's Team Selection Cycling Races on June 8th and notification of a race on July 25th on the same course.

REQUESTS FROM THE FLOOR

Mrs. Becony, 9766 Trevett Road: I live next to Richard Emerling's Trucking business at 9776 Trevett Road. I complained when Lisa (former Supervisor Rood) was here and she got him to move a couple of pieces of junk. He puts junk from one place to another and the building is still ugly. The mold is running down, there is tin in the windows and grass and weeds are all over. There is no gravel in the driveway. Nothing has been done for years and now I hear he is going to put buildings on the other side. I don't think this is right and I don't understand why nobody does anything. Some stuff has been sitting there for years and he is never going to get rid of it. Deputy Code Enforcement Officer Lisowski has been there a few times and said he isn't doing anything against code. They paint in the back and in the summer we have to stay in the house with the windows closed. I called Mr. Lisowski and he said

Emerling is using filters. I called the Environmental Department and they required him to install stacks. Mr. Lisowski doesn't look into things. Either he doesn't know or he doesn't care that he should've had a stack.

Supervisor Eagan responded that if the act is not in violation of our Town Codes he can't be cited.

Mrs. Becony: It wouldn't be hard to fix it up, paint the building and get rid of some of the junk. All I want is it to look decent.

When they first took over this building from Emerling Chevrolet, in their application they said they were going to do landscaping. They spray the weeds and we look at dead weeds. My husband is getting very upset and we are going to have to put up a barrier or do something. Now he wants to fix the other side and we still have to look at this ugly mess.

A Public Hearing was held at 7:45 P.M. to consider an application from Dana Darling to rezone the multi zoned vacant land on the

west side of Boston State Road across from Omphalius Road intersection, SBL#226.00-2-31.1,& SBL#226.00-2-33 from R-A to R-1.

Supervisor Eagan read the legal notice and noted that the applicant and 58 neighboring property owners were notified and sent an Assessor's map and a letter of intent.

Nancy Brayteck, 7287 Boston State Road: I think it would be a great idea to rezone this property. I moved here from the city of Buffalo eleven years ago because I heard the Hamburg School system was so good and next week the last of my three sons will graduate from Hamburg High School. I feel it will create more taxpayers

for the town and again and give more families the chance to educate their children in our school system.

Joe Tocke, 8053 Back Creek Road presented the following copy of his comments to the Deputy Town Clerk for Town Board consideration and to be incorporated into the Public Record:

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Joe Tocke (cont.):

Dear Town Officials: My comments tonight reflect my thoughts as a town resident for 31 years and what I have learned from a livable community organization, Partners for a Livable Western New York, which I am a director of. I have had a career in transportation planning, engineering and development in public and private sectors for the last 42 years (credentials attached).

Analysis-

Before we suggest some actions with respect to this rezoning proposal, we suggest that the Town Officials please consider the below information in their deliberations.

Single-Use Zone Do Not Build Communities-

?Each year, we construct the equivalent of many cities, but the pieces don?t add

up to any thing memorable or of lasting value. The result doesn't look like a place, it doesn't act like a place, and, perhaps most significantly it doesn't feel like a place. Rather, it feels like what it is: an uncoordinated agglomeration of standardized single-use zone with little pedestrian life and even less civic identification, connected only by roadways. Perhaps the most regrettable fact of all is that exactly the same ingredients ? the houses, shops, offices, civic buildings, and roads- could instead have been assembled as new neighborhoods and expanded hamlets/ town centers. Countless residents of unincorporated places in counties could instead be citizens of real towns, enjoying the quality of life and civic involvement that such places provide?, Andres Duany, Suburban Nation, 2000. Integrated mixed land use patterns promote a sense of place/ community.

The County Executive's Position on Sprawl-

?Over the past 30 years in Erie and Niagara

Counties our population has decreased by 30%
but our consumption of land for development
has increased by 67%; this development
pattern is a sure plan for disaster?,

Joel Giambra, County Executive,

PFALWNY Smart Growth Tuesdays Comments, June 3, 2003. Lower density developments in the suburbs resulting in decreased tax bases (populations) in the cities is a significant drain on the regional economy.

Guidance from the Town of Boston Comprehensive Plan, A Vision for the Year 2020-

Excerpts from the yet to be adopted \$24,000 Town of Boston Comprehensive Plan, A Vision for the Year 2020-

The Comprehensive Plan will be useful for:

- Town Board, Planning Board and Zoning Board members in the measurement of the desirability of new developments. The members may also use the plan to adopt policies and procedures to assist projects in compliance with goals and objectives.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Joe Tocke (cont.):

Results of the Community Survey Analysis:

Strongly Agree No Disagree Strongly

Agree Opinion Disagree

Wish to Remain Rural 34.9% 24.0% 8.1% 21.8% 3.2%

Concentrate Housing Near Hamlets 25.6% 33.8% 20.2% 15.3% 2.1%

Develop & Enforce Stricter Land Use 37.1% 33.3% 12.0% 10.9% 3.8%

Regulations

Use Stricter Regulations to Protect Open 37.7% 32.2% 16.9% 8.1% 2.7%

Space and Natural Resources

Residential growth is needed 5.4% 24.0% 12.0% 32.7% 26.7%

Farmland Protection Programs:

Land Use for Every \$1.00 attained from Municipal Taxes*

Residential Require \$1.15 in services

Farm/ Forest Requires \$0.35 in services

Commercial/ Industrial Requires \$0.27 in services

*National Median findings American Farmland Trust

Guiding Principles for Countywide Land Use Planning (12/99)

County Policy, County Actions and Local Actions with respect to Physical/ Infrastructure Resources for the Rural Service Centers: N. Boston, Patchin, and Boston need to be evaluated. County Policy, County Actions and Municipal Actions with respect to Environmental Resources, Stream Corridor Preservation on 18 Mile Creek, ?A Stream Corridor Having Countywide Significance? need to be evaluated.

The Bottom Line Is-

· Housing Sub-Divisions Don't Create Communities

- The County Executive Does Not Support Sprawl
- New Housing Should Be Concentrated Near The Hamlets
- Residential Development Requires More Services than Taxes Collected
- Guiding Principles for Countywide Land Use Planning need to be considered

Also, A Community Design that affords citizens walking and biking opportunities for daily routine trips (not totally auto dependent) is a physically healthier community overall (a).

Alternatives to Consider-

We suggest that Town Officials consider the below rezone alternatives:

1. A Nine (9) Month Moratorium on Rezoning that Generate Sprawl.
2. Revise the Town's Zoning & Building Codes To Provide Additional Choices
(greater densities, mixed land uses, and enhanced street scapes)
3. Consider a Holistic Approach on Rezoning; with short, moderate, and long term mitigation measures.
4. Approve the Town of Boston Comprehensive Plan, A Vision for the Year 2020.
5. Disapprove the Rezoning Request

The above alternatives are not mutually exclusive.

1. A Nine (9) Month Moratorium on Rezoning that Generate Sprawl-

The Counties of Erie and Niagara have started to develop a Framework for Regional Growth, to guide future County decision making relative to Land Development in the Region through the year 2020; with a target completion date of July, 2004. Some of major components include: A vision for how we wish the region to grow and redevelop

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Joe Tocke (cont.):

over the next 15 years; Inform local governments, private sector, and non-profit entities on how they can plan and make decisions that reinforces the overall regional vision. In nine (9) months the Framework should provide a Draft Vision and the Town then can decide whether the subject proposed rezone reinforces the overall regional vision.

2. Revise the Town's Zoning & Building Codes To Provide Additional Choices

(greater densities, mixed land uses, and enhanced street scapes)-

The Town of Clay, just north of Syracuse is in the process of adopting revised zoning and building codes that will facilitate greater densities, mixed land uses and enhanced streetscapes in their Town. For more information on the Town of Clay's, revised zoning and codes contact Supervisor Mark Rupprecht, at (315) 652-3800.

3. Consider a Holistic Approach On Rezoning; with short, moderate, and long term mitigation measures-

The perceived impacts of a single rezone, taken one at a time, may not be significant, but taken collectively, rezones may have significant impacts on the Town's unique rural character; i.e.; strip residential developments of ridge lines, the disappearance of scenic vistas, closed drainage systems for residential sub-divisions, commercial developments and roads, i.e.; the disappearance of small streams and degradation of water quality due to increases in asphalt and the decrease in the natural purification process, and architecture designs that look more like warehouses than barns. "The devil is in the detail design".

So what can be done to make what we have better and improve upon the future?

Two of the components of enhancing communities are connectivity and providing alternative transportation opportunities. We suggest you consider a number of modifications to the Town's Transportation System:

- An Enhanced Pathway for pedestrians, bicyclists, etc. along the 20 feet wide Boston Hill Interceptor (Sanitary Sewer) Easement; 1st Stage between May Drive and Wildwood Drive, 2nd. Stage Wildwood Drive to Thornwood Drive.
- Enhanced Pedestrian/ Bicycle Features along the Boston State Road
- Install a pedestrian bridge at Anthony Gulf; existing shoulders

on the bridge are sub-standard for pedestrians

- Rehabilitation and enhanced 4 season maintenance of shoulders along Boston State between Abbott and Shero Rd.

- Request a posted speed reduction of 40 MPH on the entire length

The Boston State Road of between NY 391 and Trevett Road

Provide pedestrian cross walks and supplemental pedestrian signing on the Boston State Road at: the south end of Churchill Church Property, at May Drive, at Shero Road, at the Town Hall, and eventually in the vicinity of the B-Kwik, also provide share the road bicycle signs on the entire length on the Boston State Road in the Town of Boston

· Working with the Churchill Church and the NFTA, consider using a portion of the Churchill Church Parking Lot as a public park-and-ride lot; also consider a heated/ lighted bus shelter at this location. Working with the Town's businesses and institutions encourage sheltered bicycle racks at their locations.

· Working with NFTA, residential builders and real estate brokers, the Town would provide a one month bus pass (NFTA's Greenback Program) for homebuyers.

There are many more short, moderate and long-term design, environmental, financial, transportation, etc. mitigation measures with respect to existing and future developments in the Town that need to be considered, to make it a more livable community. Given the timeframe and my limited budget, I focused on the ones above.

4. Approve the Town of Boston Comprehensive Plan, A Vision for the Year 2020-

5. Disapprove the Rezoning Request-

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Joe Tocke (cont.):

Overall Conclusions-

?The problem with suburbia is that, in spite of all its regulatory controls, it is not functional: it simply does not efficiently serve society or preserve the environment?, Andres Duany, Suburban Nation, 2000

?As long as the conventions of real estate development effectively outlaw the construction of mixed-use neighborhoods, developers will find it very difficult to build anything that provides residents with a sense of community. Similarly, as long as zoning codes favor low-density development over compact communities, developers will not be able to shake their reputations as land rapists, as they turn farm after farm into cookie-cutter sprawl?, Andres Duany, Suburban Nation, 2000

(a) ?Walking is key to staying Healthy.?, Local Government Commission Center for Livable Communities, 1414 K Street, Suite 250, Sacramento, CA 95814-3966, tel. (916) 448-1198, fax (916) 448-8246, web www.lgc.org

WHAT TOWNS AND VILLAGES CAN DO TO GROW SMART

Smart Growth Tuesdays ? April 22, 2003

1. Educate Public Officials

- Identify why it is important to do things differently ? e.g. sprawl education
- DON'T OPERATE IN A VACUUM. Identify what alternative land use policies and procedures are available by reading books on land use (use the Partners for a Livable Western New York reading list) and by talking to people who know what other communities around the country have done to improve their appearance and the quality of life of their residents ? talk to their public officials, visit them if possible, e.g. go to Kentlands, MD.

2. Educate the Public - identify leaders in the community and invite them (and everyone else who wants to attend) to programs on better land use and creating better neighborhoods. MAJOR OBSTACLE:

overcoming the psyche of suburban Americans to separate themselves as far away as possible from their neighbors and the street.

3. Create a vision - determine what the community should be in 40 years
 - What it should look like, and what steps can be taken to achieve that goal
 - Whether the community should be for people of all ages and incomes ? families, the elderly, etc. and, if so, what must be done to provide the choices necessary to accommodate everyone
 - Look at the demographics

Recognize the detriments of an automobile dependent and what can be done to reduce the use of automobiles in the community.

4. Adopt a comprehensive plan that incorporates the vision ? project future population, where that population will live, where retail should be located (decide if you want everyone to drive everywhere or not), utilities, recreation areas, intermodal transportation.

5. Look at land use options available under the law ? cluster zoning, incentive zoning, conservation easements, transferable development rights.

6. Determine a sound policy on acquiring open space ? what is the reason the space is being acquired? Does the space have any purpose ? e.g. wetland, recreation area, scenic beauty, connective trail.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Joe Tocke (cont.):

7. Adopt a traditional neighborhood development (TND) zoning ordinance ? preferably as the applicable ordinance in a specific area rather than as an alternative or optional ordinance. A TND ordinance sometime referred to as the transect or ?smart code? helps to create and/or preserve walkable neighborhoods ? neighborhoods in which all ages of people can survive ? even those who cannot or who choose not to drive, a variety of housing types, higher densities in the village or neighborhood center areas, neighborhood stores, parks, playgrounds, mixed-uses, shared parking, connective street pattern, narrow streets, ?up-to? rather than ?set-back? lines, encourage hiding of the garage.

8. Preserve the buildings which identify the character of the community.

9. Don't let a small vocal group of residents with a parochial interest prevent something from happening for the greater benefit of the entire municipality or the region ? DO THE RIGHT THING!
10. Calm traffic in village and town center areas and in walkable neighborhoods.
11. Think regionally. Consider the impact of what your municipality does on neighboring municipalities and the region.
12. Use professional planning expertise. If your municipality cannot afford a planner, consider sharing a planner with another municipality.
13. Consider ethics of what you and your municipality are doing.

HANDOUTS: (1) New Urbanist Land Use Practices; (2) Partners for a Livable Western New York Recommended Reading List; (3) Ethical Land Use Issues

George R. Grasser 11 Summer Street 716/883-5070

Grasser & Associates, LLC Buffalo, NY 14209 ggrasser@irdprojectmanagers.com

Daniel Westcott, 6221 Wildwood Drive: I think the public participatory process is the cornerstone of democracies and I think this is what communities are all about and I want to say that I support the comments of the previous gentleman who was up here a minute ago. I think he had a lot of good points to say. When I looked at the letter I received in the mail I couldn't really develop a position on whether I supported or was opposed to this rezoning because there simply wasn't enough information in the package. The gentleman before me talked about a couple of options before the Board approves or denies the rezoning motion. I submit to you that there is a third. I think you really need more information before you make an adequate judgement on this rezoning. I don't know how much detail was provided to the Board but there is very little information that was provided to the public and I think the Board would like to make this decision based on an informed public and a great deal of public participation. Public participation is largely derived from a variety of laws in the State of New York that were derivatives of the National Environmental Policy Act. In particular I am going to be talking about the State Environmental Quality Review Act

that comes from Article 8 of the Environmental Conservation Law. These implementing regulations are in part 617 of Title 6 of the New York Code of Rules and Regulations. Specifically when you examine part 617 you will see that this rezoning action is a planning action that clearly meets the threshold requirements of a Type I action in Part 617. Since it is clearly a Type 1 Action it requires a development of an Environmental Impact Statement. To my knowledge an Environmental Impact Statement has not been prepared on this proposed action and I would encourage the Board to follow the regulations and the spirit intent of the law. If you look at Part 617, it talks about any Type I action before a EIS is

developed, a scoping process should be undertaken. I would encourage the Board that a thoughtful and thorough scoping

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Daniel Westcott (cont.): process would be undertaken that would involve a broad cross section of affected parties. Certainly nearby residents are key stakeholders in any scoping process, as the gentleman before me indicated, and should look at a reasonable range of alternatives. We have no basis to conclude that a reasonable range of alternatives was entertained in this case. I like this idea about having an easement and a bicycle path between heading down south from Wildwood. I live on Wildwood Drive and my children ride bikes and I'm scared to death to let them go on Boston State Road. They can't go there. It would be really nice and would build the sense of community if we could be connected along a rural bike path such as other communities have. That is one possible option that could be explored. I don't know if it was looked at but when you look at packing 27 homes in a 26-acre land, I don't know if it was entertained. A good through scoping process consistent with Part 617 that would identify a range of reasonable alternatives and also illicit public input on issues that should be analyzed in terms of environmental impacts. Some of those issues would be what happens to the wetlands that are there? It's this community's obligation to deal with loss of wetlands. Is that an acceptable outcome or do we have to institute a reclamation project elsewhere? What are the impacts of development of this area on the surface water impacts to Eighteen-Mile Creek? What are the noise and traffic pattern undesirable significant adverse impacts that result? I submit to you that I'm not sure those have been studied and certainly they haven't been made aware of to the public. I would encourage the Board to insure that an EIS is developed, that we go through the scoping process and that we have a good thorough public process through out the consideration of this rezoning action. This discretionary action is not ministerial, it is clearly discretionary and requires the development of an EIS.

Sandra Hoffmann, 7956 Boston State Road: The property where I live, the home we own, is the property that backs up to this 26 acre area that Roy Emerling bought from the property owners where I am, previous to us. We moved out here eleven years ago and we intentionally moved to Boston because it had a rural community, it had a small school. We moved out with the understanding that there was agriculture behind us and we were very happy with that. We have in the past and now are opposing the rezoning of this property for several reasons and I will bring up different reasons that were previously mentioned. One of the reasons I previously mentioned is that we moved out here because we liked the small schools. The problem with the rezoning and with other continued development of Boston is there

is an addition of students into our school system. I know some of you know that the situation at Boston Valley is that there aren't enough classroom spaces for three grade levels of each of the levels K-5. A juggling act has to be done every year as to which grade levels can have two rooms and which can have three rooms because of the special concerns. If we have continued development in Boston and we put another 27 homes on that property you will have an influx of at least another

twenty to forty children. That is one issue to me as a parent. Another issue for me is that we moved into an existing home. We chose to come to this rural community eleven years ago but we chose to move into a 45 year old home which is now a 55 year old home because we wanted to fit into the community and not to change the community. So we are opposed to the possibility of this new development because we want to keep the historical rural community of Boston the way it is. We have other concerns such as the property values and the availability of the seller's market. I don't know if this Board has consulted the Master Plan yet to see if this fits into the Town of Boston's Master Plan so I am opposed to the rezoning.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Sam Butera, 6233 Wildwood Drive: I have a couple thoughts on this perspective rezoning. My first thought was the wetlands down below. I've got kids and we walk through the woods, we go through the fields. Once you get down past the gravel pit that is there, it is wet. It is wet any time of year. We will even discount this year because it is always wet. It is a very wet swampy area and it has been for as long as I have lived here since 1988. The other question I have is that on the map that we received, there is a shaded area of the proposed rezoning but there was not anything drawn on what it was or what it was going to look like. A number of years back I needed my Dad's property rezoned and I followed the rules and had to present a site plan with a run off study, parking lot and what effect it was going to have on traffic. I don't see any of that here. I don't know what impact this is going to have to those wetlands, to Eighteen-Mile Creek. I know there is a trunk line that goes through there. I guess I have a lot of questions. I also don't know what the median size of the home that is proposed to go on there is going to be and how that is going to affect the property values of Ludon, Wildwood etc. around the area. That would be nice to know before I could even make a decision as to is this going to be good for the Town of Boston or what? Certainly the size of the home, median price range, how is that all affecting what we have now in town and along with what everyone else has mentioned hopefully the Board will take that into consideration and at this point hold off on any rezoning until all of those questions are answered.

Donald Skowronski, 6220 Wildwood: I would like to thank the Board for letting me make a statement here. My statement is bluntly that I am opposed to this and I am opposed because of the wetlands and the green lands that you are going to take up with this subdivision or part of it. The other thing is that I've been a resident here for eleven years. When I came out here I bought a piece of property zoned for a resident and I built a home. I think anybody else who wants to come to Boston should come to Boston and build their home on a piece of property that is zoned for a resident. I don't think you should be taking up the green lands and the wetlands and developing that and rezoning that.

Mike Pritchard, 8863 Pearl Street: As you all know I live in one of the newer subdivisions in Town and a few years back when my wife and I were looking to move out this way, by the way this is the town that I grew up in for ten/twelve years as an adolescent. We were looking for a home out here and there wasn't a lot available. We're very happy that we were able to find an opportunity to build out here. I think the community is a great community. It is a growing community. I appreciate all your concerns but it was a good opportunity for us to come out and be a part of this community that we grew up in. I don't know how the impacts of Eighteen-Mile Creek come into play and the whole picture and certainly that was my first thought although I am here on another issue I just thought I'd make that point.

James Schmidt, 8073 Back Creek Road: I have only been a resident for a year and a half but I have been coming out here probably for the last twenty years and I am really drawn to the natural rural setting that is out here and I absolutely love it. My property is on the creek and I enjoy the quiet and all kinds of animals back there. I hate to see that come to an end. You mentioned you only really notified 58 people. I talked to my neighbors on the other side of Back Creek and they weren't aware of anything so I think maybe more people should be notified. We definitely need more information. One of the things I'd like to know is that Emerling has this 27 acres and I am wondering if it is going to continue to the 17.35 acre lot owned by Simmeth which is the property behind mine. Again, I love this area because it is quiet. I came from Tonawanda where the neighbors were right on top of each other. If there is some development I hope it is basically limited.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Glenn Cooley, E&M Engineers & Surveyors: My client Mr. Dana Darling is the applicant in this case for this rezoning. Between Mr. Darling and others they feel there is a demand for this type of housing in the Town of Boston. Several years back this same parcel was attempted to be developed by rezoning it to

R2, which would be a higher density, which the surrounding community also disapproved of and it was rejected. The Planning Board has already looked at this rezoning issue and forwarded it to you for your ultimate review and approval. They apparently had no qualms about this rezoning or they wouldn't have forwarded it to you. The rezoning to R1 is consistent with land to the north and south of this parcel. One advantage to the construction of this road is that it will loop Wildwood Drive back to the State Road, not only for snowplowing benefits but also would loop the water mains around. Finally there is certainly concern over wetlands and greenland spaces by the Developer and you can be assured that these lands will be protected in accordance with the State and Federal laws concerning wetlands. That would certainly be a part of our work and certainly a part of the planning process.

Sam Butera: I just learned a couple of things. I didn't know on this map that there was a road that was going to loop Wildwood back around to Boston State Road. Wildwood Drive is very dangerous as it is right now. At the top where I live we have ski slopes for driveways. I'm not complaining about that. I bought the land. What I am complaining about is the amount of speed going down the road and sometimes you just can't see what is coming down the hill when you are watching the road in front of you. Anymore traffic would definitely make me opposed to this. Also the type of home, I still don't know what type of home we are looking at. I am sure that in Amherst, the Engineers who developed the property there did things according to the State as well and a lot of properties are sinking over there. I think we really need to look at some of these other things that just came up.

Gary Hoffmann, 7956 Boston State Road: A couple of other issues to reiterate what Mr. Tocke had touched on. Erie County had, in the early eighties, 1.2 million people and close to 500,000 people, actually 550,000 at it's peak, lived in the city of Buffalo. I lived in West Seneca. In 1962 I was born. It was a farming community. We farmed. We did our business. An influx of people came in the sixties. Subdivision, subdivision, subdivision. Traffic signals, traffic signals, traffic signals. Drove the farmers out. West Seneca is now a bedroom community. That is fine for West Seneca. It drove me out. Come to Boston. Ok, Boston is rural enough. We got agriculture. Oh, wow. This sort of thing was happening in Hickory Meadows. We have a narrow valley. We have a valley here that is beautiful. It is less than a mile wide. We have one road that goes through that valley. Back Creek Road is a very dangerous road. It is not a detour alternative. We have one road. The NFTA figure for the year 2000

is 7,300 vehicles per day. That is a lot of vehicles. Twenty-seven new homes, reasonably two cars per home, fifty-four more. The lovely map that they give us here. The frontage on the Boston State Road, a hundred feet. Where do you think that road is going to go? Opposite Omphalius, obviously it has to be. I have lived here eleven years just kitty corner to Omphalius. We had two roll over accidents that killed people. Right at that intersection. Christmas Eve day or maybe it was Christmas, a SUV rolls over. EMS gets dragged out. People get hurt. Omphalius is a very dangerous intersection. The worst accident I've seen on Omphalius, a tandem vehicle, a gooseneck trailer carrying a forklift came down the road, lost it's brakes, made the turn, flipped over the forklift, forklift goes into the Mr. Emerling's property. I can

imagine 27 homes there and all the walking community we are going to have with Mr. Tocke's plans. I can just imagine a family of three getting wiped out. Omphalius is at a

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Gary Hoffmann (cont.): 12% grade at spots. 12%. You can not brake on Omphalius in the wintertime on ice. There is no question that eventually if this subdivision gets built, a car will wind up going across Boston State Road and into the subdivision. Maybe it will hit a tree and maybe it won't. There aren't any trees there by the way but that is ok. My point is that we already have enough traffic, we don't want a traffic signal there. If there are accidents there a traffic signal will be put up if the accidents warrant it. I am opposed because I moved here to get into a rural community and I am being driven out of another rural community. I was in a rural community. It got saturated with subdivisions and traffic and the same thing might happen here as we continue to build. Again one of the problems with Buffalo and Erie County is urban sprawl. Urban sprawl has killed the city of Buffalo. It went from 550,00 people to now 280,00 people living in the city of Buffalo. The city of Buffalo cannot handle the infrastructure that they have built because their tax base went to Amherst, West Seneca, Lancaster, and Orchard Park and now more of the tax base wants to come here. As Mr. Tocke alluded to, oh boy, we have a new revenue increase, 27 homes, wow look at the money we can generate. That creates more demand. That creates more town positions. Maybe it will give cause the need for a police force or whatever services. The additional money from the taxpayers will not be a windfall it will actually require more service to be provided. I don't actually see that as a benefit. There are about a million other things I could come up with but that is in a nutshell what my problem is.

Donald Skowronski: If that is going to be that dangerous, and I agree it probably will be, that Omphalius and where the subdivision roads are going to be, and then you are talking about traffic looping Wildwood, that is going to make more of that traffic come down my road. They are going to be all upset with trying to get out with the traffic on Omphalius and the Boston State Road. That means the traffic is going to get twice as heavy with the loop on Wildwood. And what the engineer said about the plows coming down Wildwood. That is a pretty weak point in his statement that now the plows can loop around. I am going to tell you something, the plows can loop around down there right now. It is a cul-de-sac down there.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to close the Public Hearing at 8:30 P.M.

five (5) Ayes Carried

Received a request from Boston Patriots Little League Football to host a PeeWee Division Football Tournament through the Western New York Tackle Football Federation and use of a second field for August 16, 2003.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to grant the Boston Patriots Little League Football permission to host a PeeWee Division Football Tournament through the Western New York Tackle Football Federation and use of a second field for August 16, 2003.

five (5) Ayes Carried

Received a request from Jennifer Crotty, 5805 Cloverfield Drive, for use of the South Boston Park on July 18, 2003 from 4:00 ? 9:00 p.m. for a surprise birthday party. Alcoholic beverages will be served and a \$50.00 deposit was received.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to approve a request from Jennifer Crotty, 5805 Cloverfield Drive, for use of the South Boston Park on July 18, 2003 from 4:00?9:00 p.m. for a surprise birthday party.

five (5) Ayes Carried

RESOLUTION 2003-21 AMEND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR SOUTHTOWNS MEALS ON WHEELS

RESOLUTION 2003-22 APPLICATION FOR FUNDS FROM NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

Received a request from Marcia Baeumler, to rezone 5785 Herman Hill Road from R-C to C-2.

A motion was made by Councilman Wiktor and seconded by Supervisor Eagan to refer a request from Marcia Baeumler, to rezone 5785 Herman Hill Road from R-C to C-2, to the Planning Board for review and recommendation.

five (5) Ayes Carried

Received a request from Richard Emerling to construct an addition to a building located at 9776 Trevett Road.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer a request from Richard Emerling to construct an addition to a building located at 9776 Trevett Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's Financial Report for May 2003 was received and is on file in the Town Clerk's office.

Received a letter of complaint from John Heffley, 7150 Omphalius Road regarding the Omphalius Road construction project.

Supervisor Eagan reported that he has received numerous complaints on the Omphalius Road reconstruction project. He will forward Mr. Heffley's letter to the Erie County Commissioner of Public Works

along with a letter expressing the dissatisfaction of the Boston Town Board. The road is also being closed without notification to fire companies and emergency services.

Supervisor Eagan reported that Boston Community Days will begin Friday, June 20th until Sunday evening with fireworks on Friday and Sunday evenings. The parade will be Saturday at 5:00 p.m.

Supervisor Eagan and Town Attorney Vacco met with members of the Southtowns Water Consortium, Erie County Executive Giambra, ECWA Commissioners and Secretary on June 17, 2003. The Consortium received a report on a study commissioned to aid bringing water to

rural areas south of Buffalo in the most cost-effective manner. The members of the consortium voted to accept the report and Supervisor Eagan cast the only "no" vote based on the fact that ECWA feels there needs to be changes on how water is delivered to Colden which would affect the Boston Water District #3 project financially. Supervisor Eagan noted there is a work process on the table now to resolve those differences and he is confident that the differences will be resolved soon.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

TOWN CLERK REPORT

Deputy Town Clerk Ellis reported that she presented the Town Board with a detailed report from the PERMA Conference and she is looking forward to working with the Town Board to implement any suggestions they may have.

TOWN ATTORNEY REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins to authorize Supervisor Eagan to execute all necessary documents required to engage Bond Council as it relates to Water District #3, specifically relating to the increase in maximum that must be presented to the NYS Comptroller's Office, Division of Audit & Control.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize Supervisor Eagan to execute an easement between the Town of Boston and Wayne Andrzejewski, 7695 Wohlhueter Road as it relates to Water District #3 and the installation of the water tank on Wohlhueter.

five (5) Ayes Carried

Supervisor Eagan thanked Town Attorney Vacco for securing the easement for the water tank noting she did a great job.

COUNCILMEN REPORT

Councilman Mead reported that he attended a ceremony on June 14, 2003 dedicating a tree in memory of Florence Carroll, the first president of the Boston Welcome Wagon.

PROCLAMATION - IN MEMORY OF FLORENCE CARROLL?BOSTON WELCOME WAGON

Councilman Mead read a letter from Erie County Department of Senior Services congratulating Dolores Seufert, in conjunction with the NYS Senate and Assembly Committees on Aging, for her work with the RSVP Program and her extensive community work including the Boston Seniors and the Kazoo Band. Mrs. Seufert was nominated to the State Office of Aging for the "Outstanding Contribution by a Senior Citizen" award as part of Older Americans Month in May. She was given a NYS Legislature Achievement Award Certificate.

Councilman Mead congratulated Dolores Seufert on behalf of the Boston Town Board.

Councilman Mead reported that a conceptual landscape drawing was received from Water Valley Nursery and will be presented to the Conservation Advisory Council and the Planning Board for their recommendations.

Supervisor Eagan reported that the landscape rendering will be on display at the Community Days event.

Councilman Wiktor thanked Deputy Clerk Ellis for her detailed report on the PERMA Conference that she attended noting that it is positive to see someone taking the initiative to present feedback after attending a conference. He stated that the Deputy Clerk has set a prime example on how this should be maintained.

Councilman Wiktor reported that notification was received from the Erie County Highway Department denying the Town of Boston request for a speed limit reduction on Eckhardt Road.

REGULAR BOARD MEETING TOWN HALL

JUNE 18, 2003 7:30 P.M.

COUNCILMEN REPORT (CONT.):

Councilman Mead noted that one of the issues in legislation through the Association of Towns is to give the towns more control over determining speed limits.

Councilman Simmeth read a Proclamation and a letter to Governor Pataki from the Town of Hamburg urging the Governor to appoint a Buffalo Control Board of non-elected citizens to turn to the proven mettle of professional, business leaders a free and independent Board committed to solving a demanding need.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to support the Town of Hamburg Proclamation for a Buffalo Control Board consisting of non-elected citizens and to forward a letter to Governor Pataki and other Public Officials.

five (5) Ayes Carried

Councilman Hawkins reported that he received notification from the Patchin Fire Company that four firefighters have completed the NYS Fire Police training.

A motion was made by Councilman Hawkins and seconded by Councilman Wiktor to appoint Natalie Rauch, Michael Kruse, Mark Cappola and Audrey Huey to the Patchin Fire Company, term to expire upon resignation, removal or replacement.

five (5) Ayes Carried

Councilman Hawkins reported that vendors for the Community Days event have permission to park their trailers at the Patchin Fire Company's parking lot for the weekend.

DOG CONTROL OFFICERS REPORT

A) Dog Control Officers Monthly Reports for May 2003 were received and are on file in the Town Clerk's office.

RECREATION DIRECTOR REPORT

A) Recreation Director Monthly Report for May 2003 was received and is on file in the Town Clerk's office.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:50 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK