

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

SUE FITZNER
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

June 13, 2023

Town Hall – Court Room

- 1) Call meeting to Order
- 2) Approval of Minutes
- 3) Old Business
 - a. Tracy Hirsch - Requesting Pre-liminary Plat Approval of a 3 lot sub-division to be located at 7044 Omphalius Rd
- 4) New Business
 - a. Delaware River Solar - Requesting Planning Board input regarding the eventual SEQR determination to be issued by the Town Board regarding a proposed Large Scale Solar system at 7832 Feddick Road.
- 5) Reports
 - a. Planning Consultant
 - b. Town Attorney
 - c. Town Board Liaison
 - d. Board Clerk
- 6) 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

The Town of Boston is an equal opportunity provider and employer.
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

Planning Board 2023-05-09
Meeting minutes_draft

Attendees: Dr. Paul Ziarnowski, Jim Liegl, Jay Jackson, David Stringfellow,
Attorney Sean Costello, Town Liaison Jennifer Lucachik, Planning Consultant Sarah DeJardins
David Bowen, Gary Stisser, Elizabeth Schutt

1. CALL MEETING TO ORDER
Meeting called to order by Mr. Ziarnowski at 730pm

2. APPROVAL OF MINUTES
March 2023 – motion to accept by Mr. Jackson
2nd by Mr. Ziarnowski
Approved

MOTION TO ACCEPT THE MINUTES by
2ND BY Mr. Liegl
APPROVED

3. OLD BUSINESS:
none

4. NEW BUSINESS

a. Boston Patriots Little League Football – Town Park Lighting
Tom Frascella, Bill Frascella, Mike Frascella

Mr. Ziarnowski – looking for historical data and what the issues are.

Mr. Frascella relayed that the original plan for the project was to have a couple more sets of lights over where the two new poles were put up.

Mr. Ziarnowski asked if there was a plane for the new poles. RESPONSE: Yes, it was all provided to the town, to Jason Keding. Advised that the board members should have copies, do you have them? RESPONSE: No
Copies are available for the file.

Mr. Ziarnowski asked: Were the poles placed before it was approved or RESPONSE: After. Everything was approved by Jason and the poles were put up after.

Mr. Frascella talked more about the pole and the lights. (recording:3:14) More lighting needed since the program has grown.

Mr. Ziarnowski asked who they spoke to for approval. RESPONSE: Jason Keding provided a quote

Mr. Ziarnowski had a private conversation with Mr. Cartechine and talked about lights. (recording: 4:21)

Pre-meeting with the Town Board, Mr. Cartechine said Planning Board was ok with it. The discussion was a private conversation, Mr. Ziarnowski is one of seven board members. Jason Keding then called Mr. Ziarnowski and asked what has changed. RESPONSE: nothing has changed.

Mr. Frascella talked more to the board about the type of lighting. Frey Electric was referenced and that flood lights are needed. All the lighting was going to be donated but now the kids have aged out.

Mr. Ziarnowski asked how did Code Enforcement Officer fit in? RESPONSE: no idea. Mr. Ziarnowski mentioned that there was no permit made. Want something done but a permit must be requested.
RESPONSE: Mr. Frascella says they are still working on with the changes. Mr. Frascella spoke about what Jason

Keding said. Mr. Ziarnowski asked if they spoke with COE. RESPONSE: No, they were told that Jason was talking to COE. Jason said they were good to go. Email could be provided (none provided at this meeting). Mr. Ziarnowski had further discussion about the lights (flood lights). Jason is concerned with feedback with flood lights from the neighbors. Mr. Fascella talked about the Temporary Lighting.

Mr. Fascella commented that they could get petitions. Mr. Fascella says they were being guided by Jason.

Mr. Ziarnowski commented that from the Planning Board point of view, what do you need.

RESPONSE: Nothing crazy. What is the big deal – turning the lights on and off. The lights there now have been there since the 90's. Further light discussion (recording: 13:00)

Ms. Weiss – should there be recommunication from Jason and the PB? RESPONSE: Mr. Ziarnowski wanted this group to come to the Planning Board. Not sure of what recommunication.

Mr. Ziarnowski commented that they can use diesel lights or flood lights. Will talk to Jason Keding.

Mr. Fascella commented again that they got approval from Jason.

Mr. Bowen asked about what are the regulations needed? RESPONSE: Mr. Fascella commented that this has been going on since 2019.

Ms. DesJardins commented that she does not think there is something from the Planning Board to approve. Attorney Costello commented that the Town Board was hoping the Planning Board would give a recommendation to appropriate lighting.

Mr. Bowen commented that they have nothing to comment on.

Mr. Ziarnowski commented that there was a process that should have happened.

Mr. Fascella commented again that they went by what Jason said.

Ms. DesJardins relayed that there isn't something that the Planning Board can approve or disapprove.

Mr. Jackson asked if it involves any zoning? No, it's Town property. We are not the right group.

Mr. Ziarnowski commented further (recording 19:00)

Mr. Fascella want the lights turned on and then to be turned off when done. 6pm to 8pm. Sept to Oct.

Mr. Bowen – what is the liability of the Town? RESPONSE: have insurance – turned into the town every year.

Mr. Liegl can hear frustration. Believe they thought they were doing what they were supposed to be doing. The Town Board is looking for info about lighting. Let's get the info about the lights for the Town Board.

RESPONSE: offered to purchase the lights.

Mr. Liegl commented on the issue is the lighting, which is something the Planning Board does not have.

Mr. Ziarnowski commented that they did not do anything themselves from the beginning. RESPONSE: Yes. Frey Electric provided insurance to do the electrical.

Mr. Ziarnowski says they need to see COE/Tom Murphy for a permit. RESPONSE: Yes, once they are at that point

Mr. Stringfellow- the program is over at 8pm. Are other people going to turn the lights on? RESPONSE: No, the box is locked.

Mr. Stringfellow – I don't see grounds for the neighbors to complain.

Councilwoman Lucachik commented that there have not been complaints regarding the lights.

Mr. Stringfellow – other projects that have lighting – car dealer wanted more lighting at night – got a map of how much light was going to fall and intensity – inside and outside the grounds. Not sure where this comes from.

Mr. Ziarnowski relayed that this is from the lumen study. (recording 25:50)

Mr. Tom Fascella is hoping that FREY Electric will still do the work since their kids aged out.

Mr. Stisser sees the frustration with false guidance.

Mr. Jackson says it is difficult to resolve with someone not in attendance.

Mr. Fascella have documentation. (provided for the file).

Councilwoman Lucachik – the flood lighting is required for the participants for the safety reason. Flood lights are used for games only and then turned off. Have not received any complaints about the generators.

Ms. Lucachik – did not know where this went. Can connect with Jason. The intention is to keep it out of residences yards.

Mr. Fascella commented about the poles/lights – the 2 at the end of the baseball field – facing the town hall.
Ms. Lucachik– if have copies for the Planning Board – RESPONSE: yes (provided)
It was explained on what they are trying to plan.
Attorney Costello – meeting on discussed by the Planning Board with the Boston Patriots Football Little League with understanding that the lights will be turned off at 8pm. (letter to be provided by Attorney Costello to the Town Board)
Mr. Ziarnowski – appreciated their attendance. If it can be controlled, no issues from the Planning Board.

b. Tracy Hirsch – Requesting Pre-liminary Plat Approval of a 3 lot sub-division to be located at 7044 Omphalius Rd
Mike Carrol here on behalf of Tracy Hirsch. Mr. Hirsch on his way to the meeting.
Tracy Hirsch now available to speak to the board members
Mr. Ziarnowski confirmed: splitting 3 lots – 7044 Omphalius rd – RESPONSE: Yes - 2 lots being sold. The 3rd lot is being retained.
Mr. Ziarnowski - lots 2 and 3 being requested. RESPONSE - both are just over 7 acres each. Keeping the 3rd lot. Mr. Ziarnowski commented about the survey stakes.
Ms. DesJardins commented that we need to set a public hearing.
Mr. Ziarnowski needs a motion to set a public hearing for next month.
Motion made by Mr. Jackson to hold the public hearing on June 13th.
2nd by Mr. Stisser
APPROVED

BOARD OF ELECTIONS

NOMINATION for Chairman

Motion made to nominate Mr. Paul Ziarnowski by Mr. Stisser
2nd by Ms. Schutt
Accepted by Mr. Ziarnowski
All in favor - APPROVED

NOMINATION for Vice Chair

Nomination for Mr. Jim Liegl made by Mr. Stisser
2nd by Mr. Ziarnowski
Accepted by Mr. Liegl
All in favor - ACCEPTED

NOMINATION for Secretary

Nomination made for Ms. Elizabeth Schutt by Mr. Liegl
2nd by Mr. Ziarnowski
Accepted by Ms. Schutt
All in favor - ACCEPTED

5. REPORTS

Planning Consultant/Ms. DeJardins – nothing to report
Town Attorney/Sean Costello – nothing to report
Town Board Liaison/Ms. Lucachik – Coordinating a meeting at the end of June.
Need a board member to be on the committee – Ms. Lucachik recommended 2 people. 1 to 2 meetings a month for about a year, year and half. Asked to attend the meeting.

When are the meetings? Ms. Lucachik - don't know yet.

Consultant: Clark Patterson

Mr. Costello – wont know until you are on the committee - understanding the meetings will be for diff purposes. Try to facilitate some by zoom.

Mr. Stisser – interested but depends on when the meetings are

Mr. Costello – need someone on the board

Mr. Jackson – goal was to attend as a resident rather than a board member but would join.

Mr. Stisser and Mr. Jackson – joining the committee

Ms. Weiss is interested as an alternate.

Mr. Costello – everyone can participate as a citizen

Board Clerk –

Need to approve February minutes

Motion made by Mr. Liegl to approve the minutes

2nd by Ms. Schutt

APPROVED

Attorney Costello – talked about the Solar project. It was on the Town Board correspondence. A lot of people showed up.

Mr. Ziarnowski - did they cut a road yet? REPONSE from Mr. Costello: do not know.

Mr. Costello – an access road would be off Feddick. Don't know about another possible road.

6. Motion made to adjourn the meeting at by Mr. Stringfellow

2nd by Mr. Liegl

APPROVED

Closed at 816p

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

SENT VIA EMAIL

March 14, 2023

Sarah K. desJardins
Town of Boston Town Board
8500 Boston State Road
Boston, New York 14025

Dear Sarah desJardins:

SEQR Lead Agency Designation
Delaware River Solar
7832 Feddick Road
Town of Boston, Erie County

This is to acknowledge receipt of your notice, dated February 17, 2023, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Boston should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However please be aware of the following:

1. The proposed project involves disturbance to the bed and/or banks of Hampton Brook (Class B, Standard B) and a Protection of Waters Permit (Article 15, Title 5 of the Environmental Conservation Law) will be required from NYSDEC.
2. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.



Town of Boston – Delaware River Solar
SEQR Lead Agency Coordination

3. The project site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at <https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).
4. The entire project site is located within Erie County Agricultural District #8. Impacts to the agricultural district should be considered during the review of this action.
5. A review of soils information indicates the potential for hydric soils on the project site. The project sponsor should consult with the U.S. Army Corps of Engineers to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, the Corps may require the project sponsor to obtain 401 Water Quality Certification (WQC) from NYSDEC. Please note that a request for a WQC now requires submission of a pre-filing meeting request form 30 days prior to submitting an application for WQC. More information related to this requirement and a pre-filing meeting request form can be found on NYSDEC's website at <https://www.dec.ny.gov/permits/6546.html>.
6. Please note that the US Fish and Wildlife Service ruling to federally reclassify Northern Long-eared Bats (NLEB) from threatened to endangered will become effective March 31, 2023. The change from threatened to endangered in New York State will take place at the same time as the federal listing. To protect Northern Long-eared Bats (NLEB) from unintentional harm, the NYSDEC encourages the voluntary implementation of all forest management activities during the hibernation period of November 1 through March 31 when bats are not expected to be present.

If you have any questions, please feel free to contact Kristine Carlson at 716/851-7165 or Kristine.Carlson@dec.ny.gov.

Sincerely,

David S. Denk

David S. Denk
Regional Permit Administrator

KMC
Ecc: Peter Dolgos, Delaware River Solar
Terrence Boyle, Nussbaumer & Clarke Inc



ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

DANIEL R. CASTLE, AICP
COMMISSIONER

THOMAS E. BAINES, ESQ
DEPUTY COMMISSIONER

March 1, 2023

Sarah K. desJardins
8500 Boston State Road
Boston, New York 14025

Re: **Lead Agency Request, Site Plan, Special Use Permit – 7832 Feddick Road**
SBL: **225.00-2-1.11**
Review No.: **M617-23-138**

Dear Ms. desJardins,

Pursuant to New York General Municipal Law (GML) Section 239-m, the County of Erie (the “County”) has reviewed the above-referenced Lead Agency request referred to the Department of Environment and Planning (DEP) by the Town of Boston (the “Town”) on February 16, 2023 and consents to the Town acting as Lead Agency and offers the following comments:

- According to the *Erie-Niagara Framework for Regional Growth*, the project is located within a Developing Area, which is defined as “controlled growth” that supports “a balance of conservation and quality development.” This also includes “the conservation of agricultural and rural lands.”
- The *Town of Boston Comprehensive Plan: A Vision for the Year 2020* identifies agriculture as a predominant land use and an important part of the Town’s economy. The Plan seeks to “support and preserve agriculture.” The project is zoned as Residential-Agricultural, with the purpose of protecting agricultural lands.
 - The project is located on prime agricultural soils. The *Erie County, New York Agricultural and Farmland Protection Plan* identifies the protection of prime agricultural land as a priority.
- The project contains federally-regulated wetlands. The Town and developer should closely analyze the impact of the proposed project on the wetlands and consider alternatives to minimize them. Best management practices should be used during construction.
- The project is located within 500 feet of the Town of Eden’s municipal boundary. The Town should provide written notice to the neighboring municipality in accordance with General Municipal Law 239-nn.

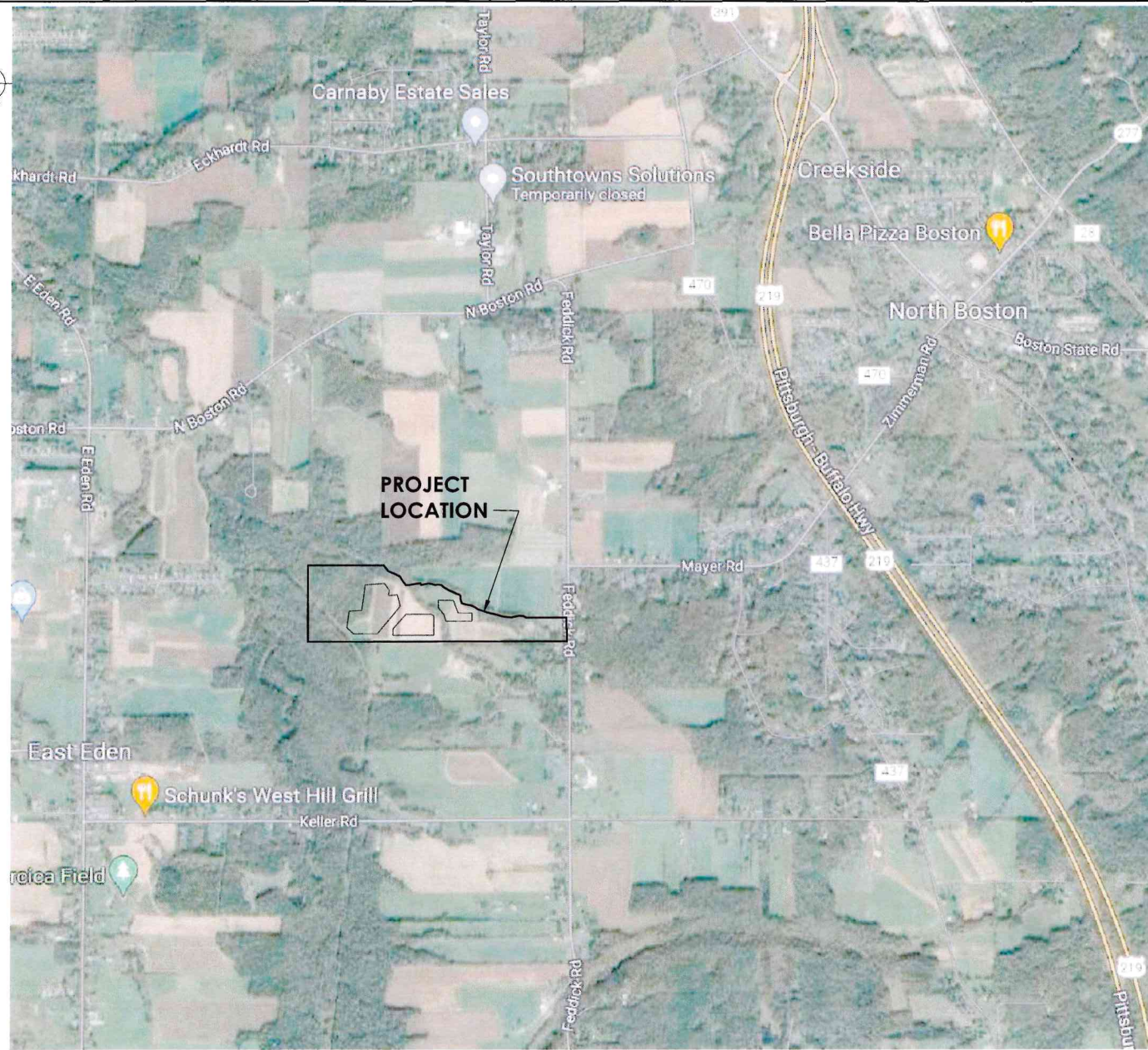
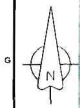
This review pertains to the above-referenced Action submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any County approvals. The Town and developer must still obtain any other permits and regulatory approvals applicable to this Action.

Sincerely,

Emily Moll

Emily Moll
Planner





A1 LOCATION MAP
SCALE 1" = 600'



SOLAR PROJECT 3.6 MVA AC
7832 FEDDICK ROAD, BOSTON NY 14075

PROJECT LOCATION MAP

NO.	REVISION	DATE

REGULATORY REVIEW NOT FOR CONSTRUCTION

**REGULATORY REVIEW
NOT FOR CONSTRUCTION**

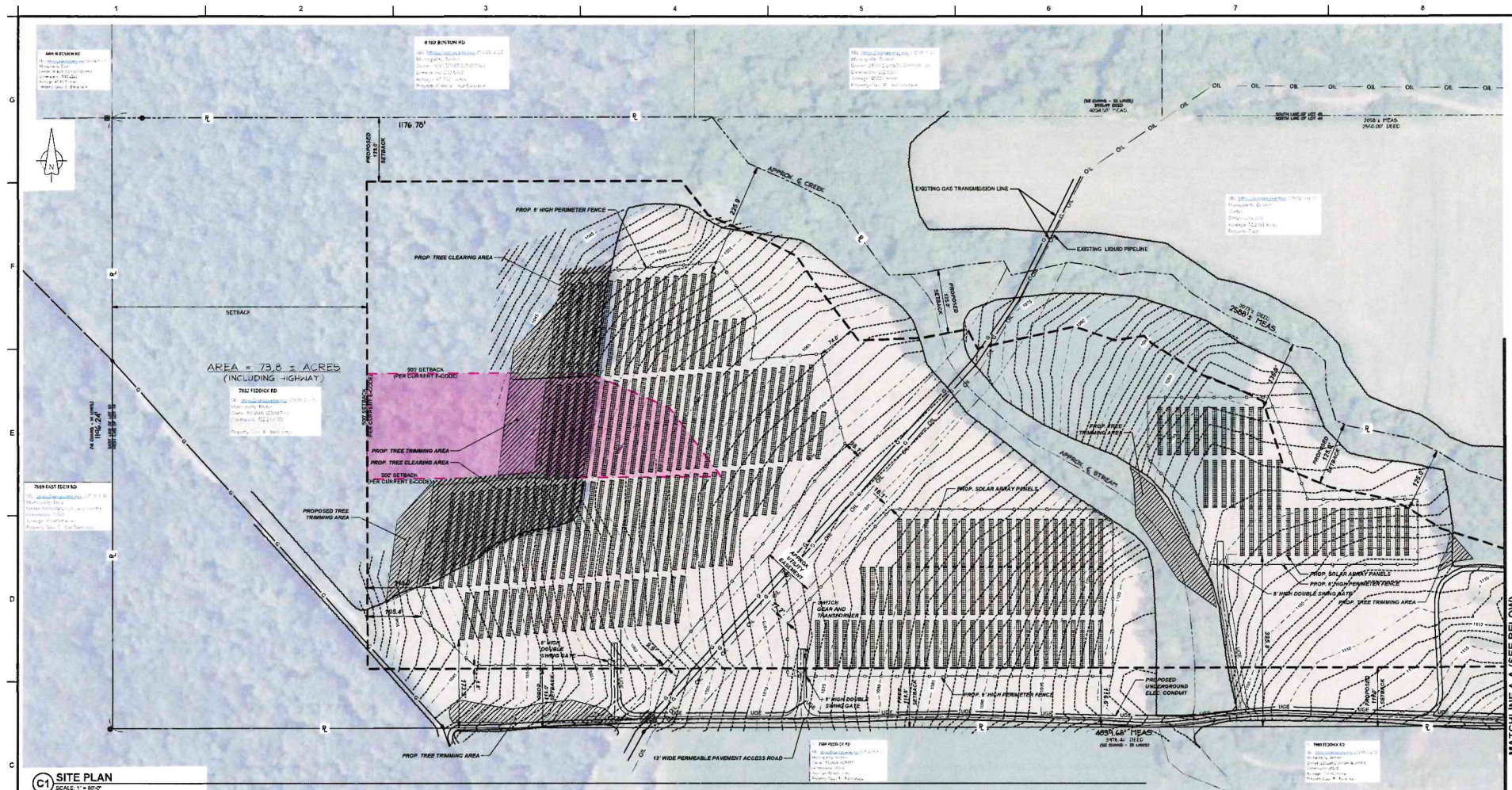
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PROJECT NUMBER: 22-06-001
 DATE: 06-03-23
 DRAWN BY: TFB
 DESIGNED BY: TFB
 CHECKED BY: NAB
 APPROVED BY: AD
 SCALE: AS NOTED

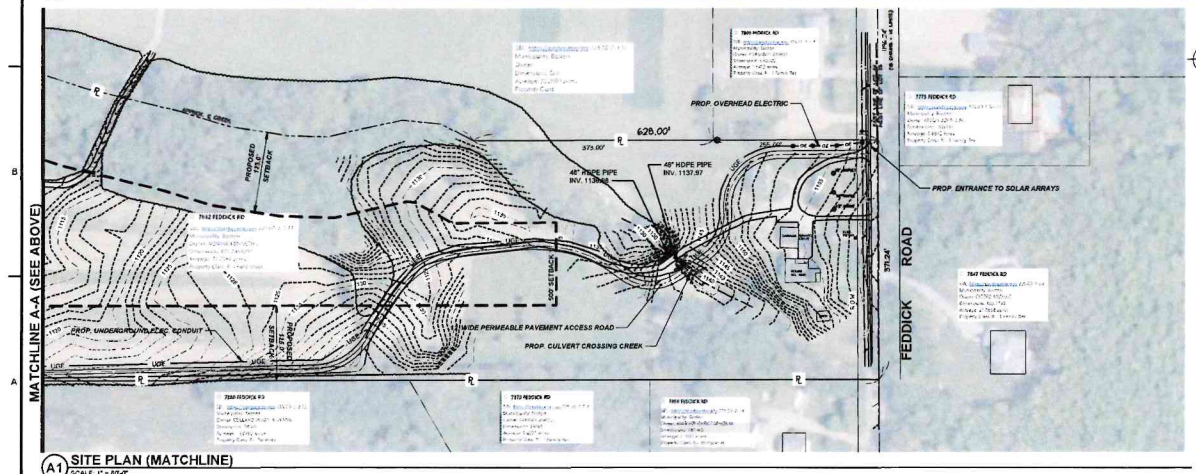
SHEET NO. 1 OF 1



EX-1



(C) SITE PLAN
SCALE 1" = 80' ±

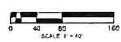


(A) SITE PLAN (MATCHLINE)
SCALE 1" = 80' ±

GENERAL NOTES:

1. ALL UTILITIES TO BE FIELD VERIFIED PRIOR TO THE START OF CONSTRUCTION.
2. ALL OBSTURBED AREAS TO BE TOP-SOILED AND SEEDED IN A SUITABLE TIME FRAME AS TO PREVENT EXCESSIVE EROSION.
3. ZONING (R-4 RESIDENTIAL AGRICULTURE DISTRICT) THE DEVELOPER WILL COMPLY WITH ALL FEDERAL AND STATE LAWS, RULES AND REGULATIONS FOR THE DEVELOPMENT OF THIS PROPERTY.
4. TREE PLANTINGS IF APPLICABLE, TO BE WARRANTED FOR A MINIMUM OF TWO YEARS. DEAD TREES TO BE REPLACED WITH A SIMILAR SPECIES OF EQUAL HEIGHT AS THE ADJACENT TREES.
5. MANUAL LIGHT SWITCH TO BE INSTALLED ON PLATFORM (EXACT LOCATION TO BE DETERMINED IN THE FIELD).
6. WHERE TREES ARE REMOVED FOR CONSTRUCTION PURPOSES, AREAS WITH SLOPES GREATER THAN 2:1 REQUIRE STABILIZATION MATTING AND SEEDING (NYS STANDARDS AND SPECS FOR EROSION AND SEDIMENT CONTROL).

SITE DATA	
APPLICANT: DELAWARE RIVER SOLAR	
7832 FEDDICK ROAD (PROPERTY OWNER - KENNETH NOWAK)	
BOSTON, NY 14015	
CONTACT: PETER DOLOSK (646)996-6485	
CALCULATIONS:	
PARCEL AREA	71.84 ACRES
APPROX. HEIGHT OF SOLAR PANEL (INSTALLED):	10'
EXISTING BUILDING AREA:	NA
EXISTING FARM ROAD AREA:	0.87 ACRES
PROPOSED PERVIOUS ACCESS DRIVE AREA:	1.19 ACRES
TOTAL PERVIOUS DRIVE AREA:	1.19 ACRES
CURRENT ZONING: R-4 (RESIDENTIAL AGRICULTURAL DISTRICT)	
AREA OF PROPOSED SOLAR ARRAYS (FENCE ENCLOSED AREA)	18.34 ACRES
TOTAL OBSTURBED AREA:	5.21 ACRES
BUILDABLE SOLAR ARRAY AREA PER CURRENT ZONING SETBACKS (0.84 ACRES)	



SOLAR PROJECT 3.6 MVA AC
7832 FEDDICK ROAD, BOSTON NY 14075

CONCEPTUAL SITE PLAN

MATCHLINE A-A (SEE BELOW)

REV.	DESCRIPTION	DATE

REGISTERED PROFESSIONAL ENGINEER
PROFESSIONAL ENGINEER IN THE STATE OF NEW YORK
LICENSE NO. 10107

REGULATORY REVIEW
NOT FOR CONSTRUCTION

PROJECT NUMBER	(22-05-001)
DATE	05-14-23
DRAWN BY	TJB
DESIGNED BY	TJB
CHECKED BY	RJP
APPROVED BY	
SCALE	AS NOTED
SHEET NO.	1 OF 1

CP-101