



# 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

Thelma Hornberger  
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

**January 9, 2024 at 730pm**

**Town Hall – Court Room**

- 1) Call Meeting to Order
- 2) Approval of Minutes  
December meeting
- 3) Old Business
  - a. Planning Board to issue a recommendation to the Town Board on a proposed new local law regarding short-term rentals.
- 4) New Business
  - a. Boston Valley Elementary School – Requesting Preliminary Plat Approval of a 2-Lot subdivision to be located on Back Creek Rd and Zimmerman Rd.
  - b. Ray Miranda – Requesting Planning Board review of a request to convert a construction trailer into a temporary drive-thru coffee kiosk at 7072 Boston State Rd
- 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](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](mailto:program.intake@usda.gov).

Planning Board 2023-12-12  
Meeting minutes

Attendees: Dr. Jim Liegl, Jay Jackson, David Stringfellow, Elizabeth Schutt, Attorney Sean Costello, Planning Consultant Sarah DesJardins

Absent: Town Liaison Jennifer Lucachik, Dr. Paul Ziarnowski

1. CALL MEETING TO ORDER

Meeting called to order by Dr. Liegl at 735pm.

2. APPROVAL OF MINUTES

Motion made to approve the October 2023 minutes made by Dr. Liegl

2<sup>nd</sup> by Mr. Jackson

**APPROVED by all members**

Motion made to approve the November 2023 minutes by Dr. Liegl

2<sup>nd</sup> by Ms. Schutt

**APPROVED by all members**

3. OLD BUSINESS:

a. Public Hearing - Ellen Crowley – Requesting Preliminary Plat Approval of a two lot sub-division at 7050 Eckhardt Rd.

Public Hearing opened at 735pm by Dr. Liegl

Any comments/input from the other Board members?

Any letters received? RESPONSE from Board Clerk: None

Motion made by Dr. Liegl that the Planning Board makes a negative declaration pursuant to the State Environmental Quality Review Act for Ellen Crowley's proposed subdivision of a 7.14-acre parcel at 7050 Eckhardt Rd. SBL# 211.000-1-3 into two individual lots. One of 3.07 acres in size and one of 4.07 acres in size as shown on the survey submitted by the applicant dated February 11, 2017. And it is further resolved that the Planning Board of the Town of Boston here by approves the proposed subdivision of a 7.14-acre parcel at 7050 Eckhardt Rd.

**TOWN OF BOSTON PLANNING BOARD**

**SEQRA REVIEW AND APPROVAL FOR TWO LOT SUBDIVISION,  
ELLEN CROWLEY, 7050 ECKHARDT ROAD**

**WHEREAS,** Ellen Crowley has submitted an application, including a survey dated February 11, 2017, for the subdivision of a 7.14-acre parcel at 7050 Eckhardt Road (SBL# 211.000-1-3) into two individual lots, one of 3.07 acres in size and one of 4.07 acres in size, in Boston, New York; and

**WHEREAS,** the Town of Boston Planning Board has plenary authority for subdivision approvals in the Town, and has reviewed the environmental impact of the proposed project at its December 12, 2023, meeting; and

**WHEREAS,** the Planning Board has duly considered the survey and other information provided by the applicant, including proof that the Zoning Board of Appeals had granted a variance relative to the location of a building on one proposed lot, a Short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act ("SEQRA"), and such other information deemed appropriate; and

**WHEREAS**, the Planning Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action is classified as Unlisted with respect to SEQRA; and

**WHEREAS**, Unlisted actions are subject to environmental review under SEQRA; and

**WHEREAS**, the Town of Boston Planning Board is the only involved or interested agency with regard to SEQRA; and

**WHEREAS**, the Planning Board may determine to act as Lead Agency with respect to the environmental review of the project as it has final authority to approve or disapprove subdivision plats; and

**WHEREAS**, there are no other involved agencies, so the environmental review can be uncoordinated; and

**WHEREAS**, the Planning Board hereby has determined that the project will not have a significant adverse impact on the environment; and

**WHEREAS**, the Planning Board has determined that the proposed subdivision is authorized pursuant to the Town Code and meets the requirements thereof, including minimum lot size for the applicable zoning district;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Planning Board of the Town of Boston declares itself as Lead Agency with respect to the environmental review of the project; and

**IT IS FURTHER RESOLVED**, that the Planning Board of the Town of Boston hereby makes a negative declaration pursuant to the State Environmental Quality Review Act for Ellen Crowley's proposed subdivision of a 7.14-acre parcel at 7050 Eckhardt Road (SBL# 211.000-1-3) into two individual lots, one of 3.07 acres in size and one of 4.07 acres in size, as shown on the survey submitted by the applicant dated February 11, 2017; and

**IT IS FURTHER RESOLVED**, that the Planning Board of the Town of Boston hereby approves the proposed subdivision of a 7.14-acre parcel at 7050 Eckhardt Road (SBL# 211.000-1-3) into two individual lots, one of 3.07 acres in size and one of 4.07 acres in size, as shown on the survey submitted by the applicant Ellen Crowley dated February 11, 2017.

2<sup>nd</sup> by Mr. Jackson

**APPROVED by all board members**

Public Hearing closed by Dr. Liegl at 739pm.

Ms. Crowley asked Dr. Liegl what the next step was. **RESPONSE:** Ms. DesJardins directed the applicant to get in touch with Code Enforcement Officer, Tom Murphy.

#### 4. NEW BUSINESS

- a. Planning Board to review proposed new local law regarding short-term rentals.

Ms. DesJardins advised that this will be put on the January agenda and be sent back out. Any comments can be provided before the January meeting.

This item will be tabled for the January meeting.

5. REPORTS

Planning Consultant/Ms. DesJardins – Nothing  
Town Attorney/Sean Costello – Nothing  
Town Board Liaison/Ms. Lucachik – absent  
Board Clerk – nothing

6. Motion made to adjourn

Motion made to adjourn the meeting at by Dr. Liegl at 740pm.  
2<sup>nd</sup> by Mr. Stringfellow

**APPROVED**

DRAFT

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

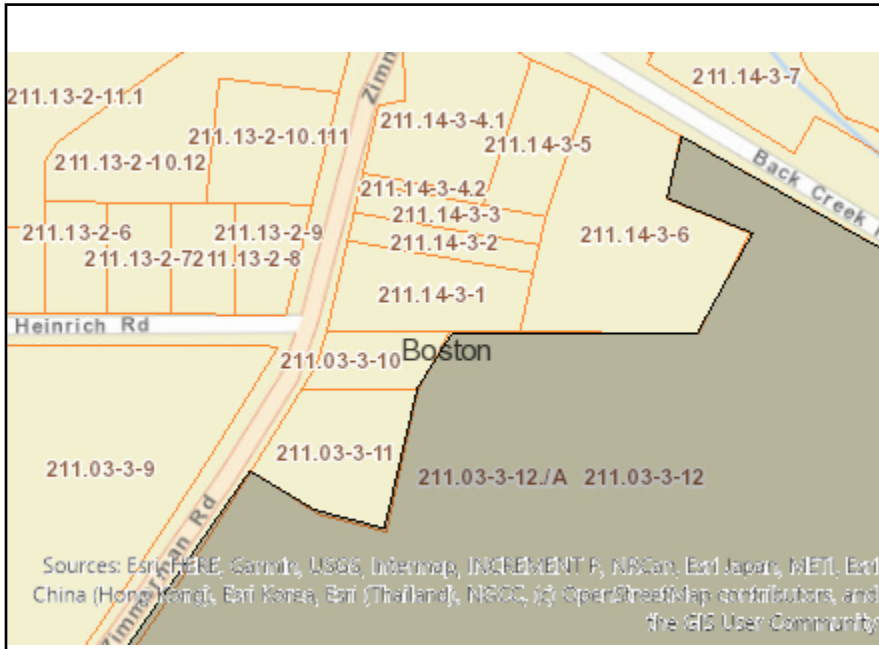
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)				
<input type="checkbox"/> Forest     Agriculture                           Aquatic           Other(Specify):				
<input type="checkbox"/> Parkland				

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____ Signature: <u>Andrew Gow</u> Title: _____		

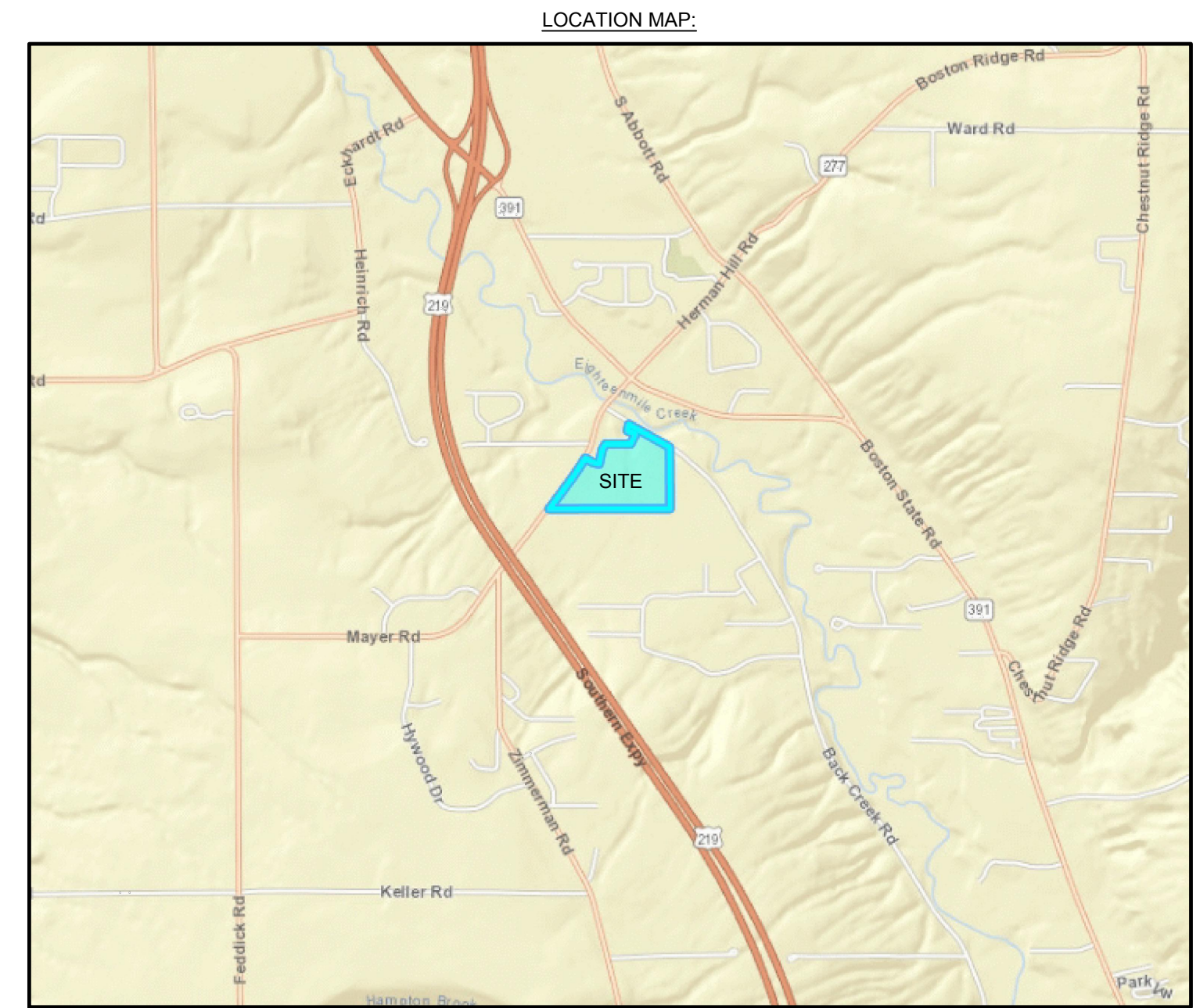
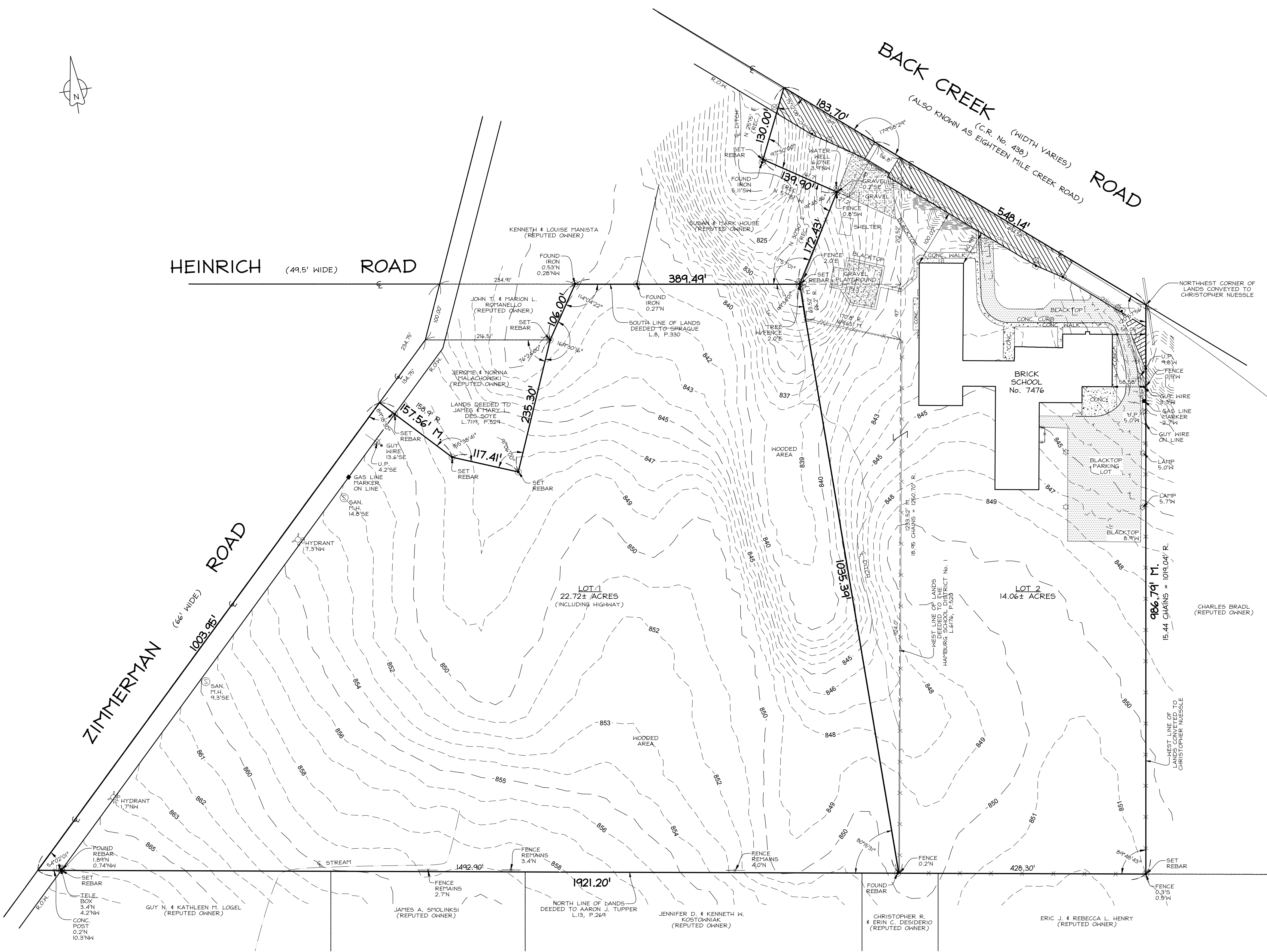
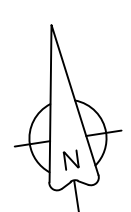


**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No





**SITE INFORMATION:**  
 TOTAL ACREAGE OF SITE = 36.78± ACRES

**PROJECT INFORMATION:**  
 OWNER & APPLICANT: HAMBURG CENTRAL SCHOOL DISTRICT  
 PHONE: 716-646-3200

**PROJECT LOCATION:**  
 7476 BACK CREEK ROAD  
 SBL NO. 211.03-3-12  
 TOWN OF BOSTON, NEW YORK

**ZONING:** R2 SINGLE FAMILY RESIDENTIAL

**MINIMUM LOT SIZE:** 15,000 SQ.FT.

**MINIMUM LOT WIDTH:** 75 FEET

**REQUIRED YARDS:**

- A. **FRONT YARD:** 50 FEET
- B. **SIDE YARDS:** 15 FEET
- C. **REAR YARD:** 30 FEET.

- NOTES:**
- BEARINGS ARE REFERENCED TO NAD83 HORIZONTAL DATUM.
  - CONTOUR ELEVATIONS ARE BASED ON LIDAR DATA COLLECTED BY OTHERS AND REFERENCED TO NAVD88 DATUM

CERTIFICATE OF APPROVAL  
 BY THE TOWN OF BOSTON

\_\_\_\_\_  
 DATE

TITLE \_\_\_\_\_



3556 Lake Shore Road, Suite 500, Buffalo, NY 14219  
 p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification or report is a violation of section 7209, providing for the enforcement of the Engineering Law.

**NUSSBAUMER & CLARKE, INC.**  
 ENGINEERS AND SURVEYORS  
 EST. 1933

**2-LOT MINOR SUBDIVISION**  
**7476 BACK CREEK ROAD**  
 Part of Lot 29, Township 8, Range 7  
 Holland Land Company's Survey  
 Town of Boston  
 County of Erie, State of New York  
 Date of Survey: 11/22/2023 Scale: 1" = 100'

Project No: 17221140