



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

February 13, 2024 at 730pm

Town Hall – Court Room

- 1) Call Meeting to Order
- 2) Approval of Minutes
January meeting
- 3) Old Business
 - a. Public Hearing - Boston Valley Elementary School – Requesting Preliminary Plat Approval of a 2-Lot subdivision to be located on Back Creek Rd and Zimmerman Rd.
- 4) New Business
- 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 2024-01-16
Meeting minutes

Attendees: Dr. Paul Ziarnowski, Jay Jackson, Gary Stisser, Arlene Weiss, Jessica Yuhas, Town Liaison Jennifer Lucachik, Attorney Sean Costello

Absent: Dr. Jim Liegl, David Stringfellow, Elizabeth Schutt, Planning Board Consultant Sarah DesJardins

1. CALL MEETING TO ORDER

Meeting called to order by 7:32pm

2. APPROVAL OF MINUTES

Motion made by Dr. Ziarnowski to **TABLE** the December 2023 meeting minutes for the next 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.

Dr. Ziarnowski: Need to kick this up to the Town Board. Makes a motion on a resolution saying that the Planning Board is in approval with the short-term rental agreement that was proposed for the Town Board to act on.

2nd by Mr. Stisser

Approved

Jennifer/Board Clerk to send a letter to the Town Board

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

This was discussed second

Mr. Andy Gow representing applicant from Nausbaumer and Clarke. Was approached by the Hamburg school district interested in sub-dividing the parcel because the parcel that is on Zimmerman Rd is unused. They feel that parcel could be put to better use as a form of revenue for the school district. Right now, just sub-dividing the parcel. There is no proposed use for the second lot. The school is going to function as it always has in the past but would like to split that lot off so could sell it at some point in the future. It is zoned R2. There are utilities on the lot. Pretty straight forward.

Dr. Ziarnowski: There is no property on Back creek now, the way the line runs, Back Creek property is staying?

RESPONSE: There is no access to Back Creek Rd from the second parcel, vacant parcel.

Ms. Yuhas: How long has this been an idea with the school? RESPONSE: When meeting with the Superintendent, they had planned on doing this quite a while ago, they wrote a legal description and everything, not in the configuration we have now. Something happened and was put on the back burner. It then got resurrected by us (Nausbaumer and Clarke) about 4 months ago.

Dr. Ziarnowski: Heard back in the time that they did not know about sub-divisions and were going to just sell.

RESPONSE: Believe that they almost sold the school

Dr. Ziarnowski: By code, there must be a public hearing. Logistics. Town Council reviewed and saw no glitches or obstacles. Plenty of frontage, all the access is from Zimmerman Rd, not cutting through Back Creek at all.

Attorney Costello: No deed restrictions? RESPONSE: Will leave that up to their attorneys. Currently there are none. They will have 14 acres with the school building itself.

Mr. Jackson asked: Where is the nature trail? RESPONSE: It is close to the new property line.

Ms. Lucachik: It is in the middle, towards the school. (referenced the map)

ANY OTHER QUESTIONS?

Ms. Lucachik: Enter from Zimmerman? RESPONSE: correct. No access from Back Creek.

Mr. Jackson: It would be assigned an address from Zimmerman? RESPONSE: yes.

Ms. Weiss: Being broken up into two lots? RESPONSE: no plans to develop. This would be for a future developer.

Dr. Ziarnowski: This would be 1 and 1 (lots being divided)

No further questions from Town Attorney Costello.

Motion made by Dr. Ziarnowski to schedule a public hearing for February 13, 2024.

2nd by Mr. Jackson.

APPROVED

This is for any neighbors that may have questions.

Ms. Lucachik suggested that they talk to the existing neighbors to possible purchase.

Mr. Jackson: There are no plans at this time.

RESPONSE: They just want to sell the property.

*Dr. Ziarnowski wanted to discuss Ray Miranda before Boston Valley elementary school.

- 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.

Mr. Ziarnowski gave a background. New building for the new Tim Horton's but has had some legal delays. Looking to have something in place to keep the clientele used to having coffee at Tim Horton's without having a gap in the business.

Mr. Miranda spoke to the Planning Board.

Dr. Ziarnowski relayed that the Planning Board has no jurisdiction with what is happening. Code Enforcement Officer Tom Murphy is available with any questions. Advised Mr. Miranda to get all his 'ducks' in a row. Have everything set up with the Health Department, the County with anything that is needed. In the meantime, work with CEO Murphy with what is needed/wanted. Should not be a problem since the communication between the CEO and Mr. Miranda is good.

Mr. Miranda talked with CEO Murphy about the idea. At least have something in place. Must be out (of the existing building) by April 1st in the existing lease. There are no negotiations to stay to service the customers. Looking around July 1st or July 15th, depending on the weather and no further delays. Thought was to put a temporary food truck/trailer in place and proposed office building, which was in phase 2. Talking with Health dept, DOT, contractors about the water, sewer, temporary bathrooms.

Dr. Ziarnowski commented that the bathrooms are for employees only. RESPONSE: yes. The proposition is to explore to bring a temporary food truck in for drive-thru only. With limited hours, a very limited menu, possibly bringing in baked goods and breakfast sandwiches from another location; probably would not do lunch. This is not unprecedented throughout WNY. Example make a delivery in the morning and then another delivery in the evening. Again, very limited product and very limited hours. Would like not to lose the customer base. Mr. Miranda talked about the site's plans: come off the new driveway, come down the existing driveway that has been approved, and instead of going towards the convenient store, customers would continue down around the trailer and then come right back out. Would not disturb any of the construction that would be going on. Depending on when the asphalt plants open, this could be a stone

driveway or as soon as the plants open up, could then put the permanent driveway in. Would prefer to have the permanent driveway in.

Dr. Ziarnowski commented on a discussion with the CEO regarding the dirt and mud from the driveway.

RESPONSE: The sub-base would be put down – stone – to eliminate mud since there are restrictions with the DOT. Adhering to the DOT with the construction site while keeping the road clean. Stacking would be around 20-25 cars so it would not be an issue. Expect to do half or a third of the business that is being done today. Expect less volume. After talking with CEO Murphy, wanted to get in front of the Planning Board to get feedback, it's a concept and ask any questions regarding this temporary solution. Of course, once the new store is complete, this would go away.

Mr. Jackson asked about the reality of getting asphalt? RESPONSE: Depends on the weather but usually open around April. They have opened in March if the weather is good. Again, all dependent on the weather. Can put the sub-base down and stone and then at the mercy of the asphalt plant.

Dr. Ziarnowski wanted to confirm that the road would not be changed. RESPONSE: Correct – it would not be changed.

Dr. Ziarnowski mentioned that Jessica Yuhas was a Full Voting Member for this meeting.

Ms. Weiss asked about the turning lane. It will not come into play now? RESPONSE: correct it would not. Would anticipate the traffic to be less than half. Would lose customers temporarily, hopefully. Would not be serving lunch at all; would look to close early.

Mr. Jackson: There are no building logistics with putting down a street where the building is going to go?

RESPONSE: No. Can put 2–3-inch binder down and then tear it back up.

Mr. Stisser had no questions.

Ms. Yuhas had no questions.

Dr. Ziarnowski asked: Why not just a food truck? RESPONSE: That is one of the considerations. Looking into that, but the Health department has rules for food trucks and bathrooms for the employees. Will need to bring water in by a water truck. The Sardina store ran out of water and had to bring a water truck.

Dr. Ziarnowski advised Mr. Miranda to get with CEO Tom Murphy. Off note: How is the water getting back there? Hydrant or sprinkler? Code says there must be a hydrant within 90ft, correct? RESPONSE: No, 400 ft but short 75 feet. Stipulation is to put a sprinkler in which would then extend to 600ft. The flow for a hydrant is not that great so working with engineers to do that. To bore a 6inch pipe under the road would cost about \$100,000 and to get a 2inch domestic line is \$3800. Big difference but then would need to put in a sprinkler system so working/looking at that option now. Hope it works out.

Dr. Ziarnowski commented that the current landlord does not want to work 'play ball'.

RESPONSE: Unfortunately, no. In fact, the current landlord is trying to evict Mr. Miranda.

Dr. Ziarnowski mentioned that the board has no problem with this. Get with CEO Murphy. RESPONSE: Yes, with get with CEO Murphy.

5. REPORTS

Planning Consultant/Ms. DesJardins – Absent

Town Attorney/Sean Costello – Nothing

Town Board Liaison/Ms. Lucachik – had annually renewal of appointments. No changes. Looking to restructure. Lost some folks from some departments. Looking for another code person to help Murf.

Assessor has a temporary person. Need some people.

Board Clerk – Nothing

6. Motion made to adjourn

Motion made to adjourn the meeting at 753pm by Ms. Yuhas

2nd by Mr. Jackson

APPROVED

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
2nd by Mr. Jackson

APPROVED by all members

Motion made to approve the November 2023 minutes by Dr. Liegl
2nd 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.

2nd 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.
2nd by Mr. Stringfellow

APPROVED

DRAFT