

BOSTON PLANNING BOARD

February 25, 2014

PRESENT: David Stringfellow, Chairman
Jennifer Lucachik, Secretary
David Bowen
Dr. Paul Ziarnowski

ABSENT Mitchell Martin
Mary Ann Rood

ALSO	Jay Boardway	Town Board Liaison
PRESENT:	Thelma Faulring	Secretary to the Boards and Committees
	Lenny Ciolek	Proposed Back Creek Cider Mill project
	Carl Calarco	Proposed Luxury Apartments
	Vince Puglisi	5513 Meadow Drive
	Phil Lasko	5543 Meadow Drive
	Caroline Westcott	7061 Boston State Road
	Philip Zmuda	5620 Meadow Drive
	Kim Sass	5535 Meadow Drive
	Karl Simmeth	6678 Meadowbrook Drive
	Judy Sojda	5546 Meadow Drive
	Bill Sodja	5546 Meadow Drive
	Mary Kruszk	5576 Meadow Drive
	Susan Lasko	5543 Meadow Drive
	Nicholas Huson	5510 Meadow Drive
	Robyn Blenker	5562 Meadow Drive
	David Blenker	5562 Meadow Drive

Chairman Stringfellow called the meeting to order at 7:34 PM in the Community room of the Town Hall.

MINUTES

Mr. Stringfellow asked if there were any correction or additions to the minutes of the February 11, 2014. Being none Mr. Ziarnowski made a motion to accept the minutes, seconded by Mrs. Lucachik and carried.

CORRESPONDENCE

Secretary Faulring reported:

- No General Correspondence
- Town Engineer Hannon and Town Planner Brox reviews were in members folders for at point correspondence
 - Mr. Ciolek and Mr. Calarco were given copies of these reports

Chairman Stringfellow welcomed all residents to the meeting and added that it is good to see concerned residents attend these meetings when warranted. He added that this is not a public hearing and so there will be no public comment allowed this evening. Public comment will be heard if there is a Public Hearing held by the Town Board, they are the Board that approves rezoning requests, upon a favorable recommendation of the Planning Board.

BACK CREEK CIDER MILL – PROPOSED PROJECT DISCUSSION

Mr. Stringfellow described the project to the residents in attendance: proposed cider mill orchards, 33 acres of land at the corner of Rice Road and 219 Expressway.

Mr. Stringfellow stated the site plan review has now been formally referred to the Planning Board for review and recommendation; he asked if the fee had been received.

Secretary Faulring said that it was received earlier in the day.

Mr. Stringfellow: We as a Planning Board feel that this is a good project for this location. We've done a lot of work on this project, the quandary is the zoning. It is currently zoned R-A and it is probably best to rezone part of the property where the buildings are going to be to C-2, a commercial zoning and that will allow you to do retail sales, warehousing, other things that you have said that you would like to do there. We prefer to keep the rest zoned R-A, your intent is that land is to be used as agricultural.

Mr. Ciolek: That's correct. In that zoning if you've got 51% of your total sales inside the market it's deemed agricultural, correct?

Mr. Stringfellow: That is a New York State requirement for a County designated and State approved agriculture.

Mr. Ciolek: Over 51% of what will be produced on site will be utilized in...

Dr. Ziarnowski: In the farm market part.

Mr. Ciolek: Absolutely. I did the whole analysis starting with 2015, as 2014 will be a wash.

Mr. Stringfellow: There is also the cider part of the business which is probably bigger than...

Mr. Ciolek: It is the majority of the business; it's all broken down on these sheets.

Mr. Ciolek distributed Farm Market Yields and Farm Market / Mill Sales by Category. A copy of this report is included with these minutes.

These figures are in comparison to studies done at Penn State, Michigan State and the University of Illinois.

Mr. Ciolek: The trees have been purchased from Mosher Fir Tree Farm – 1800 trees to be delivered in May and the balance of 3400 trees will be delivered in the fall.

Mr. Ciolek continued:

- They will generate some fruit in the fall
- I'm already at 77%
- I'll have corn there
- Pumpkins will all be grown on site
- Majority of apples will be grown on site to be utilized
- As we grow we will have expand our fields

Discussion followed regarding yield from individual trees, which is on the report Mr. Ciolek distributed; bottles per case.

Mr. Ciolek: All of our production isn't going to be done in that facility, our production is still going to be done at Mayer Bros. All the kegs will be done in this facility here, racking them and all the bottles are still going to be done out of Mayer Bros.

Following this discussion:

Dr. Ziarnowski: Doesn't this change the whole outlook of what we talked about?

Mr. Stringfellow: So we have concluded that the farming part of it was not going to produce but a small percentage of...

Mr. Ciolek: Now it's a large percent. I didn't know what the yields were when we talked two weeks ago, then I started to really dig into this stuff.

Dr. Ziarnowski: We were all under the assumption that your entire project for the country and 14 states was going to be out of that facility.

Mr. Ciolek: It's more of an auxiliary facility for us in the back end. One of the reasons we want to ship our keg production there is because of the cost that is incurred to us through our supplier now to do our kegs. We'll press all our stuff there and rack all our kegs there.

Mr. Stringfellow: We had concluded that the biggest part of the business was not really agriculture and the zoning is Agriculture; and now you're saying the biggest part of the business is not going to be done on this property, it's going to be...

Mr. Ciolek: It's not. We've had ongoing discussions with our supplier to make sure they were pursuing that...she said they have darker periods and those periods are when you're running sweet cider, so October November they don't run our hard cider so during those periods we'll probably run our hard cider so we're keeping with the flow, and those are the biggest issues we had and that's why we really looked at this facility, and also the fact that it's a showplace for us, a destination location for people.

Mr. Stringfellow: At this point it sounds like the project does fit the agricultural zoning. What you have submitted falls a little short of what's required for site plan review in some places. I think we're at the point where the Planning Board is in favor of going forward with this project. Do we want to require more before we let him go from Conceptual to Final Site Plan?

Dr. Ziarnowski: The problem with the Conceptual is that according to the Code you're supposed to have the neighbors, the exact lighting, you're supposed to have all these things, but in my mind we can still...that's all open to discussion before the final plan, so to get the ball rolling...looks like it's go.

Discussion went to the building – not a Morton Metal type of building; shaped more like a barn, roof pitch.

Water issue has still not been resolved.

Mrs. Lucachik: I will make the motion to accept this Conceptual for the Back Creek Cider Mill with existing zoning as is.

Dr. Ziarnowski: I second that.

All were in favor of the motion.

DISCUSSION – BOSTON LUXURY APARTMENTS – PROPOSED PROJECT

Planning Board members and Mr. Calarco reviewed the correspondence received.

Carl R. Calarco, Project Engineer, addressed the Board members:

- As stated in my correspondence we've come here before for apartment units
- 3 parcels involved
- Previously requested apartment complex on the southwesterly parcel which would require a change of zoning or some type of variance
- Through discussion Town concerned with what would be done with the other parcels, I did not have that information
- Further discussion with the owner – he really wants apartments – what can we do with the other parcels
- I recognize the concerns that Mr. Hannon and Mr. Brox have pointed out which basically by just started by bringing you this concept because it is much different than when we came to you before
- Basically asking – is this a way that you would go that we could work through – how the zoning would be handled, logistics to be worked out
- If the bottom line is the apartments are going to happen in any way shape or form then Mr. Emerling may not, at this point, consider any development there at this time.
- He has owned this land for many years and is now looking to move forward with apartments
- He is not against moving into some commercial use on the northerly parcel, shown on the north parcel, these types of things – hotel, restaurant, or some other facilities obviously lend themselves to be visible directly off of 219
- I'm here tonight to get your reaction on this approach and see if this is something that you would be willing to consider and if so dive into logistics and start working on how to handle the zoning, SEQR, and all those other things that need to come before anything can happen

Through the following discussion:

- Will be a Planning Board members' comment, question or concern
 - Will be Mr. Calarco's response

Mr. Stringfellow:

- Town Board members have expressed that because another recently approved development in Town and we have a lot of apartments already
- Apartments produce more people per area than residential individual houses
- More people results in more load on the services that the Town has to provide
- We have all seen statistics that universally show that residential property creates more demand for services than the taxes that it generates
- Commercial property generates more taxes than demand for services
- The Town would be happier to see the whole project go commercial
- There are a lot of people here from Meadow Drive that have had an empty field to look at for a long time, that does not mean that Mr. Emerling is obligated to give them an empty field forever, he owns the property, he has the right to do something with it
- Apartments in back of those houses would probably be less obtrusive than a shopping center which could go in here as it is zoned commercial
- There are advantages and disadvantages to doing this

Dr. Ziarnowski:

- When the Town zones a piece of property as C-2 and somebody buys it as C-2, but realizes that it can't be developed as C-2 and then comes to the zoning board and asks for a zoning change we're taking C-2 property in a commercial district off the roles forever
- You can project anything you want on that commercial end and we might end up for the next 20 years with nothing but apartments sitting there; it's a grandiose scheme to that but unless there is a commercial tenant or somebody who is going to develop that piece of property in C-2 then we have ancillary property adjacent that we might want to put in an apartment
- There are other places in Town that we don't have to take the C-2 zoning and change it to put apartments in, rather than to take that prime of property
- Your letter said "we're really wanting to get going on this and that's going to happen the fastest and that's going to give us the best return"; it's going to give you the best return but it's not going to give the Town the best return; it's not doing a whole lot for the Town and the townspeople who are concerned about it; I'm dead against it as far as rezoning that piece of property on that basis of taking commercial property out of that district and making it residential

Mrs. Lucachik:

- Where the entrance is proposed there is too much congestion now and it won't help matters whatsoever, because of the volume of the people that will be leaving at the same time and the same amount of people going in and out of Tim Horton's; getting on and off the 219 and then heading back and forth to the gas stations
- I think it's way too much congestion and that area needs to be fixed now before anymore congestion starts
- What you're planning here is not going to help and I wouldn't approve of it because of where the entrance is
 - You designated this property commercial; you've given lots of reasons for it not to be developed, period
 - A commercial development isn't going to generate any less traffic it's going to generate more depending on what it is
 - An apartment complex can leave in the morning and come back at the end of the work day, that two flows of traffic
 - A commercial entity should, hopefully, be continuous throughout the day into the evening
 - We would need D.O.T.'s comments here, and development that we had here
 - It's an opportunity to have land developed, I understand your concerns, I'm not saying that they are not valid, also I think there has to be some give and take
 - If it's commercial there is still going to be a traffic concern
 - For reference this is out of your comprehensive plan, the back portion of the parcel, and according to your comprehensive plan has been designated for low-density residential although it's currently zoned commercial
 - Being highway commercial, the front part, and mixed use and overlap of mixed use
 - What we're proposing meets the goals of the Comprehensive Plan the way they set that out
 - In terms of some highway commercial, in the terms of a gas station and things of that nature these particular parcels don't have the frontage right on 219, a gas station is not going to work there, people aren't going to drive that far back to get to a gas station, so some of these uses aren't going to work with these particular parcels
 - So then again we come to question what can these parcels be used, what type of development can be done, if any
 - Why not the second entrance on South Abbott – it's not as wide; the grade increases substantially; there is a major power line easement here, chances are they are not going to permit a road to go through there; there is a fiber optic cable there
 - There is a lot more complicated issues with this parcel so we are proposing to leave greenspace, give that back, it's greenspace for the Town
 - We made mention before about how the apartments down here would provide a good transition from this residential district into commercial

Mr. Bowen:

- You commenced your comments by saying that this is an opportunity, I'm not quite sure who it's an opportunity it's for; have you spent time discussing the opportunity with these people that are here; what's the opportunity for them? That's why they're here, they want to see opportunity from their perspective
 - There is a lot to be discussed and there is a lot of planning to be had
 - We don't want to dive into hours and hours and a lot of money in planning if the Board is not going to have a positive reaction to this
 - That's what a Public Hearing would be for – we haven't gotten the people's reaction
 - Would these people here prefer to have a chain store or something right behind them when they'd be looking at that field, or something a little bit less heavy than that
- I think they just want to see opportunity for them
 - Opportunity in terms of what, a store?
- You'd have to ask them
 - There is opportunity for people to stay, you're bringing people into the community; if you have renters there; go across the road or down the road and fill up at the gas station, bolstering business
 - It is bringing people into the community to support the businesses that are there
- I think it's too much on the infrastructure, the amount of units that you have identified here regardless of whatever type buildings that might be I think it's too much for the infrastructure
 - It could be and we would have to have verification from Erie County as to what they would be willing to accept
- But Erie County doesn't plow all of our roads
 - You wouldn't be plowing the roads, there is no intention of turning the roads over to the town

Mr. Stringfellow:

- Then you can't do it, you don't have enough road frontage; remind me what is it you're proposing to change the zoning to?
 - That I ask you at this point, because we've come back with a different approach
 - We're not asking to rezone one parcel
 - We're proposing an overall development plan for the 3 parcels
 - As is stated in here the project is not a planned unit development in the true sense of the Town Code
 - Mr. Calarco read from Mr. Brox's review: This project is not a Planned Development in the true sense of the Town Code; The overall site plan leaves the easterly portion vacant with a path around the edge, and a cluster of retail and hotel on the northerly parcel, a PUD would integrate the uses
 - As stated by Mr. Brox and by Mr. Hannon there are things to be worked out there, yes we would require your direction
- R-3 is the first district that addresses two or more family residences and in R-3 lot width at the building line is 75 feet for a single family dwelling, 100 feet for at two family dwelling and an additional 25 feet for each dwelling unit over two; so you would need 200 feet of road frontage
 - The building line is defined as?
- Lot width at the front line shall be equal to the minimum required lot width at the building line. So your frontage must be 200 feet of public road. If you wanted to do this you would have to build a public road well into this property in order to give you enough frontage to build apartments; you have 60 feet there, that is enough right-of-way for a public road
 - The roadway shown here is 24 feet, I believe your Town regulation calls for 20 feet

Mr. Stringfellow: I would say your answer from the Planning Board is that we are not enthusiastic, some of us definitely unenthusiastic.

Mr. Calarco: The last time we were here we didn't receive any feedback; so what I would like to ask is to get a letter of you non-support, which is what you're prepared to issue at this time, based on the residential use.

Mr. Stringfellow: We don't normally issue a letter we simply make a recommendation to the Town Board who has the authority to do those things. They are the ones who can change zoning, who could approve or not approve site plans.

Mr. Calarco: So again based on, for my clearer understanding, based on residential use; because with commercial we're still going to have issues with traffic getting in and out, public road and those items and infrastructure support, we still have those issues.

Dr. Ziarnowski: Yes and those are for you to figure out. Without the residential zoning change as far as I'm concerned if it's zoned commercial, it stays commercial, you bought it as commercial, develop as commercial and put your apartments in an area that can support apartments.

Mr. Calarco: Your Comprehensive Plan was written in 2000, I don't know what the statistics are now, but it is stated in there that more rental property...

Dr. Ziarnowski: The Comprehensive Plan also, we have a problem as far phased development; and I'm thinking that this phased development is going to be apartments and nothing else commercially for years; and so we're changing commercial property, the Town doesn't benefit financially from it, the neighbors aren't benefitting from it and again it's taking commercial property off the rolls. That's my stand on it and I'm not going to vote for it.

Mr. Calarco: I appreciate your time. Thank you.

LIAISON – COUNCILMAN BOARDWAY

Mr. Boardway reported from the Town Board meeting of February 19, 2014:

- Approved referral of Back Creek Cider Mill project, subject to the payment of fees to the Town Clerk's office which was done
- At the agenda meeting were able again to begin preliminary discussions regarding Code changes
 - Thank you to Secretary Faulring for providing me with previous changes that were proposed
 - We want to form a committee
 - From this Board and others
 - Residents have expressed an interest and have been directed to send a letter of interest to the Town Board
 - Narrow it down to certain sections and attack those first and go on from there
- Received two separate phone calls from residents on Meadow Drive with concerns about the proposed luxury apartments: traffic, speed on Meadow Drive, nightmare at Tim Horton's

TOWN ATTORNEY KOBOLKA

Not in attendance this evening.

Mr. Stringfellow: The next item is adjournment by motion.

Mr. Simmeth: If that developer comes back again will this group have a chance to question that developer at one of your Board meetings before it goes to a public board meeting?

Mr. Stringfellow: There is no real mechanism for public input at Planning Board meetings. The public input comes at a Public Hearing. If there is a zoning change, if he proposes anything that requires a zoning change there will be a Public Hearing. It would be at the Town Board level; the Town Board would call the Public Hearing. That is the time the public can express their opinions and the person proposing the project describes first and the Town Board listens to what everybody has to say and then has to make a decision.

Mr. Boardway: One of the concerns expressed to me today was that they thought that this was a hidden, secret thing and it was just popped on the public and they weren't notified. The agenda for Planning Board meetings does appear on the Town website, every two weeks, assuming there is an agenda. But specifically with respect to what Chairman Stringfellow just said: the Public Hearings are run a little bit differently, they're run by the Town Board, upstairs. Depending on what the actual reason for the Public Hearing is, particularly for a zoning change, all the property owners which touch that parcel will get notified by mail. There are also Public Notices of all Public Hearings published in the 'Hamburg Sun'. Additionally the Town has provisions for parcels that are under application for rezoning, we actually post a physical sign on the property, which you would be able to see, we don't try to hide these things; they are put in a very prominent place. But again the residents that are immediately surrounding that parcel get a letter in the mail from the Town of Boston advising you that there is a Public Hearing on this issue, on this day at this time. We want to hear your opinions please come back and let us know, that's how that works.

Mrs. Lucachik: Please look at the website and review it continuously; the minutes are posted as soon as we approve them; the agenda is posted as soon as Thelma gets formalized agenda items. That allows you the chance to come and hear what has been said and you are more than welcome to write a letter, please don't sign it anonymous. We really want to give you feedback; if you sign it anonymous we can't really do much with it. Obtaining information from people that live in the area is very important and we're trying to represent the Town; getting input is really important. The way that the Planning Board is structured is not a public feedback type of session, but obviously we're open to having you attend to hear the discussions.

Mr. Simmeth: You should also announce that you are looking for members.

Mr. Stringfellow: Seriously we do need new members.

Dr. Ziarnowski: It's a seven member board with two alternates.

Mr. Bowen made a motion to adjourn (8:24 PM), seconded by Dr. Ziarnowski, and carried

Respectfully submitted,

Jennifer Lucachik
Secretary

A Work Session for the members followed the Regular Meeting.