

PRESENT: David Stringfellow, Chairman
Jennifer Lucachik, Secretary
Mitchell Martin
Mary Ann Rood
Dr. Paul Ziarnowski

ABSENT David Bowen

ALSO Michael Kobiolka Town Attorney
PRESENT: Jay Boardway Town Board Liaison
Thelma Faulring Secretary to the Boards and Committees
Lenny Ciolek Proposed Back Creek Cider Mill project

Chairman Stringfellow called the meeting to order at 7:30 PM.

MINUTES

Mr. Stringfellow asked if there were any correction or additions to the minutes of the January 28, 2014. Being none Mr. Ziarnowski made a motion to accept the minutes, seconded by Mr. Martin and carried.

CORRESPONDENCE

Secretary Faulring reported:

- Code Enforcement Officer Ferguson’s January end of month report – in folders
- Training Certificates received for Mitch Martin and David Stringfellow for December; Jennifer Lucachik, Mary Ann Rood, David Stringfellow and Paul Ziarnowski for January
- Letter received from David Filighera, d.b.a. Vacinek Plumbing, Heating and Roofing regarding the property at 8308 Boston State Road
 - Is to be used as business and sales office
 - Storage
 - No changes to the existing building on site
 - If any changes are to be made in the future – he will contact the building department for the proper permits
 - Operating hours are Monday through Friday 8:00 AM – 4:30 PM

Mr. Stringfellow questioned the zoning; is a site plan review required for a change of use at this location?

Discussion followed regarding what requires site plan review.

Secretary Faulring stated that the Code Enforcement Officer had no problem with that business going in at this location as what was stated in the letter were all accepted uses under this zoning.

Mr. Stringfellow will check into this further.

There was no further correspondence.

BACK CREEK CIDER MILL – PROPOSED PROJECT DISCUSSION

Secretary Faulring gave Mr. Ciolek an application for building permit.

Mr. Stringfellow: I think you were advised to come to the Planning Board, and you did that, it may not have been the best advice. You do need to file a Conceptual Plot Plan with the Town Clerk to start the process; and that has not been done. What’s included in that is listed in the Code. I believe you were sent a copy of the sections of the Code that applies. You may need an engineer to help you through this...

Mr. Ciolek: I’ve done that. I’ve done all this – I’ve sent you guys a preapproval on all the site plans – a conceptual idea of what we want to do. Last time we talked about it informally, now I’ve got the 11 copies of what has to be submitted for conceptual approval. So I need to file something else on top of those?

Mr. Stringfellow: Those should have been filed with the Town Clerk at least two weeks before the meeting at which they will be considered; that’s in the Code, you must have read it. They have not been filed with the Town Clerk yet.

Mr. Ciolek: I have them right here.

Secretary Faulring: It formally has not been referred to the Planning Board by the Town Board.

Mr. Stringfellow: That’s true. The Town Board is the board that approves site plans. They refer them to the Planning Board for us to do the review and we make a recommendation back to them.

Mr. Stringfellow: Do you have a SEQR form filled out?

Mr. Ciolek: I do.

Mr. Stringfellow: Do you have a building permit application filled out?

Mr. Ciolek distributed packages to the members which did include an application for building permit, short EAF form, the actual site plan itself.

Mr. Ciolek: This is not the official site plan but what we wish to accomplish,, what the building will look like, where the plot is located, letter of intent.

Mr. Stringfellow: I'm not sure how far the Planning Board can go tonight because it has not been filed with the Clerk and the Town Board has not asked us to review it.

Mr. Ciolek: Quite honestly I was not aware of that; had I known that I definitely would have filed that; and I'm working with a project manager that obviously knows the Boston Code so I think he would help me with that.

Mr. Kobiolka: Town Engineer Hannon would like the Long Form SEQR completed, it's over 25 acres, he wants to see the drainage...

Discussion followed again regarding the proposed cider mill:

- Planning Board member, Town Attorney, or Liaison
 - Mr. Ciolek

- RA Zoning does not allow manufacturing and retail
- 51% of the products sold has to come from that property
 - Intent is to do that in the future
 - Probably 5 years to produce the amount of product needed
 - Would need to plant more acres
 - Was told that I need concept approval; want to get this project under way
- Rezoning -- may be difficult to C-1 or C-2 in an R-A district; can't spot zone; spot zoning would allow other unwanted businesses at this location
 - Erie County will zone to a County AG district, but not until November and we're aiming for a Labor Day opening
- The Farm Bureau will still require you to have a 51% sale of product from the land
- C-2 will not allow for an alcoholic beverage
- Is liquor license needed?
 - Not if produced in NYS
- If can't get rezoned possibly go for a Use Variance at the Zoning Board of Appeals
- What is total investment?
 - 2 million

Note: Discussion went to an e-mail that was sent to members; 'Guidelines for review of local laws affecting farm distilleries, breweries and wineries.' Distilled and brewed products and wine must be composed of 50% or more on farm produced grains, hops, grapes or other fruit.

Mr. Stringfellow: I recall that zoning one property different than the properties around it is not spot zoning if there is a reason for doing that, as for instance this is a property that is well suited for what he is planning to use it for, and it is right next to an expressway where people are not going to build houses.

- Well water -- not allowed for commercial use
 - Budgeted for water filtration
- On the plan: elevations are not readable, neighboring property owners are not identified, conceptual calls for fifty feet from the project site, final calls for 200 feet from the project site -- might as well do the 200 feet up front; other dimensions; existing and proposed lighting. All these requirements are in the Code Section that was sent to you.
- Use the whole apple or is there waste
 - The pumice is sold to farmers for livestock feed
 - No dumping of waste product will be done on site
 - Water is mostly for clean-up
- Noise?
 - No outside noise
 - A slight hum from the carbo-cooler
 - 219 Expressway will be louder

Mr. Stringfellow: At this point we need to keep working on our homework and try to figure out how we can make this work and you need to file a conceptual plot plan with the Town Clerk.

- I don't want to just file that if I'm looking to get some other rezoning, I want to get it all done as fast as I can, I don't want to keep waiting two weeks to do that, we're trying to get the project moved along as quick as you want it. So my suggestion would be that if you're telling me that this might not go through the way it's zoned now then tell me that now and we'll go for the variance and go for that aspect right away
- You would still have to do the conceptual
 - My engineer said to just go right to the Planning Board

Further discussion about the 51%, rezoning to meet the requirement or Use Variance

- You need to file at least what is listed under Conceptual Plot Plan, showing all adjacent properties, streets, buildings and street within 50 feet from this property; get your engineer on board and maybe have him attend a meeting with you.

Discussion followed regarding the process: Town Clerk (by noon on Thursday, February 13) to be on Town Board agenda to Planning Board (by Tuesday, February 18) for review and recommendation to the Town Board.

Mr. Stringfellow: Have you engineer address the well water issue.

Discussion then went to signage.

Mr. Ciolek: We'll get this done right down to the letter and have it here by noon on Thursday. IF there are things on there that are pending we will write a note that these things are forthcoming over the next two or three business days.

Mr. Boardway: The important thing is that you have to Thelma by Tuesday in anticipation of us approving it on Wednesday and sending it right back here; a submission to get it on the agenda by noon Thursday in the Clerk's office.

Mrs. Lucachik made a motion to table discussion until the next meeting, seconded by Mrs. Rood and carried.

LIAISON – COUNCILMAN BOARDWAY

Mr. Boardway reported from the Town Board meeting of February 5, 2014:

- Did not receive grant to finish Mill Street drainage project
 - Exploring other options to finish that project
- Water District on west hill
 - Income surveys have been sent to approximately 160 -180 residents affected in that water district
 - About 40% of required returns have been received
 - I think 61 % is the required return percent needed
- Updated the Board about this cider mill project and they are all in favor of it
- Code Book updates
 - We're looking for the review that was started a few years ago; does anyone know what happened to those papers
 - We really need to get this project going
 - Jen (Town Clerk Mulé) has some very interesting and innovative ideas

Discussion followed regarding:

Code Book revision and updates; what other Towns are doing: façades, signs;

Training received in Orchard Park 'Form Based Codes.'

Determining who should be on Code Book revisions – appropriate persons for different sections

Dr. Ziamowski: Where is the water district?

Mr. Boardway: Rockwood Road to Shero; have been in the district and paying for it but not receiving water; boundaries have not been expanded.

Mr. Stringfellow: Is the Town Board aware that the Comprehensive Plan specifically recommends maintaining the rural areas of the hills by not extending water districts?

Mr. Boardway: I think Jim Hannon pointed that out to Jeff Genzel at one point in time; that's a catch-22. People have been promised that for some time that have been paying for water.

Mr. Stringfellow: Applying for a grant, if that is what you would do, for something that is in direct violation of the Comprehensive Plan is not likely to get you that grant.

TOWN ATTORNEY KOBOLKA

Nothing further for this evening.

Mrs. Lucachik made a motion to adjourn (9:00 PM), seconded by Mrs. Rood and carried.

Respectfully submitted,

Thelma Faulring
Secretary to the Boards and Committees