

PRESENT: David Stringfellow Chairman
Paul Ziarnowski Vice Chairman
Dave Bowen
James Liegl
Mary Ann Rood

ABSENT: Jennifer Lucachik Secretary
Mitch Martin

ALSO Michael Kobiolka Town attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
Sarah desJardins Planning Consultant
Don Schreiber Applicant – 7849 Boston State Road –Boston Self Storage
Elizabeth Schutt Observer

Chairman Stringfellow called the meeting to order at 7:30 PM. and asked if there were any additions or corrections to the draft minutes of May 26, 2015.

Several corrections were made to the ‘draft minutes’ of May 26, with those corrections Mr. Stringfellow made a motion to accept the minutes, seconded by Dr. Ziarnowski and carried.

CORRESPONDENCE

Secretary Faulring reported:

- Code Enforcement Officer Ferguson’s May end-of-month report
- Planning Board letter sent to Town Board with a favorable recommendation for the approval of Hamburg Overhead Door site plan

- At point correspondence received
 - Boston Self Storage
 - Town Planner review

SITE PLAN REVIEW – 7849 Boston State Road – Boston Self Storage

Mr. Kobiolka: Was tabled at my request. I checked and what I found is, what I was checking is whether or not the applicant came before this Board and before the Town Board and had a total application, a total revision, a total recommendation in terms of what he was going to do. And you know what? I found that he did not have a total applicant, but I find further that when an applicant comes in front of this Board, and doesn’t ask for just site plan review but asks for rezoning that that is what the applicant is going to do, not further application, because I’ve seen that, I saw that the other night in Hamburg, and I was somewhat concerned about what happened to him. When you come in front of a board, this Board and you say I want a rezone, not I want a site plan review I want a rezoning and this is what I’m going to do. Okay then the Planning Board takes a look at it, the residents are notified of a Public Hearing and they can come in and they can express yea, nay, whatever they want to say it doesn’t matter. But then the applicant changes it; there is no public hearing on this, there is no neighbor coming in saying ‘ya know what, I don’t want those things to close to my house, I don’t want them across the street from me; what are you doing?’ You’re changing what the public has a right to know about and I object to that. I object to that on the basic grounds that it’s not fair to our residents; and yes he has a right to do what he wants and that’s fine, but give our residents a chance to have a hearing on it, and what he’s doing; and it’s not just you sir, I’m not just picking on him. But it’s a flaw in the system and the flaw in the system is this, you come in and ask for a rezoning based on a, b, c, d

whatever and everybody looks at it and says well that's okay and then the applicant comes back and says 'you know what I want now, on this vacant part, which is now rezoned that everybody approved publicly, I want to start doing this. Is that fair to our residents? There might be a whole lot of residents that don't like this.

Mr. Bowen: Why do you define it as a flaw?

Mr. Kobiolka: It's a flaw because they don't have a right to say anything.

Mr. Bowen: I don't think it's a flaw. There was not a public hearing on the final plan or site as it occurs, so there isn't a flaw, there wasn't a public hearing...

Mr. Kobiolka: As proposed. But now you start changing the proposal.

Mr. Bowen: That's what I mean, there wasn't a public hearing on the changed proposal.

Mr. Kobiolka: It's my opinion, and yes there is room for argument. My recommendation is that the application be denied just, it's not fair to the Town.

Dr. Ziarnowski: If I have a piece of property rezoned and it's rezoned C-2, I can never do anything else on that piece of property?

Mr. Stringfellow: Forever? Look at Hamburg Overhead Door. That was zoned C-2 to put up the warehouse, then they added garages in the back, they were back last week adding more in the front. Every time we consider a rezoning we consider the fact that once you zone this property C-2 it can be used for any use that is allowed in a C-2 zone.

Dr. Ziarnowski: We've talked about that with other projects, we were afraid that if we rezoned it, it could be something that we didn't want.

Mr. Kobiolka: And has anybody talked to the tax assessor in terms of how this is going to be taxed?

Dr. Ziarnowski: We don't even know yet if it's going to be a permanent or a...

Mr. Kobiolka: That's the problem. You don't know what's going to be permanent, you don't know what's going to be taxable. Many members on this Board complained, three, four years ago when individuals on this Board saying 'ya know we don't like mobile homes because they're not really taxable.' Well people are living in them and whatever. This gentleman wants to put units there which are not even attached to the ground...

Dr. Ziarnowski: Mike, I have a couple of issues and before we go into Executive Session I think we should have Mr. Schreiber say what his intents are, how would that be? Because you're jumping ahead saying it isn't this, it isn't this, we don't even know what it is; he's going to explain that tonight.

Mr. Schreiber: As far as the Public Hearing, I did have a zoning variance which was actually at a Public Hearing, people came and knew exactly where the building was going to be. Second of all it is going to be a permanent structure so it will have a foundation and it will be built to look exactly like the other parts of the building. It will be taxed based on the structure or whatever the Assessor assesses it at. The next is the landscaping and you can see on the plan where the trees are proposed to go and I wanted to ask what is the standard caliper size?

Mrs. desJardins: Most towns recommend 2½ inches.

Mr. Bowen: How high would a tree be at 2½ inches?

Mrs. desJardins: That depends on what kind of tree it is.

Mr. Schreiber: There are white pines, I'll probably go with White Pines, they grow the fastest, and the River Birch again are another very fast, there is a River Birch that sits by the pumping station now, so it will kind of go into contract with the River Birch that is already there.

Mrs. desJardins: How tall would these be, when they're planted?

Mr. Schreiber: Probably 6 feet. Across the street he's got white pine so that's my guess...

Mr. Kobiolka: No. He's got Colorado Blue Spruce half way are dying. You represented to this Board that you would have some type of berry plants bayberry plants or whatever that within, eventually

would be four to six feet, they been there for 3 years none of them are more than 18 inches and none of them are going to be more than 18 inches.

Dr. Ziarnowski: Did you go over and measure them?

Mr. Kobiolka: I did, I did.

Dr. Ziarnowski: So did I and if I put you under 6 feet of snow for half the winter I bet you'd only be 18 inches too. We had one hell of a winter.

Mr. Kobiolka: That doesn't do anything for our Town Paul.

Mr. Stringfellow: Let's get things back in order here.

In regard to the barberry bushes I looked them up on the internet, what I could find that was that color, it grows to a height of about 5 feet and a width of about 5 feet if you let it alone, they are close enough together that it will eventually be a hedge, it will take a while but it will eventually be a hedge

Mrs. desJardins: I called Andy Gow at Nussbaumer and Clark, and asked if he checked to make sure that this is scaled at 50 feet; and he said that it wasn't originally but it is now, so I scaled it at work on Monday and agree that it is at 50 feet.

Mr. Stringfellow: Pine trees and deciduous trees if left alone in 10 years will be huge and there will be nothing at ground level but the trunks and they provide no screening at all.

Mr. Schreiber: The spruces at my house and they go right to the base and I put them in when they were 5 feet, it took a good 10 years but they grew in tight; I also have White Pine at my house and they grew right to the bottom

Mr. Stringfellow: Is there anything else from the Board members.

There were no further questions or comments from the members.

Mr. Stringfellow: I have no problem with this is there someone who wants to make a motion?

Dr. Ziarnowski: I make the motion to accept with the comments that Sarah made on the plan, the landscaping.

Mrs. Rood: I'll second.

Mr. Stringfellow: We probably need to clarify: the comments that Sarah made is a little vague.

Dr. Ziarnowski: 3 White Pine, 3 River Birch with a caliper of at least 2½ inches.

Mr. Bowen: This is permanent?

Dr. Ziarnowski: And amend my motion to include permanent structure.

Mrs. Rood: I second.

All members were in favor of the motion.

LIAISON – COUNCILMAN BOARDWAY

Mr. Stringfellow: The Liaison is not in attendance tonight. Does anyone have a report from him?

Mr. Kobiolka: I do not.

Secretary Faulring: I do not.

TOWN ATTORNEY KOBOLKA

Mr. Kobiolka reported:

We are still waiting for any resolution from the NYS Department of Hygiene in terms of whether or not they are going to allow a group home on the corner of Omphalius Road. We had a hearing on April 30th; very good attendance, we had over 200 people; we had NYS Senator Gallivan; Assembly DiPietro; we had our County Comptroller Stefan Mychajliw; our Town Supervisor; our Highway Supervisor; Councilman Genzel; over 200 people there. And we presented what I thought would be a strong case.

Mr. Kobiolka, con't.

However the Hearing Officer just wanted to hear how many disabled people the Town of Boston is really providing homes for. The thing is we have 3 homes. We got 2 in the Town and 1 across the street on Ward Road going up toward Orchard Park. So I think for a small town we do have our limit on amount of people. And the real concern is I don't think the Town really objects to having disabled people in this Town, we embrace them, we take care of them, down by Boston Fire Company, they go to St. John's Church, we have them on Boston State Road right down by Patchin, nobody really seems to have a problem; what they do have a problem with is the fact that these individuals may be sex offenders and when you introduce that little factor into it, big factor, people become generally concerned and rightfully so. So we're just waiting to hear back from them. I think the Town intends to contest it; we have, this Town has a lot at stake. I don't know why the Hearing Officer and other individuals would want to put disabled people on top of a hill that has access to no facilities; there is no food there, there is no restaurants there, there's no recreation, there's no...where you gonna go, run down the street which leaves everybody to believe that 'what are you putting them in the middle of nowhere for?'

SUMMER SCHEDULE

Following discussion, checking schedules , checking calendars and making sure that a quorum would be present it was determined to schedule meetings on: Tuesday, July 7 and Tuesday, August 11

Mr. Stringfellow: Does anyone have anything else they want to bring up?

Mr. Stringfellow: I do want to hold an Executive Session with regard to a personnel matter, I would like to adjourn this meeting , go into Executive Session and not come back into a Regular Meeting after the Executive Session; and I would like only the Board members present at the Executive Session. So at this time I will make a motion that we adjourn the Regular Meeting (8:03 PM).

Mrs. Rood: Second.

All were in favor of the motion.

Respectfully submitted,

Thelma Faulring
Secretary to Boards & Committees