

PRESENT: David Stringfellow, Chairman
Paul Ziarnowski, Vice Chairman
Jennifer Lucachik, Secretary
David Bowen
Mary Ann Rood

ABSENT: James Liegl
Mitch Martin

ALSO	Caroline Lerczak	Griffith Institute – Participant in Government student
PRESENT:	Kaylie Keller	Griffith Institute - .
	Damian Fisher	Griffith Institute
	Nolan Gillis	Griffith Institute
	Garrett Frank	Griffith Institute
	Keri Frank	Griffith Institute
	Julie Galluzzi	Raphael’s Restaurant
	? Kevin Monaco ?	Raphael’s Restaurant
	Michael Solak	6727 Redwing Drive

Chairman Stringfellow called the meeting to order at 7:30 PM
Mr. Stringfellow asked if there were any corrections or additions to the minutes of October 14, 2014.
Being none, Dr. Ziarnowski made a motion to accept the minutes, seconded by Mrs. Rood and carried.

GENERAL CORRESPONDENCE

Secretary Faulring reported:

- Code Enforcement Officer Ferguson’s September end of month report
- Previously mailed to members – Training opportunity on October 22, 2014 in Orchard Park at 5:30 PM

PRELIMINARY DISCUSSION – 8936 BOSTON STATE ROAD – PROPOSED RESTAURANT

Mr. Stringfellow: Is there anyone here to speak for the restaurant? What you’ve submitted is enough to let us know that you are planning, hoping to open a restaurant in an existing building; is that correct?

Julie Galluzzi – 6983 Ward Road, Orchard Park
That is correct.

Mr. Stringfellow: This building has been a restaurant in the past and I believe that it has not been used for more than a year.

Ms. Galluzzi: Correct

Mr. Stringfellow: So it will have to go through Site Plan Review. The first step of Site Plan Review is submittal of a Conceptual Site Plan, which is clearly described in Section 93 of the Town of Boston Code. What you have submitted so far gives us an idea of what you have in mind but does not meet the requirements for Conceptual Site Plan.

Ms. Galuzzi: Okay.

Mr. Stringfellow: Any of the Board members have any comments on the general idea of this?

Mrs. Lucachik: What is the exact address of this? The address on the survey and the address that is in the letter are different. The one on the letter is 8936 and the one on the survey 8964.

Ms. Galluzzi: I just have 8936 Boston State Road. I will have to look at the papers that are at home.

Mr. Stringfellow: At this time we really don’t have enough information to go much further with this. We need a Conceptual Site Plan and the other items that are included in the Town Code involved with that. You need to get a copy of the Town Code and submit what it is required for Conceptual Site Plan.

Ms. Galluzzi: Where do I get that?

Dr. Ziarnowski: It’s on-line; go to e-code town of Boston, and it will come up.

Mrs. Lucachik: I have a cheat sheet that you can use for Conceptual and Final Site Plan and all the requirements for the process. You can also check the regulations at the Town of Boston website.

Dr. Ziarnowski: What is the submittal date for the next meeting?

Secretary Faulring: For the November 25th meeting, I would need by November 18, or sooner to be on the November 25 agenda.

Mr. Stringfellow: Is there a motion to table discussion?

Dr. Ziarnowski: I move that we table until a Conceptual Plot Plan is submitted.

Mrs. Lucachik: I'll second.

All were in favor of the motion.

Mr. Stringfellow: We will continue with the agenda until 7:45 at which time we will begin the Public Hearing; we cannot begin the Public Hearing earlier than the time that was published in the paper and in the letters to the neighbors.

LIAISON – COUNCILMAN BOARDWAY

Mr. Boardway was not in attendance at this evening's meeting.

TOWN ATTORNEY KOBIOŁKA

Mr. Kobiolka was not in attendance at this evening's meeting.

Mr. Stringfellow: We will take a five minute recess until 7:45 PM.

7:45 P.M.

PUBLIC HEARING ON PRELIMINARY PLAT PLAN
PROPOSED HEINRICH ROAD SUBDIVISION

PRESENT: David Stringfellow, Chairman
Paul Ziarnowski, Vice Chairman
Jennifer Lucachik, Secretary
David Bowen
Mary Ann Rood

ABSENT: James Liegl
Mitch Martin

ALSO	Caroline Lerczak	Griffith Institute – Participant in Government student
PRESENT:	Kaylie Keller	Griffith Institute - .
	Damian Fisher	Griffith Institute
	Nolan Gillis	Griffith Institute
	Garrett Frank	Griffith Institute
	Keri Frank	Griffith Institute
	Andrew Romanowski	4247 Camp Road – Contractor for Heinrich Road subdivision
	Chris Wood	487 Main Street, Buffalo – Engineer for Heinrich Road subdivision
	Michael Solak	6727 Redwing Drive
	Lynette Heinen	7340 Heinrich Road
	William Heinen	7340 Heinrich Road
	Michael Zittel	7235 Heinrich Road
	Doug Cleveland	7280 Heinrich Road
	Tina Lynch	7313 Heinrich Road
	Allan Telaak	(7646 Feddick Road – did not sign in)

Mr. Stringfellow: It's 7:45 PM I will open the Public Hearing on the Preliminary Plot Plan for the Heinrich Subdivision. This is the first of two opportunities that interested citizens get to speak on this project. If you wish to speak, come to the microphone, state your name and address, limit your comments to no more than 3 minutes and please do not repeat the same things that speakers in front of you have already said. At this point I believe that all owners of property adjacent to the site that is proposed to be subdivided were notified by mail and provided a drawing of what the subdivision is intended to be. If there is anyone here who wishes to speak please come forward to the microphone.

Bill Heinen – 7340 Heinrich Road

- I'm on the lower side of the property in question
- Concerned with some water issues, some drainage
- As it is now the driveway floods out Heinrich Road in heavy rains storms
- If they build houses up there I', going to have the silt running down the hill plugging up my culverts, and I want to know am I responsible for that if they do plug or is somebody else going to be responsible?
- I have a 1000 foot driveway and it is a lot to maintain; a couple plugged culvert pipes is going to affect my pocketbook
- I'd like to see less lots in there, I think that it's a little small for six lots
- Those are my concerns. Thank you.

Mr. Stringfellow: The zoning in that area is a minimum of 3 acres, those is only one lot that is as small as 3 acres; yes everybody would like fewer houses where they are, we understand that, but it does meet all the zoning requirements. Is there anything that the developer would like to say at this point?

Andrew Romanowski

- I'm with Alliance Homes and ARR Holdings with offices at 4727 Camp Road in Hamburg; we're the owner of the property
- We do have approved site plan and erosion control plan in place
- Are aware of your concerns of bringing water to the street; there is a plan that includes some swales and check dams to keep water from coming down; there is a road ditch there
- Our smallest lot is a shade over 3 acres and the largest one is almost 10
- Driveways will be offset
- Houses won't be lined up
- We will be able to do some things that will minimize water flow to street

Dave Panek – 7415 Feddick Road

- May da actually owns the property on the west side of the lots that are going in
- It's very wet in that area where our property borders that
- We wouldn't want anything put in that would obstruct water from flowing the way it naturally has off the land, it goes downhill from basically, Mayer Road down through Telaak's property and down through our's and continues toward Heinrich Road
- Our area is zoned agricultural
- We do hunt the property
- They're obviously putting flag lots in, and putting houses we are concerned as how close they are going to be to the property line
- We won't have the use of our property that we've had for years in the same way that we have had if we have to worry about being 500 feet from a structure on neighboring property

Mr. Wood:

- The houses on the flag lots will be the minimum distance from the road
- When somebody purchases a lot they have the right to move it further back on the site
- There are side rear setbacks that the Town establishes that they have to comply with as a minimum
- Practically speaking it wouldn't make sense...
- What we legally have to comply with are the Town's rear yard setback that's 30 feet

Mr. Panek: So essentially then 470 from there we can no longer use the woods they way we would like to use it. It's just a concern that we have; obviously we've lived there, it's fourth generation of homeowners there and we think it's a legitimate concern. I realize legally we have no ground to stand on but just a concern that we've got.

Allen Telaak - (7646 Feddick Road)

- We're up on Feddick Road just besides Panek's up there
- This property is downwind from our operating dairy farm
- We just want to make sure that whoever buys those lots knows that they are downwind from a dairy farm and it is an agricultural district
- We don't want to have to worry about any complaints coming from down there
- The more residents we have down there the more people we're going to have coming up through the woods – 4-wheelers, motorcycles, horses going through our property and our fields and stuff like that
- The less residential area we have around us, the better we would like it

- When they do start digging down there, there's going to be erosion concerns because that ground has never been disturbed before

Mr. Stringfellow: Would anybody else like to speak?

Mr. Stringfellow: If there are no other speakers then we will close the public hearing at this time.

Dr. Ziarnowski: You all understand why they had to come here for this subdivision; are you all familiar with that? They could have put up 2 fewer houses, 2 fewer lots and not had to come to us. But the law is such that the 6 lots makes them have to show what they're doing, to the Town. And so it's just a process it's not roads going in, it's not your typical subdivision where you have new streets and streetlights to deal with here. It's their personal property and because they want to put in six lots they have to come before us. To avoid any confusion on that part that's the reason that they're here at the hearing.

Mr. Telaak: Will every lot have its own specific driveway?

Mr. Stringfellow: That is the intent.

Mr. Telaak: So then there will be six separate driveways all water running down to the road ditch then. That will make that much more blacktop, cement, hard packed ground, whatever, running down towards Heinrich Road, so you'll have that much more water on Heinrich Road coming down where now it's going into the ground.

Mr. Stringfellow: Some of it may be coming down faster because the ground is...

Mr. Telaak: Quite a bit more coming down fast.

Mr. Stringfellow: But it always did flow downhill there and it still will.

Mr. Telaak: But there will be a lot more flowing downhill now without percolating into the ground.

Mr. Wood: Amount of disturbance on each lot is about a 1/4 of an acre out of the total lot size; out of the footprint of the house about 2000 or 3000 square feet at the most; then you would have the driveway and it's not really practical to pave it all the way back, so we expect the portion of the driveway to be stone, we've also worked with the Town Engineer to come up with an erosion-sediment control plan that addresses the runoff on either side, there will be a ditch on either side of the proposed driveways that lead down to Heinrich Road ditch, before it enters the ditch will be a length of rip rap stone in there to slow down the erosion. Does that answer your question?

Mrs. Lucachik: One other thing that I would like to add we have asked that a performance bond for the drainage be issued so we will not approve the plan without a performance bond which means that they would have to fix any problems with the drainage. Is that correct?

Mr. Wood: I don't know that's the first I've heard of it.

Mrs. Lucachik: We discussed it at one of the meetings, it's in the minutes.

Mr. Wood: We'll talk to the engineer.

Dr. Ziarnowski: Mr. Telaak, this is a 'right to farm community' so keep doing what you're doing, so it's buyer beware.

Mr. Telaak: That's what I'd put into their deeds or agreements when they buy their lots, that it is in there so they know that.

Mr. Stringfellow: This Board realizes that when any property is developed it has some effect on the neighboring properties. The other side of that issue is that when someone has bought property he has invested money in it, if he has owned it for any length of time he has continued to pay taxes on it and we are in a free country he has the right to develop that land as he sees fit as long as it meets the zoning requirements of the town in which it is located. At this time I don't see any good reason to not approve this subdivision or at least to approve the preliminary plat. So I will introduce a motion that we approve the Preliminary Plat with the condition that a Performance Bond will be required and an amount to be determined by the Town Engineer after his review of the project to cover any possible drainage issues that occur when or after the subdivision is built for whatever length of time the Town Engineer recommends. Is there a second to that?

Mrs. Rood: I second.

All were in favor of the motion.

Mr. Stringfellow: The Public hearing for the Final Plot Plan is scheduled for Wednesday, November 12, 2014 at 7:30 PM here in the court room.

Dr. Ziarnowski: We've been having meetings all along when the preliminaries came up. I moved out to the country for a quality of life and unfortunately I couldn't buy up the whole Town. But I would hope that the developer has some sensitivities to the neighbors who have been looking blank fields for all these years and urges his buyers to do things environmentally as far as lighting goes not lighting up the skies, not lighting up the area so you're not sitting on your porch looking at a spotlight going on and other things. He doesn't have total control over that but that he could lean people in that direction. That's always my concern for people that have been looking at a vacant blank fields for all those years and now

all of a sudden, progress, it's like you can never move out far enough. But unfortunately he met all of the regs to do this and he owns the property; but again hopefully sensitivity on your part to make nice around the neighbors and go that way.

Mr. Stringfellow: We have nothing else on our agenda for this evening, is there a motion to adjourn?

Mrs. Lucachik: I move that we adjourn the meeting.

Dr. Ziarnowski: Second

All were in favor of the motion.

Respectfully submitted,

Thelma Faulring
Secretary to The Boards and Committees