

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

ABSENT: Mitchell Martin
 Anthony Zeniuk

ALSO PRESENT: Michael Kobiolka Town Attorney
 Thelma Faulring Secretary to the Boards and Committees
 Richard Brox Planning Consultant
 Andrew Hilton Attorney for Moon Subdivision project
 Jeff Genzel Councilman – Town board Liaison

Bob Sandy	5055 Mayer Road	
Dorothy Sandy	5055 Mayer Road	
Gail Krause	5059 Mayer Road	
Nikki Gawron	7601 Zimmerman Road	
Colleen Stachewicz	Owner – Lot #2	4970 Mt. Vernon Blvd., Hamburg
Mino Casali	Owner – Lot #2	4970 Mt. Vernon Blvd., Hamburg
Deb Reinecke	7737 Feddick Road	
Wendy Cicero	Owner – Lot #4	20 Pinetree Road, Lancaster
Mike Cicero	Owner – Lot #4	20 Pinetree Drive, Lancaster
Gary Warner	7862 Feddick Road	
Sandy Warner	7862 Feddick Road	
Cindy Baranowski	5080 Mayer Road	

Chairman Stringfellow opened the Public Hearing at 7:15 PM.

Mrs. Lucachik read the Public Hearing notice.

Mr. Stringfellow: At the earlier hearing on the preliminary plat the Environmental Impact work had not yet been completed; that work has now been completed. Just a few words about that environmental impact:

- There are no new roads to be built
- There are no sewer mains to be built or extended
- There are no water lines to be built or extended
- The property involved is not close to the boundary of any other town
- There was no need to coordinate with any other municipal organization other than the Town of Boston
- The impact work was done by the Town’s engineering firm and at this time I will ask the Secretary to read the results of that report

Mrs. Lucachik read:

- State Environmental Quality Review
- Negative Declaration
- Notice of Determination of Non-Significance
- Dated August 13, 2013
- Letter received from Hannon Engineering

Mr. Stringfellow: On the recommendation of the Town Engineer James Hannon that the Boston Planning Board act as Lead Agency: It has been determined after taking a long hard look into the proposed subdivision of John Moon on the corner of Feddick and Mayer Roads in the Town of Boston that the proposed action will not have a

significant impact on the environment and declare a Negative Declaration in that no further action is required per 6 NYCCR Part 617, that's the environmental part of the State Code. We need a motion by the Planning Board to accept that Negative Declaration.

Dr. Ziarnowski: I'll make a motion to accept the Negative Declaration.

Mr. Stringfellow: Thank you, do we have a second?

Mrs. Lucachik: I second.

Mr. Stringfellow: We have a motion and a second. All in favor say aye.

All were in favor of the motion.

Mr. Stringfellow: The Negative Declaration has been accepted.

Mr. Stringfellow: Has any correspondence been received by the Town in regard to this subdivision?

Secretary Faulring: No.

Mr. Stringfellow: Mr. Kobiolka, Town Attorney, will explain where we are and where we are going with this.

Mr. Kobiolka:

- This is the second of two required Public Hearings for the Town to establish a subdivision
- We are fortunate to have Mr. Hilton, the attorney here, that he might be able to answer some of the questions the prior attorney couldn't answer, we certainly hope and are quite certain that he will be
- After tonight's Public Hearing the Board will have an option to either approve the subdivision, approve the subdivisions with conditions or disapprove the subdivision
- Shortly the Chairman will be opening up the floor
- I believe the applicant will be making a statement
- The Board will be asking the applicant questions
- And Then questions from the public

Mr. Stringfellow: Thank you Mr. Kobiolka that is indeed the way we plan to go here this evening. Mr. Hilton do you have anything that you would like to say at this time?

Andrew Hilton: For the Board and also for the benefit of the residents that are here I just want to acknowledge:

- That there are a number of considerations that the Board put on the subdivision, the proposed subdivision
- And we tried to comply with each and every one of them
- The actual subdivision itself is not a true subdivision – what's it's doing is respecting that lots can be, in a sense, built on each road
- Each subdivision lot here is in excess of the minimum Town requirements
- So what we're doing by filing the subdivision plan is actually creating a subdivision with greater lots sizes than what is permitted under the existing code
- So the subdivision plan actually allows for larger sized lots
- As we indicated the lots are pre-existing on pre-existing roads
- Any housing would have to be in conformity with any other housing that would otherwise be allowed on these pre-existing roads
- So we think that the impact as the environmental aforementioned is negative
- There's no impact on the community or the use of the community
- What the community should be concerned about is how any kind of growth is going to impact their neighborhoods, impact anything from their view to the street to their kids safety
- Because you have lots that exceed the minimum subdivision lots, if anything this is going to create a lower impact on the community which could be allowed otherwise
- Also significantly the interior portion of the lot while not being subject to any sort of environmental conservation easement, nevertheless is being reserved as a single sub-lot which will prohibit
 - Future subdivision
 - No one is going to be running a street back there

- Building homes behind other peoples' lots
- Will create additional greenspace for the neighborhood, for the community
- So there is large compromise being proposed both by the Town and by my client that this center lot, this huge greenspace of over 18 acres is going to be preserved as a single lot, and it's not going to be subject to further subdivision or development
- Those are all the comments I have, thank you

Mr. Kobiolka: On that center lot that is being preserved and deed restrictions on it, is your client okay with that?

Mr. Hilton: Yes, sir.

Mr. Kobiolka: For the public: the deed restrictions which we put in would require the consents of the other owners if that interior parcel was ever to be divided. So every lot owner would have to sign off and agree to it. The reason I put that in was that maybe someone adjoining to them may like another ten/twenty feet to add to their land and so it could be parceled off if the owner wants it. So it is in the deed restriction and Mr. Moon agreed to it.

Mr. Stringfellow: At this time any of the Planning Board members are welcome to bring forward any questions to Mr. Hilton or to anyone else.

Mr. Brox: I'm the Town Planning Consultant and I would like to point out that the 18 acre lot that's being reserved to the rear only 115 feet of frontage on Feddick Road; it would be called flag lot and the home would have to be towards the back portion of the 18 acres.

Mrs. Lucachik: With the deed restriction, the revised version, it would freeze that lot unless the other landowners surrounding it agree to whomever wants to purchase portions of that or that lot?

Mr. Kobiolka: Right, that's correct.

Mr. Stringfellow: I believe that deed restriction would not prevent Mr. Moon from selling that entire lot just as it is, correct?

Mr. Kobiolka: Yes, that's correct he can sell it.

Mrs. Lucachik: It keeps it from being a single home lot if he wants to divide that further.

Mr. Stringfellow: If he should want to divide that further he would need the consent of all the landowners in that subdivision.

Mr. Bowen: Who are the owners in the subdivision?

Mr. Stringfellow: They are listed on the map and the one that was mailed out to everyone. The portions in white on the map are excluded. One more thing I would like to explain: When the preliminary plat was drawn there were two lots, the southernmost lots on Feddick Road, were owned by Mr. Gawron, those lots were later combined into a single one lot, they are now deeded with Erie County as a single lot, they are on the Tax Map as a single lot. So we changed the plot plan for the final version to show them as a single lot so that when it is filed it will agree with what the deeds are in the County Courthouse. Doing that it eliminated one lot so what was lot #5 is now lot #4, it's the same owner the same property, the same place all we did was change the lot number. We had to do that to make a number on each lot. Lot 5 is now #4, Lot 6 is now #5 and what was 7 is now #6. Those are the only differences between the Preliminary Plot Plan and the Final Plot Plan.

Mr. Stringfellow: We will now open the floor to any interested party who is here and wishes to speak to this issue.

(7:30 PM)

Mr. Stringfellow: It appears that no one has any more questions or wishes to speak to speak to it. In that case we will close the Public Comment portion of the Public Hearing. (7:31 PM) We are now at the point where the Planning Board can choose to vote on accepting this as final plat tonight or reserve the vote for our next meeting, which is a week from tonight.

Does any Planning Board member wish to introduce a motion one way or the other?

Mr. Bowen I make a motion we vote on it tonight.

Mrs. Lucachik: Second

Mr. Stringfellow: Thelma would you call a roll call vote please?

Mr. Kobiolka: If the motion is that it's going to approve the acceptance be a condition upon the deed restriction being filed with the approved plot plan.

Mr. Stringfellow: Yes, absolutely Mr. Kobiolka, thank you. The Deed Restriction as described tonight is to be filed with the plot plan. Thelma.

Secretary Faulring: This is the motion to approve the Plot Plan? I just want to be sure.

Mr. Stringfellow: Yes, with the condition that the deed restriction as presented tonight is to be filed with the plot plan.

Secretary Faulring: The motion is to approve.

Mr. Bowen I approve

Mrs. Lucachik aye

Mrs. Rood aye

Dr. Ziarnowski aye

Mr. Stringfellow yes

Mr. Stringfellow: The vote appears to be unanimous. The Final Plot Plan is hereby approved. At this time could I have a motion to adjourn the Public Hearing?

Mrs. Lucachik: I make a motion to adjourn.

Mrs. Rood: Second.

Mr. Stringfellow: The Public Hearing is adjourned, Thank you for attendance, your concern, your interest in this. We do appreciate it when residents come out and express their opinions.

Dr. Ziarnowski announced that the Planning Board is looking for interested residents to become members of the Planning Board.

Respectfully submitted,

Jennifer Lucachik
Secretary