

PRESENT: David Stringfellow Chairman
 Paul Ziarnowski Vice Chairman
 Jennifer Lucachik Secretary
 Dave Bowen
 Jim Liegl
 Mitch Martin
 Mary Ann Rood

ABSENT: Jay Boardway Town Board Liaison

ALSO Michael Kobiolka Town attorney
 PRESENT: Thelma Faulring Secretary to the Boards and Committees
 Elizabeth Schutt Prospective member
 Bill Solak Applicant – Quaker Estates II – Duplex on Brown Hill Road

Chairman Stringfellow called the meeting to order at 7:32 PM. and asked if there were any additions or corrections to the draft minutes of July 7, 2015. Being none Dr. Ziarnowski made a motion to accept the minutes, seconded by Mrs. Lucachik and carried.

CORRESPONDENCE

Secretary Faulring reported:

- C.E.O. Ferguson’s E-O-Y report and E-O-M reports June – December 2015
- Elizabeth Schutt’s letter of request for appointment dated August 6, 2015
- Memo to Planning Board members dated December 2, 2015 with registration form to attend Association of Towns Conference February 14 – 17, 2016, in N.Y.C.
- E-mail dated January 15, 2016 from Paul Ziarnowski requesting reappointment to Planning Board
- Town Board letter dated January 28, 2016 advising Dr. Ziarnowski of his reappointment with a term expiration of February 1, 2023

Mrs. Lucachik added that she would like to thank Chairman Stringfellow for the October 21, 2015 letter sent to Code Enforcement Office Ferguson, with the Town Planner reviewing everything before it comes to the Planning Board for review: ‘it’s fantastic.’

SITE PLAN REVIEW – Duplex on Brown Hill Road (3:58)

Mr. Stringfellow: Our Town Planner Sarah desJardins was in Pennsylvania with her father and very ill mother. Sarah did look at his and her comment was it meets all the requirements of the Code and she had nothing to add or bring up. Are you the applicant? Do you have anything to say before we start?

Mr. Solak: Yes, I’m William Solak. I think it’s pretty self- explanatory. Kind of an ambiguous thing but it’s a large parcel, 45 acres so there’s plenty of land.

Mr. Stringfellow: Do Planning Board member have questions?

Dr. Ziarnowski: That whole 45 acres was Schichtel’s trees right.

Mr. Solak: Correct.

Dr. Ziarnowski: Are they staying?

Mr. Solak: They’re going to be taking them out of there.

Dr. Ziarnowski: Do you own the whole property?

Mr. Solak: Actually my brother-in-law owns the whole property. It’s Roy Emerling.

Dr. Ziarnowski: Is there a master plan for that, does he have a big picture in mind?

Mr. Solak: No.

Mr. Stringfellow: Is there some plan at this time for more development than the one duplex?

Mr. Solak: At this point no.

Mr. Stringfellow: You are aware that duplex in a R-A zone requires 5 acres.

Mr. Solak: Correct.

Mr. Stringfellow: So if you do anything else you have to divide the property up and the duplex that you're proposing now on 48 acres will still have to have 5?

Mr. Solak: Correct.

Dr. Ziarnowski: Then number of properties you put on that after four would have to go through subdivision, which we would need a subdivision plat for.

Mr. Solak: Alright, five is the number that creates a subdivision, correct?

Mr. Stringfellow: Yes.

Dr. Ziarnowski: By Town law there is no time limit, State law there is a time limit.

Mr. Stringfellow: Would anyone like to recommend that the Town Board approve this?

Dr. Ziarnowski: There was a question on why we look at duplexes on the Board here and I know there is some history with triplexes going in over the years, is that what precipitated this whole thing?

Mr. Stringfellow: Sarah has a part-time job with the Town of Hamburg Planning Board. I believe her comment was in Hamburg duplexes do not have to go to Planning Board. Our Code says it does and unless we want to try to change the Code, it does.

Mr. Martin: These other properties they're all Emerling properties? Would this be part of this and divided off?

Mr. Solak: No.

Mr. Martin: They were never part of this property?

Mr. Solak: I don't know that they were never part of it. What Paul was saying if and these were peeled off, five is the maximum, you're already at five.

Mr. Solak: These were independent lots and had nothing to, this was separate...

Mr. Martin: If this was part of this and was taken off and created separately if that was four time here you're actually passed your maximum. I personally think that we should table it and find out if this was part of that property at some point before we proceed.

Mr. Solak: Question, if this property was ever one piece of property, then....

Mr. Martin: They would have had to request a subdivision.

A discussion continued regarding subdivision of property.

Mr. Martin: I make a motion to determine...

Mrs. Lucachik: May I add that that I did not see an Environmental Assessment Form which discusses total acreage of the proposed action, total acreage to be physically disturbed and talks about any approval for permitting; it kind of goes through some of what is on here with the sewage and stuff and that might answer some of our questions.

Mr. Stringfellow: It looks like there are questions here, we need to table this and consider it again at our next meeting.

Mr. Bowen: I'll second Mitch's motion to table.

Mr. Solak So I understand what the Code is: at what point do you determine that a piece of land is a certain entity and then it's subdivided? This could have been part of another piece of property.

Mr. Martin: And there may be in the past 20, 30, 40 years ago there may be a request for a subdivision. I just want to know if these parcels were part of this property and may have already been peeled off and you're at your maximum. Which would ultimately mean that you would have to come back and just ask for a subdivision. I'm just trying to do it right.

More discussion followed regarding the four existing houses, Valley Trucking – were they or were they not part of this property Pointing to the submitted site plan referring to 'this piece here' and 'that piece'

Mr. Martin: Point of order, we have a motion and a second.

Mr. Stringfellow: Any further discussion on the motion, being none all in favor say aye.

All were in favor of the motion to table discussion.

Following is the post motion discussion.

Mr. Stringfellow: You will be on the agenda for the next meeting.

Dr. Ziarnowski: Do we need anything from him

Mr. Stringfellow: I don't know what to ask for/

Mr. Bowen: I'd like the deed history.

Dr. Ziarnowski: Right. The deeds to the properties both the original parcel that all those houses are on, Richies and Maury's and

Mrs. Lucachik: The Short Environment Assessment needs to be completed.

Mr. Kobiolka: You can probably get most of that information from the assessor's office. The parcelling off, the SBL #'s. The one thing this Board didn't discuss is why this came, was referred back down from the Town Board to the Planning Board I think was because of the Site Plan Review, the only two things as I read it which are exempt from site plan review are farm buildings and single family homes and this is a duplex. You may want to start thinking about some type; I don't imagine it would be major a driveway and some brush and some trees.

Mr. Solak: Okay so what was your point? I was writing...

Mr. Kobiolka: You have to have a site plan further development of the lot. Do we have trees on there?

Mr. Stringfellow: Plantings, driveways are not shown.

Mr. Kobiolka: If the Board finds it acceptable.

Mrs. Lucachik: No, that doesn't give me a lot of information. I can assume where the driveway is going to be because of where the garages are. If we need to follow the Code then we follow the Code. If it says that you need a site plan then you get a site plan.

Mr. Stringfellow: Any other questions?

Mr. Solak: No.

Mr. Stringfellow: We are finished with this item then.

Discussion followed.

At this point Mr. Solak displayed the elevations of the duplex.

Discussion followed.

The Board reiterated what is needed to be shown on the site plan.

Mr. Stringfellow: We are probably asking for more than what you can get ready in one week so as soon as you can get it ready submit it and we will put it on the agenda for the following meeting; but it does have to be to Thelma at a least a week before the meeting.

Mr. Solak: So you need the Conceptual Site plan with driveways showing, the plantings...

Mr. Stringfellow: Yes.

Dr. Ziarnowski: Is there any lighting?

Mr. Stringfellow: The Environmental Assessment Form. Actually you need to look at the Town Code which is available on-line and submit a site plan that meets those requirements

Mrs. Lucachik: I gave him a copy of what is required for the conceptual and the final to help guide him.

Dr. Ziarnowski: Is this speculation or is there a, no offense but you've got this whole big hunk of property...what are going to do with it?

Mr. Solak: Just wanted to put a structure there. There is already structures across the street we just...

Dr. Ziarnowski: It's still in the back of mind that there has to be a plan somewhere. What's going on other than plopping a house 51 acres or whatever it is. Is it already sold?

Mr. Solak: It's not sold no.

Discussion followed regarding future inception for the remaining property.

Mr. Stringfellow stopped further discussion and went on to the next agenda item. (25:22)

CONCEPT DISCUSSION OR CONCEPTUAL SITE PLAN?

Mr. Stringfellow: Nest item on the agenda was the one that Sarah wanted to bring up Concept Discussion vs. Conceptual Site Plan. Sarah is not here I think we will let that go and put it on the agenda for the next meeting.

PLANNING BOARD SCHEDULE FOR NEW APPLICATIONS

Mr. Stringfellow: The next item is the Planning Board schedule for new applications. That I believe is the 'Welcome to the Town of Boston letter. It was written before we had Sarah and before we were having her review things ahead of time so it will need to be changed. Has everybody looked at it and considered what changes need to be made. Has anybody?

Dr. Ziarnowski: Let's take it off and do it next time.

Secretary Faulring: I have. I don't want to speak for Sarah but I believe that she feels that conceptual discussion should be 'what is the concept of what you're proposing' is the Planning Board going to be in favor of that type thing in Boston; is there a problem with having another duplex on Brown hill Road when there's already three across the road;

Dr. Ziarnowski: Before we get to this stage?

Secretary Faulring: Before we even get to this where; because she can see the applicant's hesitation in supplying 12 or 13 site plans, present one let her go over it and then if need be bring in the site plans for everyone to review. She was very surprised that a duplex was having to go to Planning Board. She said we're one of the very few towns that does this. And when Bill was first here as Code Enforcement Officer he had an application for a duplex and just issued the Building Permit and was told at that time 'you can't do that' and he was also very surprised that a duplex had to go through Planning Board. When he worked in Hamburg a duplex did not go to Planning Board so he just gave them the permit and was told to rescind it, you can't do that. That's is their feelings on duplexes anyways. Sarah's feeling was that if meets all setbacks and height and everything else, she was just really surprised.

Dr. Ziarnowski: That would have to be a Code change. I feel that it gives us some control over not having a metropolis of duplexes.

Mr. Stringfellow: And if that Code change were put in all of the discussion that came up tonight would never happen they would have just gotten a permit and built it.

Mr. Bowen: But in context that discussion should have taken place someplace.

Mr. Stringfellow: I think we should put that one on the agenda for the next meeting.

Discussion followed.

LIAISON – COUNCILMAN BOARDWAY

Mr. Stringfellow: The next item is the Liaison from the Town Board. I have no idea who our Liaison is this year, do you know Mr. Kobiolka.

Mr. Kobiolka: I think it's still Mr. Boardway, I believe. I don't think there's been a change there.

Mr. Stringfellow: Since he is not here we'll assume that there is nothing, unless you have something to bring up.

Mr. Kobiolka: Where do we cut off the line for the subdivisions? Do we do it by time, by ownership? If someone buys 200 acres of land and divides it four times and is now in his fifth does that mean the other 180 acres has to stay vacant forever, what takes place on the change of ownership, or what takes place when 5 years, 3 years have gone by, 7 years? We don't have that in our Code, it's not specific; we don't a time limit on it but the State does.

Mrs. Rood: Does the State's supersede ours or is it the reverse?

Dr. Ziarnowski: No it's the other way around.

Mr. Kobiolka: That would require a change in the Code and it's going to come up again. I don't know how to advise you because the Code doesn't say, but he's got 54 acres of land what's he going to do, let it sit there?

Mr. Stringfellow: We have got to change the Code, it can't be forever because if it's forever then every lot is a subdivision.

Discussion went to the parcel of land on Rice Road with a for sale sign with eight lots for sale; and how would a new Building Inspector know its history

TOWN ATTORNEY KOBIOŁKA

Mr. Kobiolka advised the Members of an Informative Hearing scheduled for February 11, 2016 at 6:30 PM for the residents on Cole Road and Omphalius road regarding the proposed group home on that corner.

ELECTION OF OFFICERS

Chairman

Dr. Ziarnowski nominated David Stringfellow for Chairman for 2016, seconded by Mrs., Lucachik.

There were no other nominations for Chairman.

Mr. Martin made a motion for the Secretary to cast one ballot for Mr. Stringfellow for Chairman, seconded by Mr. Liegl and carried.

Ballot cast.

Vice Chairman

Mrs. Rood nominated Paul Ziarnowski for Vice Chairman for 2016, seconded by Mrs., Lucachik.

There were no other nominations for Vice Chairman.

Mrs. Rood made a motion for the Secretary to cast one ballot for Dr. Ziarnowski for Vice Chairman, seconded by Mr. Martin and carried.

Ballot cast.

Secretary

Mrs. Rood nominated Jennifer Lucachik for Secretary for 2016, seconded by Dr. Ziarnowski.

There were no other nominations for Secretary.

Mrs. Rood made a motion for the Secretary to cast one ballot for Mrs. Lucachik as Secretary, seconded by Dr. Ziarnowski and carried.

Ballot cast.

Chairman Stringfellow asked that letter be sent to the Town Board advising them of the election results.

EXECUTIVE SESSION

- Enter Executive Session by motion
 - Mrs. Lucachik made a motion to go into Executive Session, seconded by Dr. Ziarnowski and carried
 - Discussion for the Regular Members off the record
- Return to Regular Session by motion
 - Mr. Liegl made a motion to return to Regular Session, seconded by Dr. Ziarnowski and carried
- Motion with recommendation
 - Mrs. Lucachik made a motion to recommend the appointment of Elizabeth Schutt as an Alternate Member, seconded by Dr. Ziarnowski and carried.

Chairman Stringfellow asked that letter be sent to the Town Board with this recommendation.

ADJOURNMENT BY MOTION

Mr. Stringfellow asked if there were any further business for this evening. Being none Dr. Ziarnowski made the motion to adjourn (8:38 PM) seconded by Mr. Liegl and carried.

Respectfully submitted,

Thelma Faulring
Secretary to the Boards and Committees