

MEMBERS Paul Ziarnowski Chairman  
PRESENT: James Liegl Vice Chairman  
David Bowen  
Keith Pelkey  
Elizabeth Schutt  
David Stringfellow

ABSENT: n/a

ALSO Sean Costello Town Attorney  
PRESENT: Sarah desJardins Planning Consultant  
Councilwoman Lucachik Liaison  
Thelma Faulring Secretary to the Boards and Committees  
Allison Koczur Secretary to the Boards  
Diana Weiss Meadow Drive  
Judy Sojdin Meadow Drive  
Bill Sojdin Meadow Drive  
Kim Sass Meadow Drive  
Bill Solak Mixed Use Project  
Jacob Metzger Mixed Use Project  
Sean Hopkins Mixed Use Project  
Jeffrey Fisher Lower East Hill Build  
Chelsea Benning Lower East Hill Build

MEETING TO ORDER

Chairman Ziarnowski called the meeting to order at 7:30 P.M.

DISCUSSION – Special Use Permit, vacant land on Lower East Hill Rd.

Chairman Ziarnowski called the applicant forward to “tell the board your story”.

Jeffrey Fisher/Chelsea Benning

- Looking to put up new construction, a stable and living area, would like to have horses on the property

Chairman Ziarnowski: Now you came to us, to the board, with incomplete information here. You kind of came to us through the back door. Somehow it was referred to the Town Board and it didn’t go through our planner. So we would probably ask you for more information than what we have here. So I’m going to ask you some questions to fill in. In the written description, you say horse stalls located on first floor of dwelling. Pasture located 100 feet from front of the house with rough dimensions being 100 x 500. What is 100 x 500?

Mr. Fisher: Pasture space.

Chairman Ziarnowski: Okay, but your lot is only 237 feet wide.

Mr. Fisher: It is 135 feet wide.

Mrs. desJardins: You’ve talked to the building inspector about this?

Mr. Fisher: Our contractor has been in contact with him.

Mrs. desJardins: Did they tell you that you need some variances, or a variance?

Mr. Fisher: I have not heard anything on variances, just special use permit.

Chairman Ziarnowski: Have you read the code at all regarding this property?

Mr. Fisher: Yes, so I was told that I was in R-2 and I looked up the rules and regulations to have horses on the property. I think the only limit that we're missing is the 100 feet from the property line.

Mrs. desJardins: Can you keep the manure piles 100 feet as well?

Ms. Benning: We plan to have it removed; we don't plan to store it on the property.

Mr. Stringfellow: Are the properties on both sides also zoned R-2?

Mr. Fisher: I believe so.

Mr. Stringfellow: No stable shall be located closer than 100 feet from the front line and shall be at least 100 feet from any property line in R-district. So you must be 100 feet from each side. But you only have 135.

Mrs. desJardins: That's why he's going to have to go to the Zoning Board.

Chairman Ziarnowski: That's a big variance... (short discussion between members about ZBA)... Horses aren't given in an R-2, you need a special permit for that.

Mrs. desJardins: You need a special permit for that, which is what you're asking. So typically, we would have more information tonight, which we don't. But you definitely will need a variance, unless you guys [the board] disagree. The way most towns do it is you will look at it tonight, although you don't have much to look at, and then you go and try to get a variance. If you get the variance and it comes back to you, then the planning board continues reviewing.

Chairman Ziarnowski: You have horses now you said? On that property?

Mr. Fisher: No.

Mrs. deJardins: Okay, now what you need to do is submit an application to the Zoning Board and apply for the variance(s) he says you need. You'll have to provide them a site plan showing exactly where the stables would be or else you don't know what kind of variance you need. If you get the variance, then you come back to this board with that site plan. And then this board will issue a recommendation to the Town Board because it's a Town Board decision. So you're going to see all three boards.

Chairman Ziarnowski: Are there people living adjacent to you?

Mr. Fisher: Yes, the neighbors on the right side, they recently put their house up for sale.

Mr. Costello: Are there any specific things that the board knows already that it would like to see on the site plan, if they're going to put a little time into creating it other than the manure storage?

Many: Location of building, location of stables.

Chairman Ziarnowski: Was this survey you put in, after buying the property.

Mr. Fisher: Yes.

Chairman Ziarnowski: What are the structures there now?

Mr. Fisher: Nothing on our lot.

Chairman Ziarnowski: Alright so you got your work cut out for you. Good luck. Next on the agenda is the Site Plan Review of rezoning request from Quaker Estates I, LP.

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#### REZONING REQUEST – QUAKER ESTATES I, LP

Mr. Hopkins: Good evening Planning Board, Sean Hopkins of the lawfirm of Hopkins, Sorgi and Romanowski on behalf of the applicant Quaker Estates I. In partnership also with Bill Solak and Michael Metzger, the project engineer for Metzger Civil Engineering.

- Lengthy previous history, previously looking to rezone portions to allow primarily residential project and mixed use

Approved 10/9/18

- During meeting May 9, 2017 Planning Board issued a negative recommendation to the Town Board, they held two public hearings last year, and a decision was never given
- Ultimately withdrew the first application, this is a fresh start
- Currently requesting the rezoning of 19.10 acres from C-1 general commercial to C-2 general commercial
- Proposing a self-storage facility (similar buildings to those already on Boston State Road), green space is 55 feet behind homes on Meadow
- Also proposing mixed-use buildings – local businesses
- Two areas are left for future commercial involvement, they would like to eventually see a hotel built there because of proximity to 219
- Dark Green – permanent open space, will agree to record deed restriction at Erie County Clerk’s office to ensure the areas never get developed
- Back of site is a federal wetland that is undeveloped – not proposing any impacts to the wetlands
- Prior concern was with consistency with the comprehensive plan, 10% of the town should be developed for commercial purposes – this plan does reflect that input
- Not a lot of frontage on Boston State Rd.
- Subject to SEQR Environmental Review, coordination with many agencies, will provide input to all boards
- Requires a new referral to Department of Environmental Planning

Question & Answer

KEY

- Indicates a Planning Board member
  - Indicates applicant’s response
- Drainage with wetlands, residents on Meadow, will this make it worse?
  - Will not have any impact on Meadow, will not make any current problems worse. A fully engineered plan and storm water management plan, would need to be presented to the boards. Drainage way runs through the site, we drain naturally to that, will not interrupt the natural drainage pattern.
- Are there plans for a visual buffer between Meadow and the development?
  - There is full vegetation between Meadow and the proposed site. If there’s a need to supplement that, we will look into it. This is just the rezoning stage.
- What is the vegetation? How high is it?
  - The neighbors know better. Will look into supplementing, and having input from neighbors.
    - Neighbor: There is none behind our house. It depends where you are on Meadow. The back yards of the proposed area, there is none.
  - Zoning ordinance would allow developing right to property line, but the buffer will be left in there. So it would be 55 feet from the edge of the yards on Meadow to the edge of where we would develop.
- Prior discussions have always referred to the sacredness of the federal wetlands. In review with the agency covering the wetlands, historically they drained through lots 52-45 into the 18-mile creek. Development cannot take place on wetland, but houses are built on lots 52-45, so development has happened on wetland.
  - There are no jurisdictional wetlands on those parcels. They may predate it.
- You’ve asked to make contact with National Grid to put a road through their property, have you made contact? What has their position been?

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- Have not made contact, there is no need to make contact; the federal wetland is their property. It's irrelevant to this project. Did not ask for a permit, because they know it will never be issued. If it's the board's position for us to reach out to the Army Corps of Engineers to reach out, we will. Can development ever occur in wetlands? Yes, but I don't think you will see a road without development crossing a wetland of that size anywhere in WNY or NYS.
- Two issues, tied together. First issue is rezoning and rezoing for the purposes of the site plan and we have to look at those separate but also combined. On the rezoning portion, what was the original intent for C-1 zoning? I wonder what it was when they decided the property was optimal for retail. I wasn't at the meeting so I don't know, I kind of think it was for potential business and integrity to the town character and direct benefit to residents. What direct benefits come to the residents if we C-2 zone that area? What is the vision of the town on this? What impact will the rezoning have on the future of C-1 development? Should the town settle for rezoning for a plan that isn't quite what they would accept and then a few years down the road, accessibility changes? If we zone C-2 are we selling ourselves out/selling short? Are they buying things that they don't know what's going in there? Or things they might not want in there? Phases of conceptual plan, the last phase is 2024, it's a maybe/maybe not. Random of placement just for the purpose of putting something on the property. C-1 development, can't find anchored tenants, but can we keep looking? Is there frontage on Abbott road?
  - No, it is a right of way. We don't own it.
- 2017 wetlands map, was that limited to the parcel that was going to be disturbed at that time?
  - (Showed the map to the board.) Big area in red is a jurisdictional wetland.
- Regarding the permanent open space, it does not benefit a large number of people on Meadow drive. Living on the West end of the street, most people have a building 55 feet from their property line. If it wasn't for the wetland thing coming in from Boston State Road, if you could move that project to the Northeast corner and get it rezoned, access from Abbott road, you'd be set.
- Tax implications of storage units – it'll throw the town some money, but there are better things to put in that place for benefits to the town. Only about \$2,700 a year to the town. I feel we're selling the residents of Meadow short. We can do better for that area.
- The wetlands do not extend to the rear of Meadow, is it wide enough to put a road there?
  - There is not enough room there; it would be in the resident's back yard.
- Is there any way you could move the storage units away further? And consider zoning just that part C-2 for the present time, and not the entire parcel.
  - We could look at it. We could consider rezoning just the two parts we want to develop right now and leaving the rest for possible C-1. The best site on this site, is next to the interchange.
- A bigger buffer would be great and limited C-2 zoning instead of comprehensive C-2 zoning would be good. Speak with Army Corps of Engineers. Parcel up in the corner?
  - There's an incline from front to back, the elevation changes. The area we're proposing is relatively flat, but as you move back it changes in elevation. Makes it more difficult to put in.
- If you have a project and after input, you think it's not going to fly, why do you keep throwing good money to it? Would you guys be happy if you lived on Meadow?
  - It became clear that the residential project was not viewed favorably, so ultimately we came back and said let's try something commercial. This is not an attempt to say "screw you" to the Meadow neighbors.

Chairman Ziarnowski: If you can consider some of our thoughts on this. We'll need a motion to get a SEQR Review.

Mr. Pelkey made a motion to recommend that the Town Board initiate the coordination of SEQR review. Seconded by Mrs. Schutt.

Roll call vote on the motion:

Dave Bowen	No
Jim Liegl	No
Keith Pelkey	Yes
Elizabeth Schutt	Yes
David Stringfellow	No
Paul Ziarnowski	No

The motion has been denied. The Town Board will issue that.

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#### Approval of Minutes – May 8, 2018

Mr. Liegl made a motion to accept the minutes; seconded by Mrs. Schutt. All members were in favor.

#### Old Business

Mr. Liegl – Training required by town, will need to provide proof that it has been done in the last year if you missed it.

Mr. Bowen – Bed and Breakfast for Ward Rd., it was brought before the board and then built.

#### REPORTS

Planning Consultant had to leave early.

#### Town Attorney

- No updates.

#### Town Board Liaison

- Code Update
  - Subdivision code applying to non-engineering changes was recommended by the Code Committee to Town Board, Town Board is scheduling a hearing. Hearing and potential passing of local law is September 19<sup>th</sup>. Road or not, it is a subdivision.
  - Sign code – regarding digital signs, it's taking a little bit longer. There were many changes years ago to the sign code, trying to integrate that is proving to be timely.
  - Zoning – differences in definitions with surrounding towns, updating with similarities to other towns. Will be making it easier to interpret.
  - Square Footage of accessory structures – changes from the Zoning Board
  - September 17<sup>th</sup> at 7:30 PM
  - Revisions in local law format, and then held a public hearing, Town Board will vote to accept local law.
  - Discussion followed about distribution of updates to Code and proposed changes
  - Please relay any information to Code Committee through Mr. Stringfellow

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- Conservation Advisory Council is holding a Local Environmental Awareness Fair on September 30<sup>th</sup>, from 9 AM to 1 PM at the Lions Shelter
- Boston Valley Theater is doing a show on the John Love murder at BVS on October 22<sup>nd</sup> at 6:30.

Secretary

- Please do not share home/personal e-mails of other board members. The Zoning Board Chairwoman's e-mail was shared with neighbors. If you know anyone with comments, please have them e-mail their comments to the [boardsecretary@townofboston.com](mailto:boardsecretary@townofboston.com) e-mail and they will be forwarded to the appropriate parties.
- Would everyone like their names/positions on the Planning Board letterhead/border? Yes. Will check with Mrs. desJardins and Mr. Hannon.

Motion to Adjourn

Motion was made by Mr. Stringfellow to adjourn the meeting; seconded by Mr. Liegl. All members were in favor.

Respectfully submitted,  
Secretary Allison Koczur