

**PRESENT:** Paul Jusko, Chairman  
Patricia Hacker, Vice Chairman  
J. David Early  
Tom Edington  
Kevin Maxwell  
David Stringfellow  
Margaret Andrzejewski, Alternate

**EXCUSED:** Michael Pohl  
Zintars Zadins

**ALSO PRESENT:** Councilman Dennis Mead  
Code Enforcement Officer Dennis Kramer  
Suzanne Koestler – Boston Grille  
Attorney Allithea Killeen – Boston Grille  
2 property owners vicinity of Boston Grille

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

**MINUTES**

Chairman Jusko asked if there were any additions or corrections to the minutes of July 25, 2000. Being none, Mrs. Hacker made a motion to accept the minutes, second by Mr. Edington. All were in favor.

**CORRESPONDENCE**

Chairman Jusko read the correspondence :

- Letter received from Richard Brox requesting extension of his services as planning consultant – Chairman Jusko stated this will be ruled on at a later date
- Letter to Town Board recommending approval of rezoning at northeast quadrant of Rice Road Extension
- Included in handouts – invitations to seminars and conferences – Chairman Jusko said that if anyone is interested in attending any of these conferences there is money in the budget for this purpose, to please bring in receipt for reimbursement

**LIAISON – COUNCILMAN MEAD**

Councilman Mead reported from the Town Board meeting of August 16, 2000:

- Tabled decision for Rice Road rezoning request as there are some issues to be discussed regarding uses
- Referred to Planning Board the site plan for Evans Bank
- Request for temporary trailer use at Charlap's Dairy

Councilman Mead asked at what stage the Master Plan talks are at. Chairman Jusko said he also had questions. He asked who is to take the lead. Councilman Mead said that he believed it was Chairman Jusko's lead. Chairman Jusko said that he did not know what groups or how many from these groups are to be included. Councilman Mead said he will check and get back to Chairman Jusko so the talks can begin soon.

**EVANS BANK**

Chairman Jusko read letter from Town Board with referral of Evans Bank Site Plan. Chairman Jusko stated that there would be no discussion this evening in order to give the members of this Board an opportunity to review plans; and, asked that they be included on the agenda for the September 12, 2000 meeting.

**CHARLAP'S DAIRY**

Chairman Jusko read letter from Town Board with request of temporary trailer at Charlap's Dairy. Chairman Jusko stated that the trailer has already been on site for some time and does not see any problem with it remaining for the period of time through October 31, 2000. Code Enforcement Officer Kramer explained that the new buyers will be buying the Charlap residence which will be remodeled to accommodate office space but, until that time would like to continue using the trailer that is there. He added that trailers are permitted out of mobile home parks with special use permits, and does not understand why this request was sent to the Planning Board. Chairman Jusko asked that a response be sent to the Town Board: The Planning Board has received and reviewed the request for temporary trailer use at Charlap's Dairy property. We question the request for a variance and will leave any decision to the appropriate authority of the Town of Boston. In as much as we know of no concerns or complaints from neighbors, the Planning Board has no concern with the trailer remaining until October 31, 2000. Mr. Maxwell made a motion to send that letter to the Town Board, second by Mr. Edington. All were in favor.

Mr. Maxwell asked what was happening on the property across from Charlap's Dairy. Chairman Jusko said that it was his understanding that the property had been deeded back to the original owner, Mr. Bond, or his estate; and that it is that owner's responsibility to resell the property and put the property back to its original condition.

**CODE ENFORCEMENT OFFICER KRAMER**

Mr. Kramer said the only item he had was the numerous calls about what's going on at the Boston Grille, especially the noise. Mr. Maxwell said we are only responsible for the matter before this Board, and that is what they're proposing to build, making restrictions; and, to make a recommendation to the Town Board if this deck should be built. Councilman Mead said it was suggested to Town Attorney Perley that the use of a decimeter should be written into the Town Codes, and utilize State Trooper enforcement from then on. Chairman Jusko said that with the recent submittal of the plans that this Board is back to step one; there are many points still missing from the site plan review and no way for this Board to make a reasonable decision.

**BOSTON GRILLE**

Chairman Jusko called the Board's attention to the letter of August 8, 2000 that was received from attorney Allithea Killeen on behalf of the Boston Grille. Mrs. Killeen also distributed a letter from the Department of Labor that she had recently received. Chairman Jusko confirmed that this letter is explaining the requirement of the installation of the additional entrance. Mrs. Killeen said that was correct. Chairman Jusko advised Mrs. Killeen that, as it was left after the last meeting with the owners of the Boston Grille: the plans submitted were unacceptable; the section of code be reviewed for preliminary site plan moving toward final site plan review. Chairman Jusko asked Mrs. Killeen if she was familiar with the Boston Town Codes or had a chance to review them. Mrs. Killeen said that she had been guided as best, under the circumstances, by Mr. Perley via telephone conversations, but was coming into this project in the middle of discussions. Chairman Jusko advised Mrs. Killeen that this Board is looking for: acceptable plans, site plan and the conditions of the site plan; defined hours of use; defined use explicitly, and restrictions. Mrs. Killeen said she hoped that this Board understands these activities are the result from certain changes required by the Department of Labor. She added that the door has been installed, but does not comply with Department of Labor's restrictions. They plan to inspect sometime in October. She continued, the application before the Board is to lay a concrete pad on the outside of the exit door and utilize what would be a concrete sidewalk and expand it into a concrete patio for outdoor dining purposes. It is the intention of the Boston Grille to add shrubbery along the fence line as sound absorption material, which is a cause of concern from the neighbors. It does not include any elevation as it is all at ground level.

**Boston Grille – con't**

Mrs. Hacker asked if there is only four bushes proposed along the eighty-foot side of the proposed patio. Mrs. Killeen said that was correct.

Chairman Jusko read a letter from Town Planner Richard Brox, which stated: the application is incomplete in that the site drainage is not addressed; the proposed planting of four (four to five foot) arborvitae will have no effect on noise; the site plan indicates the patio is nine inches higher than the existing grade, not at ground level as stated; and, there is no railing on stairs. Mr. Brox recommended tabling this matter until a site plan is prepared, as required by ordinance, and submitted.

Mr. Stringfellow commented that the existing building is 3000 square feet, the proposed patio is 3200 square feet which is more than doubling the size of the business and putting more than half of it outside, and, the Town is already getting complaints from the neighbors about the noise inside. His opinion is that this Board simply says, no, we don't want this patio. If you need to put in an exit and walkway, so that people can exit safely then do that.

Chairman Jusko said that this Board has an application at hand and by law is compelled to follow the steps outlined: starting with a conceptual plot plan through final site plan and make a recommendation to the Town Board.

Mrs. Hacker stated in previous conversations the uses went from deck dining to clam bar, none of which were in written form, only in conversation. These are questions we have raised, along with concerns of the neighbors.

Chairman Jusko added to have any chance of success with this project, attached with any recommendation from this Board would be a list of 'these are the uses, only.'

Mrs. Killeen said this is an initial take and does not expect to leave this meeting with a result. Her advice to her clients is to sit with this Board and find out what kind of information is needed, and define the uses.

Chairman Jusko said you can start with – it can't be seen; it can't be heard; it needs to be very defined; it needs to be smaller. You need to start with conceptual site plan, and this will be strictly enforced, make changes from there; and, follow all the steps through final site plan, including but not limited to: surveying, 100 foot scale, item by item.

Mr. Maxwell stated that the written measurements given do not agree with the measurements on the drawing. He asked if the proposed deck is 3200 square feet or 4800 square feet. He also expressed his concern over lack of drainage between the proposed deck and neighboring residence.

Mrs. Killeen said the measurements on the drawing, 40 by 80, are the correct measurements.

Mrs. Hacker said that she agrees with Mr. Brox letter and that four bushes along an 80 foot patio would not address the noise issue. Mrs. Hacker also asked that lighting be addressed.

Ms. Koestler, owner of the Boston Grille, said that dining room music is very low key, very low music. There is not going to be a band on the patio.

Mrs. Hacker said that generally when on a patio people tend to be more relaxed and in turn talk and laugh louder than an enclosed dining space.

Mrs. Killeen asked for a list of things that needed to be addressed. Mrs. Hacker said that these are all issues that have been discussed before and they need to be on the list to go forward.

Chairman Jusko said again, take it through step by step of the code with our suggestions and recommendations; what we say here tonight is not going to be a final discussion. Mrs. Killeen said is her client's desire to produce a product that the Town can cope with.

Mrs. Hacker asked if the dumpsters would need to be moved with the addition of this deck. Ms. Koestler said the dumpsters have been moved after a neighbor complained of noise.

Ms. Koestler added that she has not had any violations for noise. The sheriffs have been called, but have not issued any violations.

Mr. Maxwell said, you need to understand that this Board needs to address the addition of a patio and the potential noise and disturbances to the residences around your business. Ms. Koestler said that she understood.

Mrs. Killeen said to Ms. Koestler that whatever building approval the Town gives to you carries a zoning requirement.

Mr. Edington asked the hours of operation for the outside dining facility. Ms. Koestler said that the dining room closes at 9:00 P.M. She added that it is her desire to enclose this patio sometime in the future.

Boston Grille – con't

Mrs. Hacker recapped some of the issues that need to be addressed: hours of operation, dumpster, lighting, bushes, and direction of drainage.

Mrs. Killeen asked if there were any other aspects of the patio in connection with the parking lot or other areas in terms of the relationship of this and the rest of the property use that you request us to address, besides the railing.

Chairman Jusko asked that ingress/egress only be through the dining room.

Mr. Early asked if the addition of this patio would necessitate the expansion of the parking lot. Ms. Koestler said there is plenty of parking. Mr. Early said increasing occupancy might warrant this. Mrs. Killeen said that would be looked into.

Mr. Maxwell said that the area behind the building needed to be addressed on the site plan, such as grass, flowers and plantings. He also asked that the drainage be addressed in relationship to the adjacent neighbors.

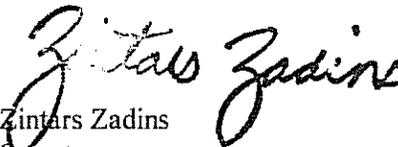
Mrs. Killeen asked Chairman Jusko when the revised plans were needed. Chairman Jusko said that 10 days prior to the meeting, the next meeting is scheduled for September 12. Mrs. Killeen said that she would have the revisions to the Town Hall by August 31, 2000 in order for the secretary to send to the members for time to review.

Mrs. Hacker made a motion to table the application pending receipt of additional information, second by Mr. Early. All were in favor.

Chairman Jusko asked if there was any other business to be brought before this Board.

Being none, Mr. Edington made a motion to adjourn the meeting. Second by Mr. Early. All were in favor.

Respectfully submitted,

  
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Secretary

ZZZ:tf