

PRESENT: Patricia Hacker, Vice Chairman  
Kevin Maxwell, Secretary  
Margaret Andrzejewski  
Thomas Edington  
Jeff Mendola  
Michael Pohl  
David Stringfellow

EXCUSED: J. David Early  
Paul Jusko

ALSO Councilman Dennis Mead – Town Board Liaison  
PRESENT: Michael Perley – Town Attorney  
Dennis Kramer – Code Enforcement Officer  
Richard Brox – Planning Consultant  
Mark Brock – 3 Girls Café

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

**MINUTES**

Mrs. Hacker asked if there were any additions or corrections to the minutes November 27, 2001. Being none Mr. Stringfellow made a motion to accept the minutes, second by Mr. Edington. All in favor.

**CORRESPONDENCE**

Mr. Maxwell reported the following correspondence:

- to the Town Board with Planning Board election results
- to the Town Board with recommendation for approval of Omnipoint application
- to the Town Board with recommendation for approval of Robert DeSantis special use permit request
- letter from Jay Braymiller, architect for 3 Girls Café in regard to elevation of parking area at 8373 Boston State Road, which stated that there is a high spot at the entrance apron to prevent runoff from this property onto Boston State Road

**LIAISON – COUNCILMAN MEAD**

Councilman Mead reported from the Town Board meeting of December 5, 2001:

- set Public Hearing on DeSantis request for January 16, 2002
- set Public Hearing on Omnipoint Co-location application for January 16, 2002

Councilman Mead also said that he had met with Highway Superintendent Kreitzbender regarding concerns that this Board had raised at the last meeting regarding the turn around on the Eckis property. Mr. Mead said that a guardrail has been installed at what appeared to be a proposed driveway off of the turn around. Mr. Kreitzbender said that he would be willing to meet with the Planning Board to answer any questions that they may have.

BOSTON HILLS ROAD COMPLETION UPDATE

Mr. Perley said that he had spoke with Mr. Eckis, and Mr. Eckis said he would complete the road to the satisfaction of the Highway Superintendent. Mr. Perley said that it was his understanding that he was to give this Board an opinion on the rights of individuals on land that abuts a sub-division street that was not an approved lot in that sub-division. Mr. Perley said that it was his opinion that neither the Town Board or the Planning Board have the right to regulate this because it is not a condition to the sub-division of land. We provide the regulation of lots and access to streets for approved lots; we do not restrict access to streets for areas that are not approved. State Highway Law states that the Town Superintendent of Highways has jurisdiction with regards to access of Town roads. In order to supercede the authority of the Highway Superintendent the Town would have to pass an extraordinary bill called a Supercession. Mr. Perley added that this Board does not have the authority to limit a parcel of land to one driveway, we do not restrict driveway access.

Mr. Maxwell asked if the property abutting the Town road in a sub-division needed to have the frontage requirement of 100 feet. Mr. Perley said only if that were the approved frontage for that property, if the required frontage is on another road, the lot is qualified for access to a sub-division road. Mr. Perley suggested that a review of the sub-division section of the Code Book be on the Planning Board agenda if so desired. He added that any modification to the regulation of driveways would be subject to the Highway Superintendent's approval.

Mr. Maxwell asked if this Board had asked for control of driveway regulations. Mr. Perley said that it had sounded to him that this Board was requesting to have some control over land that was not in a sub-division and access to a public road. He added that a driveway coming from property that is not part of an approved sub-division would be subject to the approval of the Highway Superintendent.

Mr. Maxwell said that he would like to see the turn-around completed so we did not have to continually have this discussion.

Mr. Maxwell expressed a concern over shared driveways. Mr. Perley read from the Code Book: with the necessity for the construction of one or more new streets to provide access to adjacent approved or unapproved lots is from the created street.

Mr. Brox said that is probably not going to happen all over. Mr. Maxwell said there are several areas in Town that are accessible to highways that could use a shared access.

Mr. Maxwell and Mr. Brox discussed Mr. Brox's role as Planning Consultant.

Mrs. Hacker asked if there were any further discussion. Being none Mrs. Hacker stated that this topic need not be made a future agenda item, until such time that a sub-division application is before this Board.

3 GIRLS CAFÉ

Mark Brock explained details of the site plan that had been distributed to the members.

Mr. Perley asked Mr. Kramer if he had been to the site. Mr. Kramer said that he had, and that he had spoke with Town Engineer Harris. Mr. Kramer said that Mr. Harris felt that the drainage is adequate with the amount of fill that has been brought in. Mr. Kramer said the water would run toward the center of the property. He said the water appears to run into the drainage inlet and then into the culvert pipe.

Mr. Perley asked about the surface. Mr. Kramer said that it is 3 to 5 inches of millings on top of 8 to 10 inches of background gravel.

Mr. Maxwell asked that Mr. Braymiller submit a spot elevation plan and Mr. Harris submit a letter of approval.

Mr. Maxwell asked if the parking requirements had been met. Mr. Kramer said that the seating is down to 60 seats, which is a change from original plan, due to the inside construction of additional storage space. He added that there are 24 parking spaces for the restaurant, 7 for the beauty salon and 2 for the upstairs apartment.

Mr. Perley asked if the parking area that was installed is consistent with what was submitted. Mr. Kramer that an extra parking space had been added.

3 Girls Café, con't.

Mr. Perley asked Mr. Kramer based on the plan before this Board if he would issue a Certificate of Occupancy. Mr. Kramer said that he would.

Mr. Maxwell made a motion to approve the site plan contingent on:

- receipt of site plan with spot elevation
- approval of drainage by Town Engineer Robert Harris
- parking lot is paved with a dust free material

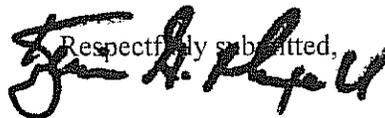
Second by Mr. Edington. All were in favor.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that he had suggested to Highway Superintendent Kreitzbender to be in attendance at tonight's meeting to answer questions about the Eckis sub-division should they arise. Mr. Maxwell said that he had talked with Mr. Kreitzbender also, but that he would not be able to attend the meeting.

Vice Chairman Hacker asked if there were any other business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn at 8:05 P.M., second by Mrs. Edington. All in favor.

Respectfully submitted,  


Kevin G. Maxwell  
Secretary

KGM:tjf