

PRESENT: Paul Jusko, Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
J. David Early
Thomas Edington
Jeff Mendola (alt)
David Stringfellow

EXCUSED: Patricia Hacker
Michael Pohl

ALSO PRESENT: Liaison, Councilman Dennis Mead
Richard Brox, Town Planner
Teri Betz – day care center
Susan Koestler – Boston Grille
Kevin Kelly – Boston Grille
Allithea Killeen – Attorney for Boston Grille
Mary Gavin – patron Boston Grille
Wendy Tripi-Duchmann – 7243 Boston State Road – neighbor 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 May 8, 2001. Being none Mr. Stringfellow made a motion to approve the minutes, second by Mr. Edington. All in favor.

CORRESPONDENCE

Mr. Maxwell read the following correspondence:

- Letter to North Boston Fire Company requesting additional information
- Letter to Town Board recommending approval of Brunner Eatery site plan, with formal approval of Town Engineer Harris
- Letter to Mr. Eckis requesting installation of cul-de-sac to replace existing incomplete 'T' turn around
- Letter received from County Executives inviting members to participate in the Niagara Region Brownfield Coalition

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board Meeting of May 16, 2001:

- Approved Brunner Eatery site on recommendation of Planning Board
- Town Board consensus on Tomasello property is that property appearance is much improved. He added that they did not discuss any Town Code issues, but would leave that to the authority of Code Enforcement Officer

BOSTON GRILLE

Chairman Jusko reviewed issues that were outstanding when last an agenda item:

- Proper procedure of Chapter 97 for preliminary, conceptual and final site plan
- Poor condition of adjoining fence
- Berm
- Noise level
- Concerns of neighbors
- Verification of outside cooking and bar
- Drainage
- Formal comment from Town Planner
- Define hours of operation
- Will there be music outside
- Positioning and style of lighting
- Location of dumpster
- Additional plantings indicated on site plan
- Positioning of entrance
- Is current parking adequate
- Overall view of property

Secretary Maxwell read letter from Town Planner Richard Brox, which stated that the plans submitted do not meet the requirements of Chapter 97 of Town code.

Mrs. Killeen made reference to Mr. Brox letter of August 21, 2000 in which there were 4 concerns stated. Mrs. Killeen said that it was her understanding that these four concerns, among others needed to be addressed. She stated that this Board's primary concern should be what is built, and that it is to Code, rather than the operation of the business. She had a petition of about 160 signatures, primarily Boston residents who do not oppose the addition of the outdoor patio.

She referred to a noise study that was completed during an outdoor activity.

Mrs. Killeen said that the revised site plan was amended to address concerns of Mr. Brox's letter, and indicated that the Boston Grille was not instructed to submit a new application. Mrs. Killeen referred to the architect's plan that was submitted which addressed the drainage, plantings of arborvitae, raised height of patio, railing on stairs. She added that the fence would be rebuilt by the neighbor. She commented that cooking and bar facility, hours of operation, music, lighting and location of the dumpster are all operational details, but her clients will work with this Board to follow their recommendations.

Chairman Jusko said that in past discussions varying uses have been mentioned for this patio. He added that this Board has repeatedly asked that the procedure stated in Chapter 97 be followed for site plan application and review. Mr. Brox cited several omissions from the plan that was submitted for tonight's meeting. He reiterated Mr. Jusko's request that Chapter 97 of Town Code is followed. Mr. Jusko said that if the intended uses and hours were put in writing, it would might help this Board resolve some of the repeated issues. Mrs. Killeen asked what specifically needed to be addressed. Mr. Jusko asked that Mrs. Killeen contact Mr. Brox to review what is expected. They both agreed to this request.

Mary Gavin, a patron of the Boston Grille expressed her disappointment with the length of time it has taken for this Board to give approval for this addition

Wendy Tripi-Duchmann, neighbor of the Boston Grille said that the Boston Grille is bending over backwards to meet the demands of this Board, and to accommodate the neighbors.

Chairman Jusko thanked them for their comments, but, again, proper procedure has to be followed, so that information does not come before this Board in bits and pieces.

Mr. Maxwell made a motion to table any action until all issues discussed are addressed, second by Mr. Edington. All in favor.

TERI BETZ

Ms. Betz asked for this Board's time to answer questions that she has in regard to zoning and proper procedure to be followed before she purchases property across from Charlap's Dairy with intent of opening a day care center.

Mr. Jusko stated that the last project was not completed because of quicksand at that location. Mr. Maxwell advised that borings be taken to determine if the property would support the proposed use. Mr. Mead suggested that she might check into purchasing property from Jeff Kuhn. Mr. Brox suggested that she make an offer contingent on a special use permit being issued. Mr. Edington asked how many children there would be. Ms. Betz said hopefully up to 90 children, 45 to begin with

Ms. Betz asked what is the first step. Mr. Jusko said to get the property with contingencies that soil tests satisfactory for use, put ideas on site plan to be certain that everything fits on the property, and to follow site plan procedure.

Ms. Betz thanked the Board for their time.

BOSTON HILLS SUB-DIVISION

Chairman Jusko referred to the letter of May 22, 2001 from Mr. Eckis and said that he has asked Town Attorney Perley for a formal opinion of the status of these additional sites for the record, and his interpretation of a sub-division. He added that these additional lots are headed for Rice Hill Road, and would like the easement removed from record, so it permanently blocks access to Rice Hill Road, which would not be conducive to the Master Plan.

Mr. Jusko said that it is still unclear where the driveways would be positioned if the current 'T' remains. Chairman Jusko recapped from the meeting with Highway Superintendent Kreitzbender when he indicated that if the 'T' remains he prefers not to have any driveways off of the top for ease of plowing, but would prefer a cul-de-sac.

Chairman Jusko proposed that if the top of the 'T' is not completed all the driveways are shown on a detailed plan and if accepted by this Board, and written acceptance is received from Mr. Kreitzbender, in return Mr. Eckis remove the easement to the back of the 56 acre parcel property line.

Discussion followed regarding completing the existing 'T' turn around versus a cul-de-sac as described in Town Code. After discussion it was the consensus of those members present that Mr. Eckis proceed as directed in the letter of May 10, 2001 which instructed him to develop a cul-de-sac compliant to Town Code.

SUMMER MEETING DATES

Dates were set for Tuesday, July 24, 2001 and Tuesday, August 28, 2001.

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

Being none, Mr. Stringfellow made a motion to adjourn the meeting at 8:47 P.M. Second by Mr. Early. All were in favor.

Respectfully submitted,


Kevin G. Maxwell
Secretary

KGM:tjf