

**PRESENT:** Paul Jusko, Chairman  
Patricia Hacker, Vice Chairman  
Kevin Maxwell, Secretary  
Margaret Andrzejewski  
Thomas Edington  
Jeff Mendola (alt)  
Michael Pohl (alt)  
David Stringfellow

**ABSENT:** J. David Early

**ALSO PRESENT:** Liaison, Councilman Dennis Mead  
Town Attorney Michael Perley  
Code Enforcement Officer Dennis Kramer  
Highway Superintendent Wayne Kreitzbender  
William Brunner – Brunner Eatery

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 April 24, 2001. Mr. Maxwell said that Mr. Harris' statement regarding Brunner property: the two foot slope toward the Park N Ride is to the east side of the property not the south side.

With the amendment Mr. Edington made a motion to accept the minutes of May 8, 2001, second by Mr. Stringfellow. All in favor.

**CORRESPONDENCE**

Mr. Maxwell read the following correspondence:

- Letter sent to Highway Superintendent Kreitzbender requesting his attendance for input on Boston Hill sub-division roadway
- Letter from Town Clerk Shenk with referral from Town Board for Special Use request from North Boston Fire Company

Mr. Jusko said that he had received a call from Terry Betz with questions about purchasing a portion of the property across from Charlap's for the purpose of operating a day care center. He invited Ms. Betz to the Planning Board meeting on May 22, 2001.

**LIAISON – COUNCILMAN MEAD**

Councilman Mead reported from the Town Board Meeting of May 2, 2001:

- Referral of North Boston Fire Company request for a special use permit for temporary trailer

**NORTH BOSTON FIRE COMPANY – SPECIAL USE PERMIT FOR TEMPORARY TRAILER**

Package received and was distributed to members of this Board with agenda. The Fire Company has access to a trailer, which they would like to use for fire practice.

Chairman Jusko asked if the present zoning allowed for this use. Mr. Perley said this is a special use permit application, which is permitted in all zoning districts under Town Code Section 123-118-B for a limit of two years. Mr. Perley added that the Town Board would be required to hold a public hearing for neighbors within 400 feet of this location. Mr. Perley said that practices would most likely be coordinated with the Boston and Patchin Fire Companies.

Mrs. Hacker asked if actual fire would be used in practice. Mr. Edington said that only a smoke simulator would be used.

Mrs. Hacker made a motion to table discussion pending receipt of the following information:

- Location of trailer on formal survey
- Proposed screening of site and through what method
- Access defined
- Define the amount of usage per month
- Advise if this will be shared by Boston and Patchin Fire Companies

Second by Mr. Stringfellow. All were in favor.

**BOSTON HILLS SUB-DIVISION**

Mr. Perley began the discussion by asking Mr. Kreitzbender if the driveway, from the LaTona property, at the top of the existing 'T' turn around caused problems with snow plowing.

Mr. Kreitzbender said that it did, a high lift needed to be used to clear away snow this past winter.

Mr. Perley said the Latona's attorney has indicated that the driveway will be moved by the end of the year. Mr. Perley asked if the Town keeps the National Fuel pipeline open on a regular basis. Mr. Kreitzbender said if National Fuel wants that to be done the Highway department would do it. Mr. Kreitzbender said that the snow plows had a difficult time turning around at the 'T' because of the snow piles.

Mr. Perley asked Mr. Kreitzbender, if the driveway is moved to the north of the 'T' how would the Highway department maintain the 'T' for purposes of plowing the road. Mr. Kreitzbender said that it would not be a problem. Mr. Kreitzbender said that plowing a circle also presents certain problems like the plow digging in on the left side of the road. The only circle in Town is at the Creekside Apartment location and the trucks can not make the full circle without backing up. The 'T' turnarounds allow the trucks to pull in, back up swing around and pull out. Mr. Kreitzbender said the only cul-de-sac that does allow sufficient room for the trucks is on Pearl Street in the new sub-division on Boston State Road. Mr. Maxwell asked about the circle on Thornwood Drive, Mr. Kreitzbender said that circle is small, even the buses have a difficult time getting around that circle.

Mr. Maxwell asked if a cul-de-sac is built to the specifications of Town Code does that allow for proper maintenance, Mr. Kreitzbender said that it would.

Mr. Perley asked if the driveway at the top of the 'T' is acceptable. Mr. Kreitzbender said that it is acceptable because it allows for somewhat easier plowing. He said that Mr. Eckis has indicated that his intention is to run the three driveways to one and then that one driveway to the 'T'. Mr. Maxwell asked Mr. Kreitzbender if he was aware of the condition that the 'T' is to be completed, as shown on final site plan, when Mr. Eckis requested the addition to lot 25. Mr. Kreitzbender said if the 'T' is completed as requested by the Planning Board, then he prefers a cul-de-sac. Mr. Perley reminded this Board to consider that the specifications drawn by the Town of Boston allows the Board responsible to deviate from those specifications within their discretion.

Mr. Maxwell made a motion to table further discussion on this matter until Mr. Eckis creates a cul-de-sac compliant to Town Code and is resubmitted to the Planning Board for further consideration, second by Mrs. Hacker. All were in favor.

**BOSTON GRILLE**

Chairman Jusko referred to the new plans that have been submitted by Boston Grille attorney Allithea Killeen, along with drainage study and decibel study.

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

- Hours of operation
- Lighting
- Drainage
- Location of dumpster
- Better definition of plantings
- Clearly define ingress/egress to dining room
- Current parking sufficient with additional dining area
- Noise
- Overall view of the property
- Emphasis on proper procedure for site plan review as set out in Town Code

Mrs. Hacker expressed concern with the condition of existing fence; the nearly non-existent berm and the outside noise level. Mrs. Hacker also said that she did not feel that this concrete patio should be in comparison to George's Hot Dog Stand which has an outside play area; or to McDonalds Tavern (Olde Liberty Tavern) which has only a small outside dining deck. She added that she would need more assurance that the neighbors are more acceptable to the patio than what is stated in Mrs. Killeen's letter.

Mr. Jusko asked if outside dining is prohibited in Town Code. Mr. Perley said that no it is not, however can be denied. He added that his position is that incidental outside dining is accessory use, subject to site plan review, and defined by size. Mr. Perley said this Board can set limitations such as, but not limited to function, time of operation, location of food preparation. Mr. Perley added that the Town is considering a new noise ordinance that will hopefully have an effect on time.

Discussion continued about several of the same concerns as previously discussed

Mr. Maxwell said that the owners need to be in attendance to hear and agree on this Board's concerns and restrictions, so that there is no question of what is expected from the Boston Grille in the future.

**BRUNNER EATERY – William Brunner (non-agenda item)**

Chairman Jusko said that Mr. Harris' acceptance on drainage is still needed for the site plan, and the issue of the slope on the east side of the property.

Mr. Maxwell read an e-mail (unofficial) from Mr. Harris which stated that the storm drainage system is now okay, on the other hand does not know if the treatment for the slope is sufficient. Mr. Harris also said he was confused by the yard drain pavement wheel stop detail shown at the upper left hand corner on the plan which indicates a slope to the existing drain on the north side, as there are areas that drop off approximately two feet over a short distance thereto. Mr. Harris will write a letter approving the drainage providing this Board is in approval of the plan submitted. He added the back up and silting concerns have been addressed to his satisfaction. Mr. Jusko responded to Mr. Harris' email to write his opinion.

Mr. Brunner distributed new plans to the members present. He said that the slope has not changed since the last meeting. Mr. Perley said that the concern is the stabilization of the slope. Mr. Brunner said that the concrete barrier has been reduced by two feet so that it is not in the right of way; the parking has been changed by re-striping the parking lot; four receivers have been added; and divided the drainage so there are two pipes going to the retention pond. Mr. Brunner said that one receiver had been eliminated in the rear of the green space.

Mr. Brunner said that the slope on the Park N Ride side and the main area would be sod, the rear may be seeded. Mr. Brunner added that the runoff would only be from rain, there would not be water from the business itself.

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Mr. Maxwell made a motion to recommend approval of the Final Site Plan to the Town Board subject to formal approval by Town Engineer Robert Harris, and the installation of sod to stabilize sloped property boundaries. Second by Mrs. Hacker. All in favor.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that he has talked to David Tomasello with regard to what is being done on his property on Boston State Road. Mr. Tomasello is in the process of selling his property which will be used for a retail business and for some outside construction and tree service. Mr. Kramer said that he has been in contact with the prospective buyer and is working with him to reapply for a request for re-zoning to C-2 to allow for this type of business.

Mr. Perley said until there is an application, if there is a serious situation, Mr. Kramer can serve a cease and desist order. If there is a pending application Mr. Kramer can use his discretion for the situation.

Mr. Kramer said in order to park this equipment legally, there has to be a fenced yard or all equipment must be in an enclosed building, but even with a C-2 zoning would not have room to allow for much on site parking.

Councilman Mead said that he would refer concerns from this Board to the Town Board, and report back to the Planning Board.

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 at 8:40 P.M. Second by Mr. Stringfellow. All were in favor.

Respectfully submitted,



Kevin G. Maxwell  
Secretary

KGM:tjf