

PRESENT: Patricia Hacker, Vice Chairman  
Margaret Andrzejewski  
J. David Early  
Jeff Mendola  
Michael Pohl  
David Stringfellow

ALSO PRESENT: Michael Dix Participant in Government – Hamburg High School  
Nicholas Charlap Applicant

EXCUSED: Paul Jusko

ABSENT: Kevin Maxwell

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

**MINUTES**

Mrs. Hacker asked if there were any additions or correction to the minutes of November 12, 2002. Mr. Early asked that 'Mrs.' Early be changed to read Mr. Early under the Election of Officers in the minutes. With that correction Mr. Stringfellow made a motion to accept the minutes, seconded by Mr. Early. All in favor.

**CORRESPONDENCE**

Vice Chairman Hacker reported the following correspondence:

- Letter dated November 13, 2002 to Boston Town Board with the results of the Election of Officers
- Letter dated November 19, 2002 to Superintendent of Highways Kreitzbender asking for his opinion of the additional ingress/egress at The Three Girls' Café
- Letter dated November 19, 2002 to Penny Grinsell, co-owner of The Three Girls' Café requesting an updated survey showing additional parking area

**NICK CHARLAP – PRELIMINARY DISCUSSION**

Vice Chairman Hacker asked Mr. Charlap how the Planning Board could be of help to him.

Mr. Charlap gave the following information:

- Wants to re-open the dairy
- Will be purchasing building from Henry Charlap
- Sale of ice cream on a somewhat large scale than at 'Nicky C's'
- Would like to dress-up the front of the building
  - Paint
  - Install awning off front top of building and square off
- Inside will basically remain a dairy
  - Renovate for more efficiency to customers
- At this time plans are to keep both facilities – Nicky C's and Charlap's Dairy

Nick Charlap, con't.

- Will probably have a van and truck for delivery service to begin with

Mrs. Hacker said that if there is not going to be a sit down area at Charlap's Dairy that there probably won't be a complete change of use, and that the parking situation may not be as much of a concern as thought. However, if the sit down portion of Nicky C's is moved to the dairy location the parking situation, the ingress/egress, and green-space will need to be addressed.

Mr. Charlap said that in 1977 an island was installed in the parking area near the road and snowplows repeatedly kept hitting the concrete. Mr. Charlap asked about the painting arrows to indicate 'in and out'? Mrs. Hacker said this is a State road so their rules would have to be followed.

Mrs. Hacker said that she had talked to Town Attorney Perley and he indicated that C-1 Zoning does not allow freezing of ice cream.

Mr. Charlap said the freezers are all still on site and have been in use, and in fact one is running at this time. Mrs. Hacker pointed out that this is Town Code and will need to be addressed.

Mrs. Hacker asked about the sign and awning.

Mr. Charlap said that the sign there now is going to stay with the addition of 'Nick' in front of the existing letters. As far as the awning, there won't be writing on that.

Mrs. Hacker asked Mr. Charlap to check into the setback requirements for an awning, as the building is so close to Boston State Road. She advised Mr. Charlap to talk with Mr. Brox or Mr. Perley if he has any questions pertaining to this matter.

Mr. Stringfellow asked about the fleet of trucks.

Mr. Charlap said all the trucks have been sold, but that's not to say in the future there won't be the addition of more trucks. There will one van and one route truck on site, at this time.

Mrs. Hacker said that there was a call about old junk trucks. Mr. Charlap said there is only one back behind the dairy. Proteins Holdings Group, that bought the dairy, is in the midst of cleaning out. The paperwork for the sale is not complete, not a done deal yet. That's why this is only preliminary, to get your thoughts, and what you expect of me, and what we need to do to get this going.

Mrs. Hacker asked the time frame. Mr. Charlap said March 1, 2003.

Mr. Early asked, 'if this is going to remain a dairy, is a change of use required?'

Mrs. Hacker stated that with the business going back to the original business, it is this Board's responsibility to be certain that all Codes are followed and to be forthright with the business owner. She added that she would need to check with Town Attorney Perley about the change of use at this point.

Mr. Charlap said the awning will be the big issue. He asked, 'if it is not permissible to do what I plan, is there any way around that with a change of use?' Mrs. Hacker explained that there are limitations of what is allowed

Mr. Charlap said that his intent is to square off the front of the building so there are not all the indentations that are currently there. He will obtain a drawing of the building with the proposed awning.

Mr. Early reminded him that the setback is the main concern.

Mr. Charlap said that the two trees in front would be coming out.

Mr. Pohl said the setback is fifty feet. Mr. Stringfellow added that if the setback begins at the edge of the right-of-way then the building currently may not comply with Town Code.

Mr. Charlap explained that his intention is to extend the 3-foot extension, where the trucks back into, down the front of the building.

Discussion followed about the awning, the extension and the setback.

Nick Charlap, con't.

Mrs. Hacker told Mr. Charlap that he would need to supply a survey showing the existing dairy property buildings, the proposed awning, all adjacent lot line setbacks, location of buildings on adjacent properties, and all front yard setbacks.

SOUTHTOWNS RURAL PRESERVATION COMPANY, INC.

Mrs. Hacker distributed site plans to those present, and asked the secretary to contact Ms. Diemunsch for more copies to be sent to those not in attendance.

The members briefly reviewed the site plans.

Vice Chairman Hacker asked that Ms. Diemunsch be notified that the Planning Board has received the site plans and advise her that discussion will be on the agenda for the December 12, 2002 meeting.

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

Being none, Mr. Stringfellow made a motion to adjourn at 7:56 P.M., seconded by Mrs. Andrzejewski. All in favor.

Respectfully Submitted,



Patricia Hacker  
Vice Chairman

PH:tf