

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Zintars Zadins, Secretary
J. David Early
Tom Edington
Kevin Maxwell
Margaret Andrzejewski, Alternate
Michael Pohl, Alternate

EXCUSED: David Stringfellow

ALSO Councilman Dennis Mead, Liaison
PRESENT: Michael Perley, Town Attorney
Dennis Kramer, Code Enforcement Officer
Richard Brox, Planning Consultant
Kevin Kelly and Suzanne Koestler (owners Boston Grille)
Property owners in the vicinity of Boston Grille (sign in sheet attached to minutes)
Timothy Connelly (Cellular One)

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 March 28, 2000. Being none, Mr. Early made a motion to accept the minutes, second by Mr. Edington. All were in favor.

CORRESPONDENCE

Secretary Zadins noted the following correspondence received:

- Letter from Supervisor Rood, dated April 5, 2000 informing this Board that on May 3, 2000, appointments will be made to the Zoning Review Committee. She requested that a representative from the Planning Board be in attendance at that time.
 - per Chairman Jusko Planning Board representative will be determined at next meeting – include as agenda item
- letter from CAC member Lynn Zachmann, to create the awareness of current industry standards and practices which have not been necessarily adopted by all landscapers and landscape architects
- flyer announcing the 7th Annual Southern Tier West Local Government Conference to be held on May 11, 2000 at Houghton College
- registration form for SEQR Training to be held on May 31, 2000 at the Clarence Town Hall
- Application for permit from William Brunner, to be addressed at next meeting

Chairman Jusko announced there is money in the budget for any members to attend any or all of the above mentioned conferences.

LIAISON – COUNCILMAN MEAD

Nothing to report at this time

BOSTON GRILLE

Chairman Jusko stated to Mr. Kelly and Ms. Koestler, you left last meeting with our request for a full set of plans in accordance to Section 97 of the Boston Code. Chairman Jusko asked Mr. Brox to comment on the plans.

Mr. Brox said because this is a commercial property there needs to be an architect seal on the plans.

Ms. Koestler objected and said anything under \$20,000 does not require an architect's stamp. Mr. Brox stated that the State of New York says that any commercial building requires an architect's seal on any expansion over 2000 square feet, and sometimes even less, Mr. Kramer is that your understanding? Mr. Kramer replied, yes. Ms. Koestler said this is not an expansion this is a floating deck, this is not anything that has bearing walls.

Mr. Brox continued by adding that the landscape plans are inadequate, it only shows a couple of crab apple trees. The Board will want to see some screening from the street and just for enhancement of the property. Ms. Koestler said there are existing bushes that will remain. We're not changing anything other than the slope to make the grade work for the draining.

Chairman Jusko asked that Mr. Brox be allowed to finish his comments, before comments from the audience.

Mr. Brox continued, the lights that are being proposed do meet the requests of this Board in that they are directional and will not shine off of this property; and the parking is adequate for the additional seating on the proposed patio.

Chairman Jusko said that he has received a letter of concerns from surrounding neighborhood of Boston Grille. This will be forwarded to the Town Board, as they make the final decision on the matter.

Mr. Zadins stated that there appears to be two different sets of property lines. Ms. Koestler replied that one is just a sketch done by hand, and the other is from the Town. Mr. Zadins continued, your building shows two dimensions along the south side one is 66 feet and 34 feet, where is the concrete pad on this drawing. Ms. Koestler came forward to the Board and pointed to the plan and said it is 10 feet off the building. Ms. Koestler presented the letter from the State which mandates a wheelchair access. We have to meet certain grades because of the lay of the land, and make certain slopes so as not to put water on the neighbor's land. Mr. Zadins asked where this water would drain. Ms. Koestler said, to the storm drain in front.

Mr. Early asked if there was a grade elevation plan. Ms. Koestler said if they are not in this package they must be in the previous package. Mr. Maxwell stated that a complete package was requested for this meeting and grade elevation should have been included.

Mr. Brox stated that he and the Town Attorney have agreed that the applicant had been instructed, two meetings prior to this meeting, to submit drawings that complied with the Article 97 of the Zoning Code. Ms. Koestler objected. Mr. Brox continued, if you read the list, the items needed are not here. Ms. Koestler said she had met with the contractor, who has dealt with the Town of Boston on other occasions, before submitting these plans. Chairman Jusko asked the contractor's name. Ms. Koestler said Joe, but was unable to recall his last name.

Chairman Jusko said that this evening would be no more than a working session as the plans submitted are very difficult to follow.

Mr. Maxwell said the person who prepared these plans should have been at the meeting so they know exactly what this Board requires, and suggested they be in attendance at the next meeting.

Mr. Perley said to Ms. Koestler, in order to maintain an open dialog between this meeting and the next you or your contractor contact him prior to the meeting, I will either deal with it, refer it to Mr. Brox, or to someone who can direct you further.

Chairman Jusko recommended that this matter be tabled until an acceptable set of plans are received by this Board. He also told Ms. Koestler that any recommendation made to the Town Board would have some restrictions; and an accurate set of plans, which will become part of the file. They need to clear, precise and exact so that a year from now, or five years from now, there are no questions.

Ms. Koestler stated that it seems every time she returns to this Board something else is needed. Mr. Jusko advised Ms. Koestler to follow Section 97 and to have Mr. Perley or Mr. Brox help her from here forward.

Mrs. Hacker stated that the clam bar issue needs to be addressed. Ms. Koestler said that it wouldn't be addressed, as all the cooking will be done in the kitchen. Mrs. Hacker said that if the clam bar is a proposed use for this deck that it needs to be addressed. Ms. Koestler stated that the clam bar is mobile, it is not a permanent fixture on the deck.

Chairman Jusko said we need to know what exactly what you plan to do, the plans cannot change after recommendation from this Board. Your plans and intent has to be made clear right from the beginning. Ms. Koestler said, she has been told, by the Health Department and her attorney, that she does not need to include a mobile unit in her plans.

Mrs. Hacker also stated that the landscaping needs to be addressed because of the noise issue. Ms. Koestler said there is no noise issue. Ms. Koestler said she has talked to the New York State Police and the Sheriff's Department and neither have any reports of fights or noise on record. Mrs. Hacker responded, right now there is no patio, no people outside on a patio, so no noise; but in two or three months that could change if the patio is approved.

Chairman Jusko asked how this state mandated handicapped entrance ties into a 40 foot by 80 foot patio. Ms. Koestler gave an explanation of the elevation grades.

Mr. Perley suggested that this matter be tabled.

Chairman Jusko stated that this Board is not ready to accept comments from the audience as the plans received for tonight's meeting are not acceptable to make any kind of recommendation. He read some of the concerns submitted by the surrounding neighbors: occupancy limit, garbage (litter left by patrons), increased traffic, noise level, car doors slamming, dumpster, and music. Chairman Jusko stated that some of these concerns are familiar to any restaurant site. However, the letter is received and will become part of the permanent file.

Mr. Maxwell made a motion to table this matter pending receipt of acceptable plans, second by Mr. Edington. All were in favor to table matter.

CELLULAR ONE

Mr. Perley said after the number of tower applications, this Board has reviewed, laws were drafted with the idea that co-location would be encouraged and preferred; and that is the basis of the application before us now.

Timothy Connelly representing Cellular One introduced himself and stated that he was present this evening to answer any questions this Board may have.

Mr. Perley asked Mr. Connelly if he had any computer generated charts showing the deficiencies in the Cellular One service area that demonstrates a need for the antennas. Mr. Connelly said, yes.

Mr. Zadins asked the initial height of tower in application. Mr. Perley responded he believes it to be 250 feet extendable to 300 feet, but added he was not completely certain.

Cellular One. con't.

Mr. Zadins said it is noted that there is going to be future extension.

Mr. Perley replied there is provision for future extension, but cannot be adopted without Town Board approval. That tower is only approved for 250 feet, and capable of extending to 300 feet so should the Town Board determine it is preferable to extend a tower as opposed to building another tower, the opportunity would exist.

Mr. Connelly explained that they would use existing mounts at a height of approximately 220 feet.

Mr. Mead asked where the dead areas are they Cellular One hopes to cover.

Mr. Connelly said Routes 391, 219 and the Chestnut Ridge Park area. Mr. Mead said that with the new Frontier tower up on Cole Road, their service has not been improved.

Mr. Connelly added that topography makes a big difference in service.

Mr. Zadins asked how many companies are allowed to co-locate on this tower. Mr. Connelly said after Cellular One, there is room for two more companies, without the extension.

Mr. Brox stated that he and the Town Attorney conferred on this application, also, and if this Board desires they could approve this request with the condition that Cellular One demonstrate their need for the coverage.

Mr. Perley said if the Planning Board makes a favorable recommendation there would be a Public hearing at the Town Board level on May 17.

Mrs. Hacker made a motion to recommend approval of the co-location application of Cellular One, subject to the applicant demonstrating the need of the antenna by appropriate radio frequency propagation studies. Second by Mr. Maxwell. All members were in favor of the motion.

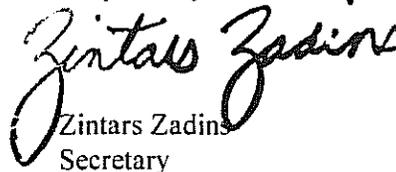
CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer had nothing to report, and asked if anyone had any questions for him. There were no questions.

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

Being none Mr. Maxwell made a motion to adjourn, second by Mrs. Hacker. All in favor.

Respectfully submitted,


Zintars Zadins
Secretary

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