

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

ALSO Dennis Kramer – Code Enforcement Officer  
PRESENT: Michael Perley – Town Attorney  
Councilman Dennis Mead – Town Board Liaison  
Councilman Karl Simmeth  
Randall Barker  
Nicholas Charlap  
Michael Pritchard – Hickory Meadows

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 July 24, 2001. Being none Mr. Edington made a motion to approve the minutes, second by Mr. Stringfellow. All in favor.

**CORRESPONDENCE**

Mr. Maxwell reported the following correspondence:

- Copy of letter from Code Enforcement Officer Kramer to DEC Representative Rebecca Anderson regarding the Bernardi property
- Received from Dr. & Mrs. Joseph Wandass regarding Hickory Meadow road ditches
- Received response from DEC to Mr. Kramer's letter
- Received letter from Mr. & Mrs. Michael Pritchard regarding installation of culvert at Hickory Meadows

Mr. Jusko responded to the Hickory Meadows situation: a committee is to be formed to apprise the situation and refer back to Planning Board. Councilman Simmeth asked if the Planning Board was looking for a committee to advise on this issue. Mr. Maxwell said a meeting would be set up to include a representative of the homeowners, Town Attorney Perley, Highway Superintendent Kreitzbender, Town Engineer Robert Harris, and a representative of the developer.

Mr. Early asked if the Town would incur any cost of this installation, should it occur. Chairman Jusko said that would be an issue to be brought up once the committee is established.

**LIAISON – COUNCILMAN MEAD**

Mr. Mead reported that the South Towns Planning and Development group held a meeting on June 25, 2001 and the next meeting is scheduled for late September.

**NICKY C'S**

Mr. Maxwell read the correspondence received from Mr. Charlap with requested updated information. Mr. Jusko said the concerns of this Board were with the traffic pattern and square footage of business. Mr. Kramer reported that he and the Deputy Code Enforcement Officer had been on site at Nicky C's on several occasions. Mr. Charlap said the parking spaces had been moved four feet closer to the building, which improved the backing out onto the State Road situation. Mr. Kramer added that there is parking on the side of the building also. He said that he had asked Mr. Charlap to designate handicapped parking, which has been done; and Mr. Kramer said that Mr. Charlap was asked to install a hard surface material to keep the dust to a minimum, which has been done to Mr. Kramer's satisfaction. Mr. Jusko stated that the parking is more than adequate, a requirement of 16 spaces, Mr. Charlap has 21 parking spaces. Chairman Jusko said that the application has been adequately addressed, and suggested that no change of current use, or expansion take place, without prior review by the Town Board.

Mrs. Hacker asked if the DOT needed to be contacted for the egress onto the State Road. Mr. Kramer and Mr. Perley agreed that there was no change or modification of the entryway to the highway, so that would not be necessary.

Mr. Early asked if parking could be done legally on the neighboring premises. Mr. Charlap said that his property and the neighboring property is all one parcel owned by the same person, and that he does have permission to use the parking area adjacent to his business after 5:00 P.M.

Mr. Maxwell stated that if the dust-less material is extended from the building, on Boston State Road to Zimmerman Road, that it might be construed as a new entrance, and should be checked with the County.

Mr. Charlap said that a speed bump has been installed to deter cars from using that as a shortcut.

Chairman Jusko asked if there were any other questions. Being none Mrs. Hacker made a motion to recommend, to the Town Board, approval for the change of use with the stipulations that no extra seating be added and no expansion can be completed without prior review of the Town Board, second by Mr. Early. All in favor.

**NORMAN WITTE REZONING REQUEST AT 7615 BOSTON STATE ROAD**

Mr. Jusko read Mr. Witte's request that this property be re-zoned to M-1. Mr. Jusko said that a re-zoning of R-C should be sufficient as M-1 is not appropriate for this area. Mr. Jusko added that the Master Plan is promoting businesses be developed in and around the three hamlets in Town.

Mr. Perley said before the 1990 rezoning law, that along Boston State Road there was a strip zoned RRB which included light business. He added that the zoning commission specifically designed the law to restrict businesses from residential areas, and changed the zoning in the Thornwood area to residential. The commission also limited the uses in R-C so there would be a clear differentiation between commercial areas and residential areas.

Chairman Jusko asked the members for their opinions. Mr. Stringfellow agreed that there should be no commercial business in residential area.

Mr. Maxwell said that he is definitely opposed to M-1, that the M-1 zoning is too vast and would allow industry to be in a residential area. Mr. Maxwell added that the application should be responded to as requested. Mr. Perley suggested that this Board give the applicant the courtesy of recommending one zoning over the other and not just send an unfavorable recommendation. Mr. Kramer said that it was at his suggestion that Mr. Witte request M-1 zoning, as Dental Offices are included in this zoning. Mr. Kramer added that he does not feel that the applicant should be charged another fee to request R-C when this Board could make that recommendation to the Town Board.

Mr. Stringfellow made a motion to recommend to the Town Board an R-C zoning at 7615 Boston State Road, instead of an M-1 Zoning, and that this zoning and proposed use is in direct contrast with the Master Plan, which recommends that commercial businesses be centered around the hamlets of Boston. 6 members were in favor of this motion. Mr. Maxwell was opposed to the motion. Carried.

BOSTON HILLS

Chairman Jusko referred to the letter of August 1, 2001 from Mr. Eckis, which contained comments from all previous discussions and recommendations of this Board. Mr. Jusko added an additional consideration for the installation of a pond near the development.

Mr. Jusko did an on-site visit and said he would reconsider the sub-division process if the driveways were clearly defined as to the location on the turnaround, and the completion of the turnaround as previously discussed, and if the pond was installed.

Mr. Kramer said that he had talked to Mr. Eckis about fire safety, and Mr. Eckis is receptive to putting in a pond, and is also receptive to having the fire company using the road across the field, which Mr. Eckis believes is in good condition. Mr. Jusko said that the Gas Company would be concerned if this road ran over the gas line because it would not support the weight of a tanker truck full of water.

Mr. Maxwell objected to Mr. Eckis' insinuation that the Planning Board is holding up building permits. He added that the existing lots have been approved and building permits can be issued. Mr. Maxwell added that this Board made a request in January that the 'T' turnaround be completed in response to Mr. Eckis' request to reconfigure a single lot line. This Board did not at that time ask for a cul-de-sac, the cul-de-sac was this Board's response to Mr. Eckis' request to re-subdivide and add lots.

Mr. Maxwell said the Liaros' property is not an approved lot, this Board did not create any hardship.

Mr. Perley responded that the end of Hillcroft was an existing public right of way, Deer Run was a newly created road for this sub-division, which this Board has jurisdiction over. A variance from the Zoning Board of Appeals would not enter into the Liaros matter, that property is not an approved lot.

Mr. Perley added that Mr. Eckis did participate in the relocation of the driveway to the Latona property. Discussion returned to the installation of a pond.

Mr. Jusko asked if the issue should be opened again based on the discussions of a pond, or should this Board stand firm on its decision that was originally recommended; that being, in order to sub-divide and add lots, a cul-de-sac is to be installed with the drive ways being defined, and meeting the approval of the Highway Superintendent.

Mrs. Hacker stated that she would like to work with Mr. Eckis to install a pond in order to accomplish what this Board has previously directed.

Mr. Early said that he did not understand why this Board is being concerned with a Fire Company matter. Mr. Perley said that the Fire Company is requesting a quick water supply on the hill to eliminate some of the time it takes for an empty tanker to go back to the valley and return up the hill with a full load of water. Mr. Kramer added that it also takes more time to run hose lines up a hill than it takes to run them down hill.

Mr. Stringfellow asked Mr. Edington to explore the specifics for a pond, before the meeting with Mr. Eckis.

Mr. Mendola said that the pond is a good idea, and the 'T' turn-around should be completed, but should not be discussed together.

Mr. Edington said that he believes this Board should adhere to its original request for the installation of a cul-de-sac.

Mr. Pohl said to keep all options open, but before continuing this Board should ask for a new set of design plans including a cul-de-sac or 'T' turn-around, and the pond with design calculations being needed. He added that a trade should be considered.

Mrs. Andrzejewski said that she is receptive to a trade, and is in favor of a cul-de-sac.

Mr. Jusko said that if this Board is resigned to a cul-de-sac in return for sub-division approval there is no need to continue talks with Mr. Eckis.

Mr. Early stated that he prefers a cul-de-sac.

Mr. Maxwell said that he is not receptive to a trade. Advise Mr. Eckis if he wants to sub-divide, put in a cul-de-sac, and a pond is Mr. Eckis' option.

Chairman Jusko asked if it is this Board's desire to adhere to the original decision. A four to three majority was in favor to stay with original decision forwarded to Mr. Eckis.

NON-AGENDA ITEMS

BROX CONTRACT RENEWAL

Chairman Jusko read Mr. Brox letter of request for renewal. Mr. Jusko said that Mr. Brox contract indicates that Mr. Brox attend 10 meetings per year at a rate of \$190.00 per month which equates to four hours, and time beyond that is paid at an hourly rate of \$50.00 per hour. Mr. Jusko added that would not want to operate without a Planning Board consultant.

Mr. Maxwell asked that he would like to have more timely correspondence to applications submitted.

Mr. Early said that the Board needs Mr. Brox's expertise.

Mr. Early made a motion to renew Mr. Brox's contract for 2002 without any changes, second by Mrs. Hacker. All in favor.

HICKORY MEADOWS

Michael Pritchard, from Pearl Street, asked about drainage installation in Hickory Meadows. Mr. Pritchard said that he stated his concerns in June, submitted a letter in July and now again in August and would like to get this issue resolved.

Mr. Perley said that a committee would be formed, consisting of a member of the Planning Board, the Highway Superintendent, Town Engineer, Town Attorney and the developer, before the next meeting of the Planning Board in September. He added that this project would be handled in a proper manner, and not haphazardly.

Mr. Jusko added that after the committee reviews the request, it would be returned to this Board for review and recommendation.

RANDALL BARKER

Mr. Perley said that Mr. Barker has an application before the Zoning Board of Appeals. He told Mr. Barker that this Board will not act until the ZBA makes its decision on set back.

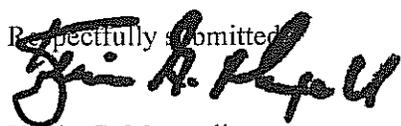
LOCAL LAW UPDATES

Mr. Sherk delivered copies of Local Laws from 1997 to present, at the beginning of this meeting. Secretary Thelma Faulring will make copies for each Planning Board member.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that DEC will allow Mr. Bernardi to remove gravel from the 18 Mile Creek in the Willow Drive area, and now is requesting the Town Board for the same approval. He is also requesting Town Board approval to remove top soil from his property on Willow Drive, the Town Board has final approval. Mr. Kramer added that Mr. Bernardi has been cited for removing soil without a permit.

Chairman Jusko asked if there was any other business to be brought before this Board. Being none, Mr. Stringfellow made a motion to adjourn at 8:48 P.M., second by Mr. Early. All in favor.

Respectfully Submitted  
  
Kevin G. Maxwell  
Secretary

KGM:tjf