

PRESENT: Patricia Hacker, Chairman  
David Stringfellow, Vice Chairman  
Kevin Maxwell, Secretary  
Paul Jusko  
Jeff Mendola  
Michael Pohl

ALSO PRESENT: Dennis Kramer Code Enforcement Officer  
Dennis Mead Town Board Liaison  
Richard Brox Planning Consultant  
Paul Speich CAC Liaison

EXCUSED: J. David Early

ABSENT: Margaret Andrzejewski

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

**MINUTES**

Mrs. Hacker asked if there were any additions or corrections to the minutes of December 10, 2002. Being none, Mr. Jusko made a motion to accept the minutes, seconded by Mr. Stringfellow. All in favor.

**CORRESPONDENCE**

Secretary Maxwell reported the following correspondence:

- Letter dated December 11, 2002 regarding the application of the Southtowns Rural Preservation Company, being complete and forwarded to the Town Board for it's action
- Letter dated December 12, 2002 received from Mary Anne Jehle and Barbara Cudeck asking to be notified of the meeting for SRPC discussion
- Former Chairman Jusko's Annual Report dated December, 12, 2002 to the Town Board
- Letter dated December 26, 2002 from Town Clerk Shenk to Richard Hody, who expressed an interest in being a member of the Planning Board. Letter and resume forwarded to Planning Board.
- Letter dated December 27, 2002 from Town Clerk Shenk advising this Board of the inventory on the telecommunication tower at 6405 Ward Road
- Letter dated January 7, 2003 to Theresa Betz advising her of receipt of application and Town Code Section that should be followed
- Holiday greeting from Gary Eckis
- Other correspondence to read at point in agenda

Mr. Jusko: how does a company get to go on a tower without an application, simply by going to the owner?

Mr. Mead: exactly they just go to the owner.

Mrs. Hacker: if they don't apply for or pay for a permit are they fined

Mr. Mead: because of the new law just enacted, yes. That might be determined by the original application fee and how many years they have been on the tower without an approved application.

Mrs. Hacker: am I right by thinking that the Justice department doesn't have to pay?

Mr. Mead: I don't think that's correct, I think they have to pay.

Mr. Stringfellow: is there anything that the Planning Board needs to do to follow-up on this, and who does this?

Mr. Mead: Town Attorney Perley and Town Clerk Shenk will continue to follow-up. Maybe this Board should ask for a letter stating that they would like to be notified when all co-locators have filed an application and those applications are in order.

Mr. Brox: read from Town Code Book, Section 123-12 regarding Federal Government exemption.

Discussion followed about government applications, or should the tower owner be made responsible to make the application.

**LIAISON – COUNCILMAN DENNIS MEAD**

Mr. Mead reported the following:

- Southtowns Rural Preservation Company – informational meeting on Wednesday, January 22, 2003 at 7:50 P.M. A Public Hearing is not required. Chairman Hacker asked that the Planning Board secretary advise Mrs. Jehle and Mrs. Cudeck of this meeting.
- Approved the election of officers for the Planning Board
- Approved appointment of Richard Brox for Planning Consultant

**PALMER REQUEST – ACCESSORY APARTMENT**

Secretary Maxwell read the correspondence:

- Letter received January 2, 2003 requesting an accessory apartment be allowed above their garage so that the family may live there during reconstruction of their home which was destroyed by fire.

Mr. Brox: the garage was an attached garage according to Mr. Kramer, and Mr. Perley left a message that under Section 123-118, temporary use would be permitted during the reconstruction of the house.

Mrs. Hacker: is there any follow-up that needs to be done by this Board, or would Mr. Kramer do that just by issuing a permit?

Mr. Kramer: I would like this Board to make a recommendation, everything else is done by Code.

Mr. Maxwell: granted under temporary use or special use?

Mr. Brox: temporary use.

Mrs. Hacker: my understanding is because this is an attached garage this apartment can remain, after the house is re-built, as an 'in-law' apartment, is that correct?

Mr. Brox: yes.

Chairman Hacker: are there any other questions?

Mr. Jusko made a motion to recommend approval to the Town Board for the accessory apartment at 5457 Feddick Road based on Town Code Section 123-118, second by Mr. Maxwell.

**CODE ENFORCEMENT OFFICER KRAMER**

Mr. Kramer: nothing really, unless anyone has questions for me.

Mr. Jusko: what is going on at Charlap's, has Nick started work in there.

Mr. Kramer: I don't have any idea. Maybe some inside work being done.

Mrs. Hacker: if there is no change of use, is he required to come back to the Planning Board?

Mr. Maxwell: contingent on what's being done

Code Enforcement Officer Kramer, con't.

Mr. Kramer: I have not heard from Mr. Charlap since last fall, he indicated at that time he was going to have a set-up at Charlap's, like he has at Nicky C's. I told him that would require a change of use.

Mrs. Hacker: at the meeting in November Mr. Charlap said that the sit down facility was going to stay at the site where it is, and the dairy was going back to being what it was, walk in sales of dairy products and ice cream cones.

Mr. Mendola: at that time Mr. Charlap was told what would be expected if he put a restaurant at the dairy location.

Mr. Kramer: I will contact Mr. Charlap to see what he is doing.

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

Being none, Mr. Jusko made a motion to adjourn at 7:52 P.M., second by Mr. Stringfellow. All in favor.

Respectfully submitted,



Kevin G. Maxwell  
Secretary

KGM:tjf