

**PRESENT:** Paul Jusko, Chairman  
Patricia Hacker, Vice Chairman  
Kevin Maxwell, Secretary  
J. David Early  
Jeff Mendola  
Michael Pohl

**EXCUSED:** Margaret Andrzejewski  
David Stringfellow

<b>ALSO</b>	Councilman Dennis Mead	Town Board Liaison
<b>PRESENT:</b>	Michael Perley	Town Attorney
	Dennis Kramer	Code Enforcement Officer
	Diane Lattin	Verizon
	Bob Clark	Sharco
	Kevin Kelley	Boston Grille
	Suzanne Koestler	Boston Grille

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 June 11, 2002. Being none Mrs. Hacker made a motion to accept the minutes, second by Mr. Maxwell. All in favor.

**CORRESPONDENCE**

Mr. Maxwell reported the following correspondence:

- Received –Planning & Zoning Summer School schedule (distributed to P.B. members)
- Received – Town Board minutes from the meeting of July 10 (distributed to P.B. members)
- Received from Boston Town Board – proposed Local Law #4 – Special Permit Requirement for live entertainment
- Other correspondence to be read at point in agenda

**LIAISON – COUNCILMAN MEAD**

Nothing to report.

**VERIZON – MODIFICATION TO TELECOMMUNICATION FACILITY**

Mr. Maxwell read the following correspondence:

- Letter sent to Ms. Lattin advising her that discussion for the Verizon application would be on this evening’s agenda.
- Letter from Planning Consultant Richard Brox

Mr. Perley explained that Verizon would be removing the Omni Directional and installing new panels which would make reception clearer.

Verizon, con't.

Mr. Early made a motion to recommend approval of the application submitted, second by Mrs. Hacker. All in favor.

SHARCO ENTERPRISES

Mr. Maxwell read the following correspondence:

- Letter sent to Mrs. Clark advising her that discussion of the application would be on this evening's agenda.
- Letter from Planning Consultant Richard Brox

Mr. Jusko said that according to the tax map, the applicant provided, that a stockpile appears to be on the Boston Hotel property. He asked Mr. Clark if this is correct. Mr. Clark said yes, part of it is.

Mr. Jusko asked Mr. Clark if there was an agreement with the Boston Hotel to store on that property. Mr. Clark said yes.

Mr. Early asked if this is a renewal of the previous application submitted.

Chairman Jusko explained that special use permits are subject to renewal. He added that since 1999, when this application was last reviewed, this process is now regulated by restrictions that have been added to the Town Code.

Mr. Perley explained that in C-1 permitted uses include retail, personal service type of business. It does not include the storage of the type of equipment currently stored; however this has been done on this property before this zoning, and that it is a use that is pre-existing, and that portion of Mr. Brox's letter is correct. Mr. Perley added that does not pertain to the screening, screening is allowed by a special use permit in a C-1 zone.

Mr. Jusko stated that the property is unsightly, however is not this Board's concern, only the application for topsoil screening. He asked that it be noted that the Town Board inspect this property.

Mr. Early asked Mr. Clark when he was cited by the Town. Mr. Clark said that he had come before the Town Board with letters from neighboring property owners, none of whom objected to this use.

Mr. Early asked if the Town Board had stopped him from the screening business. Mr. Clark said yes.

Mr. Perley explained. There were no complaints, but it was not a permitted use. The Town could not allow a use that is otherwise prohibited in C-1 to start on its own and continue to proceed

Mr. Clark asked when the restrictions for C-1 were changed. Mr. Perley said in 1990. Mr. Clark said that he had been at that site before 1990. Mr. Perley responded, yes, but you weren't screening topsoil. Mr. Perley continued, the Town Board talked with the Clarks', inspected the site to determine if the size of the site was adequate, and wrote legislation of general application in the Town of Boston, which in all likelihood would accommodate this use at this site. The reason you were stopped is because this Board felt that is was not permitted at that time. Then the Town Board was asked to make a legislative decision as to whether or not they thought it should be allowed under certain circumstances.

Discussion continued about the storing of the material and the unsightly condition of the site.

Mr. Maxwell asked Mr. Clark if he had any erosion plans, as stated in item 8. Mr. Clark said he had canvass on the piles currently.

Mrs. Hacker clarified that material is brought to the site, screened, and then removed. Mr. Clark said yes, that was correct.

**Sharco Enterprises, con't.**

Mr. Maxwell asked Mr. Perley if this application would require a public hearing. Mr. Perley replied that all special use permits require a public hearing at Town Board level.

Mr. Maxwell asked Mr. Clark if he had any plans to fence/barricade the screening area to separate the dedicated screening area from the rest of the property. Mr. Clark said that he had no intention of fencing any of the site for 4 or 5 hours of use a day.

Chairman Jusko asked if there were any further questions or comments. There were none.

Chairman Jusko stated that he Town Code specifies that the area has to be dedicated, the requirements and hours. The restrictions are very thorough in the Code. The Town Board would have to take issue with the vehicles.

Mr. Maxwell asked if this is a conforming site. Mr. Perley said yes.

Mrs. Hacker asked about follow up. Mr. Perley said yes there is automatic follow up. The Code Enforcement Officer would enforce the hours of operation and the amount of screened material. Mr. Perley said that the application should be reviewed each year.

Mr. Maxwell made a motion to recommend approval of the application submitted, with designation of area, contingent on strict adherence to Town Code Section 123-71 Item 5. Second by Mr. Early. All in favor.

**BOSTON GRILLE**

Mr. Maxwell read the following correspondence:

- Letter, dated July 5, 2002, sent to Mr. Kelly advising him that discussion of the application would be on this evening's agenda.
- Letter dated June 25, 2002 received from Mr. Kelly responding to this Board's letter of June 14, 2002
- Letter from Planning Consultant Richard Brox, dated June 25, 2002.

Mr. Jusko asked the number of tables inside the restaurant. Ms. Koestler said there are 16 tables – 1 six top, 6 two tops and the rest are four tops. There are 7 stools at the bar.

Chairman Jusko stated that the parking is more than sufficient to accommodate the seating.

Mrs. Hacker told Mr. Kelly that a seating diagram would need to be added to the site plan and a revision date would need to be added also.

Mrs. Hacker stated this Board has determined that this application is considered complete and made a motion to forward, along with the specifications and stipulations, to the Town Board for its action, second by Mr. Early. All in favor.

**CODE ENFORCEMENT OFFICER KRAMER**

Mr. Kramer said that he had nothing to report other than it has been brought to his attention that Mr. Bernardi is resurrecting his sub-division plan.

Mr. Maxwell asked if Mr. Bernardi has formally submitted any site plans. Mr. Jusko said that he has not.

Chairman Jusko asked if there is any other business to bring before this Board.

Mr. Maxwell asked about the correspondence that the members received June 25, 2002 regarding the SBA Tower inventory. Mr. Perley said that he had been in contact with Gary Ferrara and will arrange a meeting of Mr. Perley, Mr. Ferrara, and Mr. Kramer.

Mr. Perley said that the Town Highway Superintendent expressed the need for uniform culvert pipe installation. In response to this request, at the August 7, 2002 Town Board meeting there will be a Public Hearing to consider an amendment to the Public Improvement permit Law that requires the Public Improvement Permit for the installation of culvert pipe into open drainage ditches. Town Engineer Harris is currently drawing a standard specification for that installation. The purpose behind the Local Law is to design in a consistent fashion so that there is good drainage off of the road to the D.I.'s.

Mr. Jusko asked about the drainage situation at the Emerling sub-division.

Mr. Perley said that situation is on going. The developer does not want to pursue a drainage district at this time. The Town Board does not feel it would be prudent to begin a proceeding under 12-A because it could be defeated by the developer. Mr. Perley said that the second phase of this sub-division would be beginning soon and at the end of that phase the Town could begin looking at the drainage situation again.

Mr. Jusko asked about the progress of the Master Plan.

Mr. Perley said that there is a resolution on the Supervisor Eagan's desk to only approve, not adopt, as a guide to future development.

Mr. Early asked how deeply is drainage addressed in the Master Plan. Mr. Perley responded 'not very deeply.'

Mr. Jusko said that it should be noted that the Hillfest Committee should complimented and commended for the hard work that is put into this community event and wished them continued success.

Mr. Maxwell made a motion to adjourn at 8:13 P.M., second by Mr. Pohl. All in favor.

Respectfully submitted,



Kevin G. Maxwell  
Secretary

KGM:tjf