

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

**ALSO PRESENT:** Councilman Dennis Mead, Liaison  
Michael Perley, Town Attorney  
Kevin Kelly (Boston Grille)  
Property owners in the vicinity of Boston Grille (sign in sheet attached to minutes)  
Gary Eckis (Boston Hills, LLC.)

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 14, 2000. Being none, Mr. Stringfellow made a motion to accept the minutes, second by Mrs. Hacker. All were in favor.

**CORRESPONDENCE**

Secretary Zadins noted the following correspondence received:

- flyer notifying this Board of the Second Annual Smart Growth Conference to held on May 4, 2000 at Empire State Plaza in Albany.
- Referral from Boston Town Board regarding co-location request, from Cellular One, for placement of an antenna on existing tower at 6405 Ward Road. To be addressed at next Planning Board meeting on April 11, 2000.

**LIAISON – COUNCILMAN MEAD**

Councilman Mead reported from the Town Board meeting of March 15, 2000:  
Only report was the Cellular One request for co-location

**BOSTON GRILLE**

Members were given copies of an elevation drawing and survey map that Mr. Kelly brought in this evening. Chairman Jusko explained to the neighbors present that all this Board does is review complete plans and makes recommendation, either for or against, to the Town Board. The Town Board makes the final decision.

Boston Grille. con't.

Chairman Jusko further explained that this Board has not received a complete application nor a conceptual plot plan which meets Town Code requirements.

Chairman Jusko asked for a description of handouts and reminded Mr. Kelly that these are not acceptable; he asked the audience to refrain from any comments, as they would be given an opportunity to speak even though it is not required on the part of this Board.

Susan Koestler, owner of Boston Grille asked that Mr. Bernardi be allowed to explain the elevations to the neighbors. She also explained that the application is for a patio and a clam bar stand, it does not include music, only to expand dining area.

Chairman Jusko said that there is a number of concerns that this Board has that will need to be addressed.

Mr. Bernardi spoke on behalf of the Boston Grille. He explained that because of the topography at the proposed location of the deck, it was more suitable to lower the patio and have steps going down to the patio. Light standards could be lowered 6 inches to a foot below top of existing fence. The idea of a three foot elevated deck is now gone, in an effort to be more in conformity of codes, without having to make changes to fence.

Chairman Jusko restated that globe lighting on the deck would not be considered acceptable and again advised that they need to consider directional fixtures. He added that this is a start but there is a long way to go to meet requirements of the application process.

Mrs. Koestler stated that she is making a state mandated entrance/exit, including handicapped accessibility, on that side of the building, at her own expense, and hopes to incorporate them for exit and entrance to the proposed patio area.

Mrs. Hacker asked where the entrance would be placed. Mrs. Koestler was not certain to the location of the entrance. Mrs. Koestler asked if there were any written requirements to be followed. Chairman Jusko advised her Town Code Section 97-4. He also advised Mrs. Koestler that there is nothing to be discussed this evening.

Mr. Bernardi said that he would have the conceptual site plan for the next meeting.

Chairman Jusko requested multiple sets of the conceptual site plan; 10 days prior to the meeting to allow for mailing time and review time by the members of this Board.

Town Attorney advised the audience that a Planning Board meeting, which is opened to the public, does not necessarily give the public the right to speak or comment. As a courtesy, the Planning Board does allow comments, but on a limited basis; and in this case with such limited information it would be premature to allow comment from the audience.

Mrs. Hacker said this evening is the first anything has been mentioned about a clam bar. That will change the use of the proposed deck. That should, also, be addressed in any plans submitted to this Board.

Chairman Jusko stated, we need to have dimensions, a defined explanation of use in addition to all requirements in Section 97 of the Site Plan Review.

Mr. Perley addressed the petition that had been given to Mrs. Hacker. He stated that this Board is an advisory board to the Town Board, therefore, any legal complaints or grievances regarding this matter should be filed with the Town Board, as they are the legal body that has jurisdiction over the decision. The Planning Board only makes recommendation to approve or deny request.

Mrs. Hacker made a motion to table discussion pending completion of plans, second by Mr. Early. All were in favor to table discussion.

**GARY ECKIS – REZONING REQUEST OF RICE ROAD EXIT**

Mr. Eckis stated that he would like to initiate discussions for rezoning for a portion of the property adjacent to the north entrance ramp to the 219 Expressway. He plans to work closely with the Town of Boston, the Chamber of Commerce, and the South Towns Planning Group, in an effort to bring some commerce to that site. Mr. Eckis went on to say that he is not requesting rezoning of the entire 175 acres, only a small, narrow strip of approximately 56 acres.

Mr. Eckis said he is here this evening looking for input before filing a formal application.

Chairman Jusko asked about the type of business and the number of buildings to be situated there. Mr. Eckis said distribution center, or service station/convenient store type of business would be better suited than an office building as there is no water or sewer there at this time. Number of buildings and the style has yet to be determined.

Mr. Perley stated that this is a particularly good time for people who are thinking about future use of the property because, at this time the Town is waiting for the County to tell us whether or not they approve assignment of a preliminary Master Plan to a Planner. That Planner will be looking for potential uses of that and other properties adjacent to the 219 Expressway.

Mr. Eckis said that he had met the Town Planner over a year ago, there was a view preservation discussion, and has since done some work on that. Mr. Eckis also stated that the site is hidden from view except from the exit ramp. Possibly one or two, neighboring properties could see the site, but no adjacent residences or anyone right near site.

Discussion, and questions for Mr. Eckis, continued.

Mr. Eckis asked whom he should file his application with. Mr. Perley told him to file his application with the Town Board. He instructed Mr. Eckis to decide on the amount of land to be rezoned; and as he is requesting rezoning without a plan ask to have that portion of the application process waived. The Town Board will refer to Planning Board for recommendation and then will go to Public Hearing at Town Board level.

Mr. Early asked if Mr. Eckis sold the property, would the restrictions still apply. Mr. Perley said the property would be sold with the restrictions that are set by this Board.

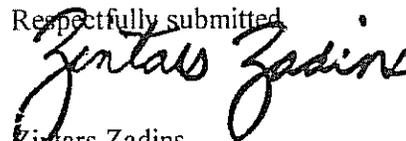
**CODE ENFORCEMENT OFFICER KRAMER**

Mr. Kramer not in attendance

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

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

Respectfully submitted,

  
Zintars Zadins  
Secretary

ZZZ: tf