

The Planning Commission of the Village of North Syracuse held a Work Session at 5:00 p.m. followed by a meeting on **Thursday, August 15<sup>th</sup>, 2019 at 5:30 p.m.** in the Village of North Syracuse Community Center at 700 South Bay Road, North Syracuse, New York 13212.

**Planning Board Members:** Greg Lancette, Chairperson, Jeff Bachstein, Casey Daugard, Vera Desimone, Paul Kolodzie, Emily Sharp, Pat Gustafson and Darlene Piper, Alternate.

**Personnel Present:** Scott Chatfield (Atty.), Amy Franco (CHA), and Brian Johnstone (Codes Enforcement Officer), Chris Strong, Liaison and Pearl Fuller (Secretary).

### **WORK SESSION**

Chairperson Lancette stated we have three action items for tonight's meeting. He continued one of them is Twin Trees and that seems to be the one with the buzz, but he stated he would like to talk about the two sign projects; Luther Memorial Lutheran Church and North Area Meals On Wheels first during the work session and then we will tackle the Twin Trees issue from that standpoint. He explained once we start the meeting at 5:30 PM, Twin Trees is the #1 item first up and foremost. He stated in the packets that everybody picked up we have the Meals On Wheels; he heard everything was approved at the Zoning Board of Appeals (Z.B.A.), so it is us to accept the Site Plan on both of those.

### **ATTORNEY EXPLAINS ZBA VS. PLANNING COMMISSION AND RECUSAL**

Chairperson Lancette clarified that Ms. Gustafson had a concern about Maxwell Ave and Mrs. Sharp had a concern, because she was on the Board for Meals On Wheels. Mrs. Sharp asked if she could be a part of the discussion. She stated that she is on the Board for Meals on Wheels. Atty. Chatfield stated that he was aware of that. He continued we had a lengthy discussion at the Z.B.A. on the issue of conflict. He explained there are subtle differences between the Planning Commission (P.C.) and the Z.B.A. He stated the rules for the Z.B.A. are somewhat stricter, because they are what are known as a quasi-judicial body; as such they are completely constrained by the evidence presented at the hearing. He continued they cannot, as lawyers call it dehort; they cannot use any information and dehort the record. He stated P.C. on the other hand is not quasi-judicial; it is administrative. He explained the principle reason for the difference is if you go in front of the Z.B.A., the applicant does not have the right to do what they want to do, they are requesting permission to do so and under the statute they have a burden of proof; 100% of the burden of proof is on the Applicant at the Z.B.A. He continued in the P.C. when someone comes in front of us for Site Plan, Subdivision, or similar type of relief, they already have a right to do what it is that they are asking to do. He asked if they saw the difference between that, on the one hand what they are proposing is legal, because they have a right to do it. He explained the P.C. deals with the arrangement, layout and design of what they are proposing. He stated the P.C. job is then to look at what is being proposed and how it functions from an arrangement, layout and design point of view and seek to fashion an approval that allows them to function as best, as is possible. He continued that sometimes



entails compromise, changing things around a little bit, it may not come out of the process exactly the way the applicant wants it to come out, but so long as any modifications that the P.C. would talk about are within the range of authority of the delegated powers; things like lighting, screening, landscape, pedestrian traffic movements and those sort of issues that you all deal with. He went on to say then you are free to exercise your judgement based on the evidence that you present, including your own knowledge of the site, based on either physical observation, past experience; the only that the law requires in that regard is if there is any information that you will have become privy to that affects your decision making process, you disclose that information to everybody. He stated for instance, you are dealing with the Acme Site Plan and one of the issues is drainage and you have been driving by that for thirty years and you know that every May it floods. He continued you can say, I know it floods every May, because I have been driving by it for thirty years; so you can bring evidence in, on the Z.B.A. you could not do that. He went on to say consequently you may have heard me layout the rules and regulations regarding communications outside of the preceding at the Z.B.A.; now those communications that require recusal and those communications that did not, at the P.C. the rules are somewhat more liberal. He stated if you have any discussion with somebody that is not here or represented, you should make mention of that, whether or not you are sufficiently impartial to make an impartial determination is a matter of your personal conscience. He continued the only exception to that would be if some of you had an economic interest, if some of you owned shares in Twin Trees Restaurant, that has to be disclosed and you have to recuse yourself. He explained speculative interests such as I live in the neighborhood and I am concerned about the effects of this, that or the other thing; unlike the Z.B.A. where you may already reached a determination on whether or not to grant the relief which means you have to recuse yourself. He stated on the P.C. you simply can express those concerns to see if there is a means to address those concerns through modification of the Site Plan. He continued he has been doing this for 44 years, has dealt with literally tens of thousands of Site Plans; never has one of his clients ever been denied a Site Plan. He stated they did not always come of the process the way the applicant wanted it. He continued he has had cases where they wanted to 10,500 sq. ft. of building and they only got 6,000 sq. ft. of building, because they could not put 10,000 ft. on that lot and still meet all of the other requirements that they are required to meet. He clarified what he stated is you are not without power, but your power has to be limited to arrangement, layout and design within the frame work of the statute, but they have a right with what they are wishing to do with their Site Plan and that applies to all three of the Site Plan Applications tonight. He asked if that answers everybody's questions. He stated he knew there have been some informal discussions and questions and so on and so forth. He continued should you feel that you are capable of rendering an impartial determination either way, you are absolutely in favor of it for no reason other than you like it, but without rational basis; then you should recuse yourself. He stated the same thing is true if you actually are opposed to it; short of that there are no issues.

**WORK SESSION CONTINUES WITH BOARD**



Chairperson Lancette asked if anyone had any issues with the Meals On Wheels. He stated that he knows that Mrs. Sharp and he were talking about voting itself, but actually the submitted Site Plan. He continued was there anything there that anybody wanted to ask. Mrs. Piper asked what about the construction that is going on there, will they wait until that is done or coordinate. She continued the last thing you want is to have them put it in and then say you have to rip it out, because it is too close. She thought the timing was perfect, but thought they should wait to talk to the guy. She asked who is doing it. Liaison Strong stated D.E.Tarolli. Mrs. Piper went on to say because you have the roads and the sidewalk and the sewer thing going on too; so that is her only thing is do not spend all of that money and then have to spend a couple of thousand to move it back. Mrs. Sharp commented like with the electrical. Chairperson Lancette stated, that would question to ask them. Mrs. Piper asked about where the sidewalk was going in on that side or the other side. Chairperson Lancette stated in all fairness D.E.Tarolli probably will not be here to give a schedule or any of that kind of stuff. Mrs. Piper stated a lot of times it will be put in the minutes that they have like a year or something. Chairperson Lancette continued the Sunset Clause is what we typically grant them and they will have the option; a lot of times once we give approval, especially for a not for profit or a granting there are also other considerations that are going to take some time for everything to line up before the actual funding or the sign actually arrives, because it could tax six [6] or seven [7] months still. Ms. Desimone asked do you not think that they have already checked to see if that is going to interfere with them; she was sure that they would not continue this unless they are sure it is going to be. Mrs. Piper asked if it was going in the same spot. Mrs. Sharp stated yes. Mr. Kolodzie stated it is 20+ feet off the Right-of-way. Mrs. Fuller stated as far as that sign that might help to clear things up a little bit, they are applying for approval, and then if they get the approval; they are going to apply for a grant, so it is going to be a little while. Chairperson Lancette stated that will definitely take a while. He commented so they are asking us for permission, before they go through the labor of applying for a grant for the sign. Trustee Liaison stated asked if he and Mrs. Franco could speak potentially there have been more updates. He continued there have been a lot of wheels in motion on both projects; Church St. and Chestnut St. He shared the last update that he is aware of from Mr. Steve Drake at OCWA, as well as the folks from D.E.Tarolli; they are going to finish their project on Taft Rd., there are two crews working there, break away from there, so they will have two crews working to finish Church St. and then start some of the project on Chestnut St. He went on to say obviously National Grid and the other folks, have their stuff on the wires is trying to coordinate to move poles and that process has already started over on Chestnut St. He stated as far as Church St., they are giving us certainly not a guarantee, but stating every indication that portion will be done and paved by October or October range, so if they are applying for the grant the OCWA portion will be done. Mrs. Franco stated the D.O.T. portion will be next spring and construction will be next spring. Mrs. Sharp stated she knew they did not expect the grant to be granted until after the 1st of the year anyway. Atty. Chatfield stated to the extent that those issues are issues that affect your decision making, they should be restated in the actual meeting; the work session is mainly for procedural questions, so anything substantive has to be actually in the regular meeting. Chairperson Lancette stated it sounds like Meals on Wheels is



not much of a discussion point. He asked if anyone had a comments or questions about the Luther Memorial Lutheran Church sign. Mr. Daugard asked if it was too close to the road. Atty. Chatfield stated he understands that there was a Variance for it back in September of 1998 for the location of the sign. Chairperson Lancette continued that is just a direct replacement. Mrs. Sharp clarified the county is not requesting them to move the sign back. Atty. Chatfield stated the County Planning Agency recommendation came back with a suggestion or comment that they always do; it is a part of their boiler plate that will be able to put in the record that says something like make sure that you clear it with the D.O.T. and get their permit. Mrs. Piper clarified that the front is on both. Atty. Chatfield clarified it fronts on both, but the sign is on South Bay Road. Mrs. Piper listed the Fire Dept., Preschool, School, the Village, Meals On Wheels will get one; is there a point where we might want to say we have enough electronic signs. Atty. Chatfield stated not for now, but is that something that the Planning Commission has a role in planning and should the Planning Commission feel there is some need to have the Village Board address the approach to electronic signs; that would be in your purgative to do. Mrs. Sharp did not think the Comprehensive Plan addressed that issue. Atty. Chatfield stated there was a Sign Committee specifically created and what is in the books was the product of that work. He continued going through it we are discovering issues that were not anticipated. He explained the first issue we discovered was in certain of the commercial zones they could not have a front yard sign and we addressed that. He stated one of the things that just came up with these two applications is that there is no exception made for eleemosynary organizations like churches and Meals On Wheels. He explained they happen to be located in a non-commercial zone, so they do not have a right to the sign, hence the necessity for them to go before the Z.B.A. for a use variance. He went on to say that may be something that we can take up to make a recommendation to the Village Board about whether that should or should not be done, because most of these cases have a desire either now or in the future to have these kinds of signs. Liaison Strong shared that he met with the school district representative regarding their sign and they do not follow the same rules. He has time it, but did not have a chance to measure to see if it conforms to the 24 sq. ft. per Village code. He spoke of not receiving notification to the Codes Dept. or the Village Board, they do not have to, but we are here together and he called them on it. Chairperson Lancette stated this is getting a little bit off topic. He continued it sounds like the two signs issues are relatively smoother ones here which bring us to Twin Trees, which is going to be the first item. He asked if everyone had reviewed the plans that were in the mailbox. He stated he had heard about a couple of issues about the fencing material and we will be asking about that during the meeting. He asked if there were any further questions for Mrs. Franco or Atty. Chatfield on the submission. Atty. Chatfield stated this is not publicized as a public hearing. Chairperson Lancette commented with that being stated we have some correspondence from some of the neighbors, some in favor and some opposed. Atty. Chatfield stated that should be on the record. Chairperson Lancette stated we will go through that on the record, but what he planned on doing in toiling here, it is not a public hearing. He continued it is a Planning Commission Meeting, from that standpoint, but he was going to address the correspondence that we have received and then possibly ask some of the members of the community if they would like to add to it. He added that would be under





the condition that it is not to be redundant or to repeat. Ms. Gustafson asked if we are going to have a public session and ask them to participate. Atty. Chatfield stated the state law does not require a public hearing for site plans and the Village regulations do not require a public hearing for Site Plan. He continued however, there is a difference between required and obtaining public input; the difference being if it is required, the public has a right with a capital "R", you cannot deprive them of it. He explained if you extend the privilege of the floor which is essentially what you are going, if you are getting public comment when a public hearing is not necessary, and then you extend the privilege of the floor based on whatever terms or conditions you wish to extend the privilege of the floor. Chairperson Lancette reiterated it was not advertised as a public hearing. Atty. Chatfield clarified it is not a public hearing from a legal point of view, because public hearings required legal notice; there are citizen's rights that are attached to a public hearing. He stated however, we have traditionally allowed the public, if they have some substantive input to provide, a reasonable opportunity to speak their mind or tell us whatever it is that they wish. He explained however, it is not the same as a public hearing. Chairperson Lancette asked again if anybody had questions for Atty. Chatfield, Mrs. Franco or for us. He stated there is a sign in sheet going around, we strongly encourage anybody if there is any level of participation that you sign in, so that we know you were here and who you are.

**Agenda:**

- Approval of the 5/16/2019 Planning Commission Meeting's Minutes **(approved)**
- Site Plan Review, Louis Rescignano (Twin Trees III Inc), 306-310 North Main St. **(approved)**
- Site Plan Review, Luther Memorial Lutheran Church, 435 S. Main St. **(approved)**
- Site Plan Review, North Area Meals On Wheels, 413 Church St. **(approved)**

**Planning Board Members:** Greg Lancette, Chairperson, Jeff Bachstein, Casey Daugard, Vera Desimone, Paul Kolodzie, Emily Sharp, Pat Gustafson and Darlene Piper, Alternate.

**Personnel Present:** Scott Chatfield (Atty.), Amy Franco (CHA), and Brian Johnstone (Codes Enforcement Officer), Chris Strong, Liaison and Pearl Fuller (Secretary).

**MEETING STARTS**

Chairperson Lancette called the meeting to order at 5:30 PM, roll call was taken and all members were present.

**MINUTE APPROVAL**

Chairperson Lancette stated we need to approve the meeting minutes from May 16<sup>th</sup>, 2019. Mrs. Sharp made a motion to approve the minutes. The motion was seconded by Ms. Desimone. Pat Gustafson-abstained. Chairperson Lancette-Aye, Mr. Bachstein-Aye, Mr. Daugard- Aye, Mr. Kolodzie-Aye, Mrs. Sharp-Aye, all in favor. The motion was approved.



### **LEGALS/SOCPA/RESPONSES**

Chairperson Lancette stated they had some housekeeping to go through for the first applicant Twin Trees III. Inc. Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors, the Town of Cicero and the Town of Clay were all noticed and the Agenda was posted on the website. Chairperson Lancette asked if the referral was sent to SOCPA and the Resolution was back. Mrs. Fuller stated they were. Chairperson Lancette announced all legals appear to be in order.

### **TWIN TREE III. INC., 306-310 NORTH MAIN STREET**

Applicant: Louis Rescignano (Twin Trees III Inc.)

Applicant Representative: Louis Rescignano & Chris Haberer, CADD Systems

### **PROJECT INTRODUCTION**

Chairperson Lancette stated the Applicant before us tonight is Twin Trees III who is here for Site Plan Approval. He has just received an area variance on August 1, 2019 for the Maxwell Ave. side going from the required 30' front yard setback, reducing it down to 22'; requiring an 8' variance. He went on to say currently there are 6 parking spaces that back out onto Maxwell Ave. where he is proposing to remove and build a 18' x 50' building addition to be used for banquets, wedding and baby showers, and after funeral gatherings. He is also designating a couple of spots for pizza pickup/delivery around the back corner to try to eliminate people parking on Maxwell Ave. to pick up the pizzas. He is also proposing to add a one way driveway and parking spaces for overflow parking that will exit out to Gertrude St. with a Right Turn only guiding them to go toward Rt. 11.

### **REPRESENTATIVE ADDRESSES BOARD**

Chairperson Lancette asked who will be representing the Applicant. Mr. Louis Rescignano introduced himself to the Board and stated his wife and himself own Twin Trees III. on Rt. 11. Mr. Rescignano also introduced Chris Haberer, he is the one that did all the drawings and he is with CADD Systems. Atty. Chatfield asked for the benefit of the audience as well as the Board, could you quickly summarize what you are requesting permission to do. Mr. Rescignano stated he owns the properties or rather Twin Trees III own the properties at 300, 302, 304 N. Main St. and his restaurant is at 306, 308, and 310 N. Main St. He continued he proposed to take the back yards of the three properties at 300, 302, and 304 N. Main St. that are commercial properties and turn them into a parking area with an exit onto Gertrude St. with curb cuts put in that will force the cars to turn right going towards Rt. 11. Ms. Gustafson clarified that it does not go down Gertrude St. Mr. Rescignano stated no it does not, it just goes out to Gertrude St. Ms. Gustafson asked if it just goes by the buildings that you own. Mr. Rescignano commented right; 300, 302 and 304 N. Main St. Mr. Haberer stated it goes down past 300 to the corner and sends everyone right back to Rt. 11 by his own properties.



Mr. Rescignano stated he wanted to remove the 6 parking spaces on the Maxwell Ave. side and add an 18' x 50' building expansion where the spaces were. He continued his plan proposed to turn the three [3] Handi-cap spaces into two [2] Handi-cap spaces and a loading area. He went on to say on the south side of the building he wanted to add an overflow parking lot by going behind 300, 302, 304 N. Main St. and taking the back part of their backyards and adding parking spaces there, with a drive going from his restaurant at 306-310 N. Main St. behind the parking spaces and have it exit out to Gertrude St. with a right-turn only curb cut directing to exit out onto Rt. 11. Ms. Gustafson stated she was a resident of Maxwell Ave. and she has been for 40 years. She continued she wanted it known that she thinks Mr. Rescignano has been very helpful, kind and has spent a lot of money trying to build his business making it Village friendly for the residents. She went on that she is completely in favor of, currently when people back out of the parking spaces on Maxwell Ave. and other people park here for pickup and you have people backing out; you have accidents waiting to happen. She stated another thing that concerns her about this is the Fire Dept.; they would never be able to get down with such close proximity. Ms. Gustafson stated Mr. Rescignano is trying to correct that. Mr. Rescignano continued she is talking where the addition would go on the opposite side of the building where there is an existing nine [9] spots that now park there. He went on to say all of those back on to Maxwell Ave., six [6] of those spots will be eliminated with the addition, the other three [3] spots will turn into two [2] handicap spots, so there will be less traffic in and out of there; therefore a lot less traffic backing on to Maxwell Ave.

Mr. Daugard asked if there was a reason for the right turn only out onto Gertrude St. Mr. Rescignano stated to eliminate traffic into the residential area and the reason that he did the right is, because that is what was suggested. Atty. Chatfield stated he is trying to get the flavor for it. He stated the issue is Twin Trees and the traffic pattern throughout the entire consolidated site if you will. Atty. Chatfield stated one of the questions that the Engineer had mentioned and he does not remember, but he did get the Cross Access Easement from your counsel. He went on the 300, 302, and 304; do those parcels also have a reciprocal right to use the parking field being constructed here. Mr. Rescignano continued yes, it is a Cross Access Easement which you did read and stated it was O.K. Atty. Chatfield stated he did not remember that particular aspect of it, so when and if 302 or 304 get converted to a commercial purpose. Mr. Rescignano stated that is not going to happen in his future. Atty. Chatfield continued we all have assured life span and we are trying to think beyond that, but they would then those properties would be able to utilize the parking in the back. Mr. Rescignano answered yes. Mr. Haberer stated we are way above and beyond what is required.

Mrs. Sharp spoke of the banquet hall holding 50 people, people will come to get their pickups; they are probably going to try to go this way as well over to Gertrude St., they are not necessarily going to go back out Maxwell Ave. Mr. Haberer stated it says Do Not Enter at the corner of the building as well. Mr. Rescignano stated that there is going to be a Do Not Enter, nobody follows the sign, you know that as well as he does; all he can do is put the signs up and



put the curb cuts in the proper way. Mrs. Sharp stated what she is concerned about is the residents, the people and she thinks we need to respect their quality of life. She continued she has a real concern about this opening in their back yards into a big parking lot. Mr. Rescignano continued they are already zoned commercial, it is not like he is trying to change the zoning, and the zoning already exists. Mrs. Piper spoke of the length of life and what is going to happen in 50 years; those buildings are not sellable without backyards; it is a parking lot. Mrs. Sharp stated you are saying yourself that you want to change it to residential in the future. Mr. Rescignano stated no, they are already zoned commercial, but it is being used as residential. Chairperson Lancette stated this application in this meeting is getting off the path of what the commercial purpose is zoned for, it has been zoned previously from that standpoint. He continued our purpose is to vote on and accept or modify or reject the site plan that is here before us tonight. Mrs. Piper stated we are looking for a modification. Chairperson Lancette stated we asked about some fencing to do that, so there is less sign of occupancy to the neighbors and more of a buffer to provide privacy and respect to the residents there. Ms. Desimone suggested even if he put some trees or something in front of the fence for them. Mr. Rescignano stated whatever is required within reason he will do. Chairperson Lancette stated in the form of a condition. Mr. Rescignano continued certain requests he will do also, as long as it is not something that is going to cost him \$40,000. Ms. Desimone stated she is suggesting if he put some greenery in front of the fence. Mr. Rescignano explained that two of those properties right now have their driveways on to Rt. 11., so they will not be using the back parking lot as their parking spaces. He stated the only that will be parking in that back parking lot is whoever rents 300 N. Main St. Chairperson Lancette clarified on the corner. Mr. Rescignano continued on the corner. Mr. Bachstein asked if the tenants renting those houses are aware of the situation; it is not like it is changing. Mr. Rescignano stated yes, they are my tenants and they all know what is happening. Mr. Bachstein stated if they do not want to live there; they do not have to live there. Mr. Rescignano continued none of them have children, so they do not care about having backyard use. Chairperson Lancette clarified that they are long term tenants. Mr. Rescignano stated one has been there 14 years, another five [5] years, and 300 is vacant now on one side, but the one bedroom apartment that tenant has been there for 37 years.

Chairperson Lancette asked if there were any other questions from the Board. Atty. Chatfield stated as he understands it, through the back of 302 and 304 the traffic pattern is to be basically one way toward Gertrude St., then out Gertrude St. only to Rt. 11. Mr. Rescignano stated yes. Atty. Chatfield continued so presumably then, if at peak hours, if somebody was parked in this area, and was exiting on Rt. 11 and they wanted to go south. He went on to say they would probably go out Gertrude St. most likely making a right, because making a left can be difficult unless there is a pulse there, and find another way to either get to South Bay Road or get to turned around and go the other direction. Mr. Rescignano commented right. Atty. Chatfield stated there are pulses, he has tried to get out of there and there are times that it is difficult, and there is no question about it especially around 5:00 PM. Mr. Rescignano stated it is not just that intersection it is many of the intersections. Atty. Chatfield continued there is a steady flow, because of the ability to make a right on the Chestnut, the street here keeps filing





in the pulse that would be otherwise there, because of the light at Chestnut. He clarified in order to facilitate that you are going to propose an angled exit. Mr. Rescignano stated forcing the people to go right towards Rt. 11. Atty. Chatfield asked if you will be stripping it on the highway or signing it in any way. Mr. Rescignano continued there will be signage out there, No Left Turn, Right Turn Only, One Way Only, Do Not Enter; whatever is required. Chairperson Lancette stated that they are all proposed on the plan.

Mr. Rescignano stated we also had an issue with the names, of all the properties: 300, 302, and 304 N. Main St. are owned by Twin Trees III Realty, LLC. and Twin Trees Restaurant is owned by Twin Trees Incorporated.

Atty. Chatfield asked if it is 30° angled parking through there in that area. Mr. Haberer stated 30° one way and 60° the other. He clarified 60° allows them to have the 18' drive lane.

### **CONCERNS FROM THE PUBLIC**

Chairperson Lancette stated there are some neighbors that have called or sent in letters, they are as follows:

Scott Mitton of 121 Gertrude St.-sent letter, Chairperson read added as Exhibit A.

Liz Tillotson, 115-117 Gertrude St.-sent letter, Chairperson read added as Exhibit B.

Susan & Nicholas Virag, 116 Gertrude St.-sent letter, Chairperson read added as Exhibit C.

Joann & Tim Marte, 114 Gertrude St.-letter turned in at meeting, Chairperson read added as Exhibit D.

Petition from Neighbors-turned in at meeting, Exhibit E.

Kersten Hirsch-128 Gertrude St.-Presented at Meeting-Exhibit F.

Sam Ciciarelli- Maxwell Ave -called; in favor of the project.

Joe Catanzaro (Pemco Grp.) of 401-403 N. Main St. -called; good with project.

Nate Leister, 125 Gertrude St, stopped, concerns: heavy traffic, parking and traffic congestion, and drainage.

Thomas Mattimore, 134 Gertrude St.-stopped and viewed plans; good with project.

Chairperson Lancette read all of the above letters which are attached as Exhibits at the end of the minutes. They spoke of the following concerns: No traffic study done, the congestion of this area of the street with people exiting from Limp Lizard, from Big Dip, driving on to Gertrude St. from Rt. 11, people exiting the street on to Rt. 11 and now the spillover of traffic from the proposed parking lot onto Gertrude St. They stated there are 20+ children on the street with no sidewalks, so there are safety concerns for pedestrians and vehicles, heavy traffic and concern for increased traffic, and speeders using it as a shortcut to go both ways between Rt. 11 and South Bay Rd. They continued the character of the residential neighborhood changing with the expected noise increase, potential decrease in property value, and drainage problems with reoccurring flooding issues.



### **PUBLIC ADDRESSES THE BOARD**

Chairperson Lancette noted this was not advertised as a public hearing, this is a Planning Commission Meeting. He stated we are going to allow someone to speak for 30 to 60 seconds with strict accordance, if you are bringing some information forth that has not already been addressed in any of the letters that were just read and entered into the record. He asked anyone choosing to speak to step to the microphone and clearly state your name, so that it will be in the minutes clear, concise and accurate. He asked if anyone in the audience would like to speak and add a unique feature that is not already logged in the form of writing to this Board.

Mike De Franco, 132 Gertrude St.-spoke of speeding issues and presented a list of signatures from everyone that was home that agreed that speeding is a big problem, prior to coming to the meeting; this has been reported many times to the Board. He stated he understood it was two different issues, he respects his restaurant, everybody loves Twin Trees Restaurant food and he has no issues against what he is trying to do specifically. He continued it is just the issue of what is going on, on the street which has become worse over the last 5 years between all the extra expansions that have been done on Rt. 11, aside from not putting in sidewalks and things like that. He spoke of the police presence, a high active pedestrian traffic in the area, more crime, so he thought aside from this issue that these things truly need to be addressed. Atty. Chatfield stated just for the Board and the record this says, "Question: Is speeding a problem on Gertrude St. in North Syracuse?" He explained there is a column for Yes and a column for No. and there appears to be 9 signatures in different handwriting under the Yes column and a notation that says, "9 houses not home." Mrs. Sharp asked if she comment to this gentleman. She stated that Limp Lizard was not told that they could not exit their property right or left, so they are going down left or right onto Gertrude St. towards South Bay Rd. and/or toward Main St. She continued they do not have a restriction, so a lot of that traffic, so as far as Twin Trees is concerned, they have made delineation, that when they come out onto Gertrude St., they can only take a right. She stated she would expect that most people will obey those signs; will there be some that won't, sure, but you cannot blame all that traffic on what Twin Trees is proposing.

Scott Mitton of 121 Gertrude St. spoke of the proposed site exit being right where people back out of Limp Lizard, they are going to back right into these cars; Big Dip is right there too, there is going to be an accident. He continued no traffic surveys have been done and that is an issue, something needs to be done there. He stated you guys are realizing you cannot do a survey now, because of some of these places are starting to slow down; you do a survey in June or July when that place is busy and you have got traffic all over the place. Mrs. Sharp stated we do have a traffic issue in North Syracuse. Mr. Mitton stated Maxwell Ave. has a big issue and now you want to throw it over on our side and we do not want it. Mrs. Sharp stated that would be a separate issue that would have to come before the North Syracuse Village Board; the traffic situation in North Syracuse. Mrs. Sharp stated he is not throwing it over to your street.



Mr. Mitton stated you have an exit coming on to Gertrude St., a residential neighborhood. Atty. Chatfield asked Mr. Mitton if he wrote the letter that was added into the record. Mr. Mitton replied he did. Mr. Daugard asked if it would be a good idea to mention that we cannot approve or deny. Atty. Chatfield continued when we got to that he was going to mention that, because he did not want the people to feel constrained in terms of what they want to say.

Nate Leister of 125 Gertrude St. stated he brought a letter from a neighbor who could not make it today to present to you. Chairperson Lancette stated his main concern and he wanted to know if there is any way that the parking lot exit can be addressed to the Planning Board to not come out on Gertrude St. and moved to a different way or to turn around rather than coming on to Gertrude St. Ms. Gustafson clarified that he is proposing to bring it back out on Maxwell Ave. Mr. Leister stated or Rt. 11. Ms. Gustafson asked if there are any problems that you are anticipating. Mr. Leister continued he was there the other day getting pizza for his family and he is watching somebody on the one way side on Rt. 11 coming in to his place and two cars are coming out of a one way street; he seen it twice in a 5 minute period getting pizza from his restaurant that tells them tells him that people are to come down and to leave in his new exit out on to Gertrude St. He went on the traffic has changed now, they are doing work on my street, he has seen 5 or 6 cars go through the street and smash the new work that they just did today, crash into the bottom of it; the traffic is unbelievable and his concern is his family. He stated he understands you live on the other side of the street; alleviating your side of the streets problem is going to just bring the problem to another street and you negatively affect masses of one street and bring it to two streets. He reiterated that is his concern, he moved in the house one [1] year ago today and he has already seen the traffic changes.

Chairperson Lancette read the letter that they just received from Kersten Hirsch of 128 Gertrude St. and have lived here with my wife and children since 2002. She stated it has been brought to our attention that there is a request for an expansion at Twin Trees Restaurant here in North Syracuse. He continued if this expansion is approved they fear the already high traffic on Gertrude St. is going to be excessive at times creating a higher risk of an accident when our children are playing, riding their bikes or taking walks on this said street. He noted Gertrude St. already being a cut thru between Rt. 11 and South Bay Rd.; by allowing the traffic from Twin Trees to exit as it shows in the plans, he fears that individuals will still exit even though the plan is to make right turn only; make a left turn. He stated he has a concern about how this project will affect our property value. He continued the expansion only benefits a few individuals, but if approved has a large impact on to the safety of the over 20 children in the residents that reside on this street due to the increase of traffic as mentioned above, a few years back we lost our son, Jordan Hirsch to a car accident. He went on to say even Robert Bertrand had mentioned that the traffic on this street has grown dangerously high. He agreed with his statement that is it only a matter of time before someone is going to get hurt due to high volume of traffic and speeders. He stated his family are regular patrons of Twin Trees and will continue to support our local businesses, but we strongly feel the said expansion will have a negative impact to the residents of the street. He thanked the Board for reading this. Mr. Bachstein asked if the is an



actual curb cut on Gertrude St. Mr. Haberer stated yes. Mr. Bachstein asked how high it is. Mr. Haberer replied it will be the normal curb height, that way they are not cutting over it. Mr. Bachstein asked if it is going to be curbed with a substantial curve so that it is going to be very difficult to go left. Mr. Rescignano stated it is going to be curved to the right and there will be curbs there; it won't be curbs in the other end. Mr. Haberer stated right now it is a parking lot, fully functional in and out, there is not curb cut; it is the full width of that. He continued this will be delineated and hopefully forcing every one back to Rt. 11. Mrs. Sharp asked if it is possible to put another concrete something or other. Mr. Bachstein stated you got a sign posted on the left hand side. Mr. Haberer stated there is a Do Not Enter coming in and from the parking lot side there is something letting them know it is exit only. Mr. Bachstein stated it would be very difficult for them to cut over the curb. Chairperson Lancette stated right, because it is a concrete curb and there is a sign post.

Susan Virag of 116 Gertrude St. clarified, so he is saying one of the houses are is vacant and there is nobody living at one of the houses that he rents. Chairperson Lancette stated that he stated that half of the 300 property is not under lease currently; the other half is. Mrs. Virag continued so all three of the properties, people are in those houses. Mr. Rescignano stated there is a small apartment that is leased. Chairperson Lancette added and the salon. Mrs. Virag asked why he does not take down one of the houses and use that put the curb up by the salon, blocking off Gertrude St.; make the exit be going out on Rt. 11, so that it is not coming on our street.

Liz Tillotson of 115-117 Gertrude St. stated that she wrote a letter. She continued it feels very pointless to come up here, because she feels that this plan is already going through, but she just wants to say to the voting members or whoever is responsible for this decision; please do not do this. She continued it is going to destroy this block, this neighborhood; she commented she is not sure at this point, if she wants to stick around to see it. She spoke of being very disappointed with the Village in general, because of their lack of compassion for the residents.

Chairperson Lancette asked Mr. Rescignano if he would like to address any of the concerns that were brought up. Mr. Rescignano stated the only lady he would like to address is the one that spoke of blocking off Gertrude St. and have the driveway go out where one of the houses are. He continued there is a New York State requirement that an egress or exit from a commercial property has to be 100' he believes from the corner. Atty. Chatfield stated the Board is aware of that, but they also have to get a curb cut permit from NYS DOT and they routinely refuse those where the parcel has an alternative means of ingress or egress; US 11 is supposed to be a thru street, it is a main arterial. He explained he is saying that not to the education of the Board, but for the public so. He stated while it could be a proposal, it would be extremely unlikely to be approved. He continued indeed, when and if, like in 50 years down the road those three [3] parcels are consolidated or even your restaurant is consolidated with the others for one larger commercial enterprise; he guarantees they are going to be using either Gertrude or Maxwell as the main access to Rt. 11 and not a major curb cut in the middle, that just does not happen.





Mary Asterino of 111 Gertrude St. stated it sounds like this is going to go through and she wanted to make sure that Mr. Rescignano mention about a fence, because we are the adjacent property; at least a 6' to 8' fence. Atty. Chatfield asked her to show the Board which parcel is her property. She pointed to the map and showed the Board and stated she just wanted it on record, that if this passes we get a fence. Mr. Rescignano stated if you want a fence you will get a fence.

Ricardo Scheuer of 124 Gertrude St. stated the problem that he has is the opening on Gertrude St. down by Rt. 11 is relatively narrow. He continued when he coming down Rt. 11, and he wants to take a left on boom, boom, going north on Rt. 11 and he wants to go into Gertrude St., it is sometimes pretty tight and he has a truck and he has to make a wide turn while some people want to take a left and they are right in the middle of the block. Chairperson Lancette clarified they are kind of hogging it up a little bit. Mr. Scheuer replied yes, he is afraid something is going to happen and there is going to be an accident, in the near future. Chairperson Lancette asked multiple times if anyone else would like to comment and with no reply he thanked everyone for taking the time to come here and register your comments and your written letters that is appreciated. Atty. Chatfield stated before you get into that he stated this is the actual criteria that you want to go through. He explained what the Chairman will be doing now is going through the criterion we have for site plan approval and considering the site plan and what modifications or conditions or whatever that the Board wishes to impose. He continued for the benefit of the audience members that did not get here he shared with the Board, the fundamental distinction in site plan approval and the process that many of you observed two weeks ago at the Zoning Board of Appeals Meeting on August 1st, 2019. He explained site plan approval is an administrative process and the Planning Commission is charged with the responsibility for considering arrangement, layout and design that because the use being proposed is as of right. He stated when they were in front of the Zoning Board of Appeals a variance was being requested that is the right to use the property in a manner inconsistent with the ordinance. He continued site plan uses the property in a manner consistent with the ordinance. He went on to say to state it another way, because he listened to the comments attentively and everybody was saying that we really should not allow this expansion, because of the adverse effect that you believe it will have on Gertrude St. He stated what he is trying to tell you is as a matter of law, this Board does not have that authority; the use is permissible, it is zoned commercial, the owner has the right to utilize it commercially. He continued this Board seeks to find the best way to use it and minimize the potential impacts in a realistic manner. He stated one of the things that were proposed recognizing that the exit of the proposed parking lot is relevant and is relatively approximate to Rt. 11. He continued most of the properties are to the east of the proposed exit, and it is to direct the traffic to the maximum extent possible toward Rt.11 by using a curbed exit, that directs the traffic in that direction and makes it very difficult; if not impossible to for people exiting that to make a left hand turn out of the parking lot, and go east bound on to Gertrude St. He stated that is the sort of process that the Board is engaged in, is considering those sorts of alternatives, so as to



minimize the issues. He continued the theme that ran through many of the comments was; do not let him do it. He stated he is here to tell you as a matter of law; they are not going to be able to do that. He explained that they are going to be able to make changes with respect to fencing, screening, design fact features. He added we are about to go through all those design fact features and what we are trying to collect ideas from you that may be able to assist the Board in going through those design processes. He stated the next step would be to go through the criteria and think about the plan in connection. Mrs. Sharp stated she just thinks this Board is very sensitive to the residents of this Village and the quality of life is protected. She continued there are somethings that we have no control over, we have no control over all the traffic that is coming off of South Bay Road down Gertrude St; we cannot do anything about that as the Planning Board. She went on to say that is a whole different issue to go to a DOT; I am not that well versed. Atty. Chatfield stated county, state or the Village. Mrs. Sharp stated we do try very hard on this Board. Someone from the audience stated we are supposed to elevate to that level. Others from audience started speaking at same time. Someone stated that they would like a study done. Chairperson Lancette stated that is not the venue of this Board unfortunately or in our purview. Audience member asked if they can tell him how we get to that level. Atty. Chatfield stated you can hire somebody yourself. Audience member asked if he meant a lawyer. Atty. Chatfield continued no you can hire a traffic consultant. Audience member asked to present it to this Board again. Chairperson Lancette stated it is not this Board. Atty. Chatfield stated you can present it to this Board, the town, the Village Board or any Board that you want; it is a free country. The audience member stated he thinks that they should block South Bay Rd. off; seriously. Chairperson Lancette continued no sir, we have asked three or four times if there was anybody else from that standpoint from that, so it sounds like something in the last few minutes has sparked more of a dialogue, but it is not dialogue that pertains to the site plan and this Boards ability to cover. Audience member went on to say because you are saying it, does not mean it is not; it is a factor.

Chairperson Lancette opened up the floor to Nicholas Virag of 116 Gertrude St. stated in making the decision on the exit, the fact that so many cars do come down Gertrude St. from South Bay Rd. or turning on Gertrude St. from Rt. 11, that has to be factored in; as to whether you put another exit there from a business. He continued all of that traffic is a big factor, and is extremely relevant. Chairperson Lancette stated he was sure it was factored in when the County Planning and everybody reviewed the site plan also and made their recommendations from that stand point.

### **DPW/FIRE/POLICE**

Chairperson Lancette stated the DPW, Fire Dept., and Police Dept. did not have any negative comments on the project.

### **AESTHETICS-EXTERIOR OF BUILDING**



Chairperson Lancette stated we are going to go through the items right now, the aesthetics and the exterior of the building. Mr. Haberer stated it will match the existing. Chairperson Lancette clarified to match the existing colors, building material type and all of that. Mr. Haberer continued it was submitted with the elevation paperwork in the building plans.

### **SIDEWALKS/CROSSWALKS**

Chairperson Lancette stated the next item is the sidewalks and the walkways. Atty. Chatfield stated the County Planning Agency recommendation regarding the existing crosswalk on Rt. 11, as he understands it now, the concrete sidewalk stops just before the entrance and picks up on the other side of the entrance of the blacktop there. He asked if that was currently striped. Mr. Rescignano stated he would be happy to stripe it. Atty. Chatfield stated then you are planning to stripe that as a crosswalk. Mr. Rescignano continued yes. Atty. Chatfield continued because the County Planning Agency recommendation that it be a sidewalk. Mr. Rescignano stated that he just had the parking lot sealed and striped and the guys striping machine broke and as soon as it is fixed he is coming back over to repair some of the bad stripes that he did and he will have him add those stripes on. Atty. Chatfield stated the reason he asked is the question is because of the issue of compliance with the GML-239. Mr. Haberer stated we will stripe the one on the existing entrance where Rt. 11 is.

### **HOURS AND DAYS OF OPERATION/NUMBER OF EMPLOYEES**

Chairperson Lancette asked about the days, hours of operation and number of employees. Mr. Haberer stated there is no change to the days and hours of operation. He continued this addition will only add three [3] more employees.

### **COUNTY & STATE D.O.T. PERMITS**

Chairperson Lancette inquired about the County and State DOT Permits. Mr. Haberer stated there are none required for this project.

### **CURB CUTS**

Mr. Daugard asked where you are going from the old parking lot to the new, what are the curb cuts there, is that going to be just flat blacktop striped or is there going to be curb cuts. Mr. Rescignano stated he will work with CEO Johnstone on that, if he wants actual curb cuts in there we will, otherwise we will just have the paving exit through the lawn part, but if we have to put curbs in; we will. Mr. Haberer stated it will assist with the removal; we will just clear that lot out. Mrs. Franco stated well the Board should make that determination if they want curbing or not, but because of the way the drainage works all to the center, you may not want curbing in that area. Mr. Rescignano stated snow plowing is a lot harder with curbs too. Mr. Daugard stated his thought with it being a tight curb, it being striped on the blacktop vs. cutting corners.



Mr. Rescignano stated it is about 40' through there, so there will be plenty of room to. There is 36'; he thinks that there will be 4 parking spots that will be eliminated, so they will have 36' to get through there. Chairperson Lancette asked about curb cuts. Mr. Haberer stated there is an existing on Gertrude St. and we are going to channelize it and force everyone to head back to Rt. 11. Chairperson Lancette clarified as noted in the submitted site plan. Mr. Haberer continued as noted and signed. Atty. Chatfield asked what the standard height is for curb height, 6". Mrs. Franco stated 6" and if it is going to be granite or concrete. Mr. Haberer agreed he would do a detail. Atty. Chatfield stated he suspected it was going to be concrete, not granite. Mr. Haberer replied right.

### **DRAINAGE**

Chairperson Lancette asked about drainage. Mr. Haberer stated we submitted an engineer's plan; we have pitched the lot to mitigate any runoff on neighboring properties. Chairperson Lancette asked Mrs. Franco is she would like to comment. Mrs. Franco stated it is all draining back to site and not affecting anything else off site. She continued it is going through new catch basins, piping and then utilizing the system on Maxwell Ave. Mr. Haberer added the property owner has recently had his existing system in his parking lot serviced, all the sumps drained out and flushed between catch basins.

### **DRIVE AISLE WIDTH**

Chairperson Lancette inquired about the drive aisle width. Mr. Haberer stated grandfathered for what is in the current parking lot. He continued for the new one it will be 18' wide that allows this with the 60° angle parking for one way flow of traffic. Mrs. Franco clarified that the Fire Dept. signed off on the plans. Chairperson Lancette stated the Fire Dept. has sign off on it. Atty. Chatfield asked CEO Johnstone if 18' is appropriate with a 60° angle for parking according to code. CEO Johnstone agreed.

### **PARKING/HANDI-CAP PARKING**

Chairperson Lancette asked about parking and Handi-cap parking. Mr. Haberer stated they will meet or exceed ANSI Standards with the off loads and space size. Mrs. Franco stated just that one of the Handi-cap spaces, if you are going to separate between 300 and the rest of the site, 1 or 2 should be van accessible with the signage. Mr. Rescignano stated we have one van accessible now on the side of the building where the addition is going to go and we can put another van accessible. Mr. Haberer continued they meet ANSI Code for 8' wide with an 8' off load; we exceeded that we took a 9' one and closed it in, so it will be 9' x 9'. Mrs. Franco continued add your little Handi-cap sign on there.

### **LIGHTING**





Chairperson Lancette inquired about lighting. Mr. Haberer stated the photometric plan has been submitted and proving that we are not spilling anything off of site.

### **BUFFER/LANDSCAPING/SCREENING**

Mrs. Sharp asked if there are people living in these homes at 300, 302, and 304 N. Main St. Mr. Rescignano states yes, there are. Mrs. Sharp asked if he would be considering doing a buffer behind those houses, so that they do not have to see the traffic and the parking. She spoke of respecting their quality of life, reducing noise from the parking lot, fumes from cars and shielding the headlights from those residents. Mrs. Sharp continued she did think maybe greenery and she thinks it is more aesthetically pleasing as well, so she would really want that. Mr. Haber stated there are some trees he would explore the options of maybe putting in some screening here at the end of the driveway, so that we limit our snow stock areas. Mrs. Sharp stated 6' fence for this resident over here (111 Gertrude St). Chairperson Lancette stated one of the questions that he did hear was the fencing that was going to be going along the east side of the driveway. Mr. Rescignano stated the east side is Gertrude St. obviously and he owns that piece of property also. He stated there is a row of arborvitae trees there now block about 35%, there is a garage that blocks about 20% of it and there is some spacing between. He continued he has spoken with a neighbor (111 Gertrude St.) who has asked me to put a fence there and he will do that so that the lights will not shine on his porch where he sits. Chairperson Lancette clarified the lights from the vehicles. Mr. Rescignano stated by code the fence would be 6' high. He clarified on the map for the Board and audience that lights would shine on his house and the light from where the cars would pull up and shine on his house, so the fence would go along on the side next to the property.

Chairperson Lancette asked about landscaping. Mr. Haberer stated none is required, but the existing is going to remain, but you are proposing new. Chairperson Lancette clarified is that the Arborvitae. Mr. Haberer stated the Arborvitae are already there from Gertrude St. up to the garage. Mr. Haberer stated he had that noted and will be happy to put that on the plan. Mr. Rescignano stated he would be happy to work with CEO Johnstone. Mr. Rescignano stated he would whatever we can do and still alleviate the snow removal.

Atty. Chatfield stated he wanted to clarify somethings, because we are looking at a map and here and there do not mean anything to the minutes. He continued what you are talking about is existing arborvitae trees along the easterly property line of the new improved parking lot to a space roughly equal to the north side of the house adjacent thereto. He verified with Mr. Haberer that is he was accurate Mr. Haberer stated correct, those are preexisting. Atty. Chatfield stated it looks like it is a staggered zig zag double row. Mr. Haberer stated correct. Mr. Rescignano stated which we will either continue or put a fence there. Mrs. Franco stated the Board to should make that decision today and not leave it up to CEO Johnstone. Atty. Chatfield stated that is what he is getting at. He continued there was some discussion as to whether that was going to be extended any distance or whether there was going to be a fence or not. He



stated he is not certain as to what was agreed to so. Mr. Rescignano stated nothing was agreed to, but if the neighbor wants a fence or if the neighbor wants to extend the arborvitaes. He continued Mr. Asterino and he discussed a fence. Mr. Haberer stated we are continuing a fence from the existing arborvitaes to the garage. Mrs. Franco stated you might want to think about behind the garage, there is nothing there now to the corner of the property line, because there is just an existing chain link fence there, so no privacy. She continued that might be something that you guys want to yay or nay about. Mr. Rescignano stated that there chain link fence there now; there is nowhere back there that the head lights for instance, shining from those cars will shine on to any other properties, and it is just the garage. Atty. Chatfield clarified that he owned the parcel to the east, correct. Mr. Rescignano continued yes he does. Atty. Chatfield stated and the parcel next to the east is Asterino's and that was the lady that was requesting some fencing, shielding or screening. Mr. Rescignano stated right, between the garage and the arborvitaes where it would shine on their porch. Mrs. Piper commented that is it, what about the whole length of her property; she was thinking it was going the whole length. Mr. Haberer stated there is a chain link fence back here now, but the lights are not shining on anyone's house, there is a garage as current. Mr. Rescignano continued he was hoping to be able to push some snow in that spot. Mrs. Piper clarified that the lights will not shine on the property after that and the next one. Mr. Rescignano stated no, because the next property is Mr. Asterino's garage that is 60' long; he has a six [6] car garage back there. Ms. Desimone asked if he was leaving the garage up. Mrs. Piper asked what happens if it is not there anymore. Mr. Rescignano stated at that point he will put up a fence if he has to. Mr. Haberer stated the parcel is away from the parking lot. CEO Johnstone stated he has to screen it. He continued just because you own it does not make a difference, it is a commercial to a residential district. He went on that it has to have a fence of 6' high, not a chain link, solid fence or evergreens at a height of 4' to be maintained to 6' high, so it has to have something. He stated chain link is not enough of a barrier from the commercial to a residential. Mr. Rescignano stated he would put a fence up. Atty. Chatfield stated on the record we are trying to get the parcel immediately easterly to the proposed parking lot is zone residential. Atty. Chatfield continued CEO Johnstone just reference the code and he indicated the easterly property line of your proposed parking lot has to contain either a solid fence 6' in height or arborvitaes between 4' and 6' high, something that makes a living fence all along the common line between the commercially zone property and the residentially zone property, so that is a requirement unless it is varied. Mr. Rescignano stated he will put a fence up. Atty. Chatfield clarified that we are looking at a stockade fence of some variety or another. Mr. Rescignano stated yes, a stockade fence, so that it is a solid fence. Mrs. Piper clarified that it would match what is in the back part of the parking lot. Mr. Rescignano stated it will match the existing fence.

### **SNOW**

Ms. Desimone asked if he would show them on that map. Mr. Haberer stated the fence would run along this property line, right here would be the fence, going from the arborvitaes to the back on both sections. He continued then we will accommodate and see if we cannot fit in



some arborvitaes or some sort screening here for these residents without taking too much of our snow stockpile area. Mrs. Sharp asked if the fencing over here is going to obstruct your snow storage access. Mr. Rescignano asked if she met behind the garage. Mrs. Sharp replied yes. Mr. Rescignano stated he has to pile it somewhere. Mr. Haberer stated we can put a gate in there or something to access that. Atty. Chatfield stated there is a gate there, now; is there not. Mr. Haberer stated no it is chain link. Atty. Chatfield asked what the property number was to the lot to the east to the parking lot. Mr. Haberer stated 101 that is the one that he owns. Mr. Daugard asked if they considered any bollards or guardrail type things. Mr. Haberer stated he showed one protecting the first residence right here where there is a pretty tight edge point right there. He continued the other concern is when we get to pushing snow he needs some snow stock pile areas, so if he puts a fence too close to the lot that will impede us from moving the snow, but everything else seems to be at comfort level for plowing snow. Mr. Rescignano stated he does have the snow hauled away a couple of times a year, so it is not a complete hardship. He pointed out over here behind this garage; he could always push snow in there, because he owns that property. Mrs. Sharp replied O.K. Chairperson Lancette stated depending on the severity of winter, there are occasions that you have to have it removed from the property, because there is just nowhere to push it. Mr. Rescignano stated he cannot remember the last time he did not have it hauled away; he has it hauled away every year, if you lose parking spots, you lose business.

Atty. Chatfield asked what was at the north end of 101, there is existing fence running east and west. Mr. Haberer stated correct. Atty. Chatfield asked if that fence has a gate. Mr. Haberer stated no, it is stockade; there is not gate. Atty. Chatfield stated once you put the stockade fence from the arborvitaes north along the easterly property line to connect to the existing fence; Mrs. Sharp was asking how you are going to be able to get snow stored in the back of 101. Mr. Rescignano stated if you are going to make me put a fence there he will not be able to, but if it is an allowable use he would put a gate there and push snow in there. Atty. Chatfield stated it is your property; the issue would be drainage, because that snow is going to melt. Mr. Rescignano stated that area is already low, the existing garage, this is the lowest area. He continued Mr. Asterino's property and his property are both higher than this; it is a good 4' down. Mrs. Piper commented water has to go somewhere. Atty. Chatfield stated if that is something to be proposed then we definitely want to have Mrs. Franco weigh in on volumes and so on and so forth. Mrs. Franco stated she did not have any of the technical stuff necessary to express an opinion. Chairperson Lancette stated so no snow plow pile in back. Mrs. Franco stated she just would not put it back there. Mrs. Franco continued she does not have the information and you would have to do work or just move it to the front where you have all that grass area. Mr. Rescignano stated then we will put it in front, he can also put it in between the properties. Atty. Chatfield stated he just wanted to make sure that we were all on the same page. Mr. Rescignano continued chances are it is going to have to get hauled away anyways, the bigger the pile, the more snow you got the more snow you have got to move.



Liz Tillotson commented so you just dump it over the fence, right. Mr. Rescignano asked what. Mrs. Tillotson stated you dump it over the fence on to 113. Chairperson Lancette clarified that the Board is actually talking to the owner. Mrs. Tillotson continued she is only sharing the truth.

### **REVISIONS & NOTES TO BE ADDED**

Atty. Chatfield stated assuming that this thing gets approved this evening we are going to need to have the map modified and what we typically do is use the same date as the map but with a revision date of this evening, so be taking notes on what kind of revisions we are talking about. Mr. Haberer stated he would note to use a revision box up here and he will put the date and cloud. Atty. Chatfield stated so far we have identified two revisions: 1) specification of the curb type and height 6", 2) the fencing. Mrs. Sharp stated on both sides of the parking lot. Atty. Chatfield stated and striping along the entrance from; he sees that is shows on the plan, but do a notation, to be striped or something to that affect. Mrs. Franco asked that they note that the exit on to Gertrude St. is curved, because it does not reflect that in the plans. Mrs. Sharp stated to be sure the screening is identified. She would like to see greenery; shrubbery down to the trees on the west side of the proposed parking lot to the rear of the non-conforming residences on Main St.

### **DIRECTIONAL SIGNS TO INGRESS/EGRESS**

Chairperson Lancette stated direction signs to ingress and egress for the flow of traffic on the proposed site plan. Mr. Haberer stated yes we have proposed signage, Do Not Enter coming in from Gertrude St. and of course a right only out to heading back to Rt. 11.

### **SIGNAGE**

Chairperson Lancette asked about signage for the property. Mr. Haberer stated none additional except for the designated pickup area along the proposed addition. He continued they will submit a sign package for approval. Mrs. Franco stated that Atty. Chatfield has mentioned the arrows on the parking, are they striped like that now or will they be. Mr. Haberer stated he just had the entire load recoated and they are restriping it currently. Mrs. Franco asked if it is including the arrow marking. Atty. Chatfield asked if it was including the directional arrows. Mr. Haberer continued yes, they will have Handi-cap symbols in the Handi-cap spots and stripping. Atty. Chatfield stated the one he was really concerned about was at the mouth of the new proposed parking space. Mr. Rescignano stated that there will be signs there so the people know that it is One-way. Atty. Chatfield spoke of they will get the hang of it after they have used it a couple of times, but for the first. Mr. Haberer stated it will be double signs as shown in the proposal there for the Only, then a Do Not Turn Left and then on Gertrude side there will be two [2] Do Not Enter Signs. Chairperson Lancette asked about the Takeout Window Signage that you made reference to is that building mounted or pole mounted. Mr. Haberer continued that is building mounted.





### **CROSS ACCESS EASEMENT AGREEMENT**

Atty. Chatfield stated he reviewed a copy of the Cross Access Easement Agreement for 300, 302, and 304 North Main St. and the main parcel. He continued and found it acceptable. He continued with approvals he would have to file it with the county.

### **ENGINEER COMMENTS**

Mrs. Franco stated the only other thing was the landscaping which you guys have mentioned or fencing, something of the screening, because you do have a residential and a non-residential use next to each other. She stated if you guys want to see anything else on there now is the time to ask for that as well. She stated there are three proposed lighting: light poles in the rear of the proposed parking lot. She continued make sure that no glare goes off site that negatively impacts driving or neighbors. She went on obviously if we get any complaints they will go through CEO Johnstone. She stated you have no purposed signage other than traffic signage. Mr. Rescignano stated right. Mrs. Franco clarified so there is no Twin Trees this way or anything that you are proposing. Mr. Rescignano replied no. Mrs. Franco continued or for the buildings that you have there. Mr. Haberer stated we are going to designate some spots for the pickup to alleviate the parking on Maxwell Ave. running into to the building for takeout. Mrs. Franco asked if they were going to be building mounted or the pole. Mr. Rescignano stated they will be building mounted. Atty. Chatfield asked if those pick-up spaces are parallel to Maxwell Ave. Mr. Haberer stated two [2] of them are to alleviate the backing out onto Maxwell Ave. and the other is around the back of the building. Atty. Chatfield clarified it would be around the addition on the corner. Mr. Haberer agreed. Mrs. Piper asked if the pickup window is the same. Mr. Haberer replied yes.

Mrs. Franco stated the conditions the Board should consider when making their Site Plan Approval are as followings:

- 6" H concrete curb at the exit on Gertrude St.
- Stripe crosswalk on Rt.11 driveway
- 6' H Privacy Fence along the rear of the new parking lot along the adjacent residential property and a fence along 111 Gertrude St. (Asterino's) property as noted
- Add Vegetation, landscaping, shrubbery behind the existing houses of 300, 302, 304 N. Main St. on the west side of the new parking lot
- File the Cross Access Agreement with the county

### **SEQR DETERMINATION**

Chairperson Lancette stated next we need to go through the SEQR Determination Impact Assessment (Part 2) and he read the following:



		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2.	Will the proposed action result in a change in the use or intensity of use of land?	✓	
3.	Will the proposed action impair the character or quality of the existing community?	✓	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	N/A	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for a mass transit, biking or walkway?	✓	
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7.	Will the proposed action impact existing:	✓	
	a. public/private water supplies?	✓	
	b. public/private wastewater treatment utilities?	✓	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11.	Will the proposed action create a hazard to environmental resources or human health?	✓	

### SEQR MOTION

**Mr. Bachstein made the motion** based on the conclusion of the Board to list it as an Unlisted Action having little or no impact after having reviewed the Environmental Assessment Form submitted by the applicant, and therefore issue a Negative Declaration. **The motion was seconded** by Mr. Kolodzie. All in favor. The motion was unanimously approved.

### SUNSET CLAUSE MOTION

Chairperson Lancette stated we have a Sunset Clause. He asked what the completion would be on the project. Mr. Rescignano stated 4 to 6 months on the parking area and an additional 3 to 4 months on the building, he would try to have it complete in February. Atty. Chatfield reminded him of the planting of trees to include enough time for plants to grow. Chairperson Lancette asked him if he would be able to complete the project within 12 month window. Mr. Rescignano stated he could. Chairperson Lancette stated twelve months [12] from today. **Mrs.**



**Sharp made a motion** to approve the Sunset Clause for 12 months to expire on August 15<sup>th</sup>, 2020. **The motion was seconded** by Ms. Desimone seconded the motion. All in favor.

Atty. Chatfield explained if the project is not going to be done by August 15<sup>th</sup>, 2020; he needs to contact CEO Johnstone ahead of time, so that we can consider extending or whatever. Failure to comply with the above date could result in a violation from the Zoning Officer and may result in being asked to return before the Planning Commission.

#### **SITE PLAN MOTION**

**Mr. Bachstein made a motion** to approve the site plan as amended by the conditions listed above under Engineer Comments and to include the Sunset Clause, based on the Site Plan drawing as submitted prepared by CADD Systems dated 6/5/19 to include S1, S1.1, S1.2, S1.3, S1.4 with last rev. date of 8/15/19 and to include D1.0, and D.1 with date of 7/15/19 with last rev. date of 8/15/19. **The motion was seconded** by Ms. Gustafson. All in favor.

Chairperson Lancette announced the next the next two projects are not going to require engineering, so Mrs. Franco will be leaving. He continued we are going to have some housekeeping items to address before our next applicant, Luther Memorial Lutheran Church of 435 S. Main St.

#### **LEGALS/SOCPA/RESPONSES**

Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors, and the Town of Clay were all noticed and the Agenda was posted on the website. Chairperson Lancette asked if the referral was sent to SOCPA and the Resolution was back. Mrs. Fuller stated they were. Chairperson Lancette announced all legals appear to be in order.

#### **LUTHER MEMORIAL LUTHERAN CHURCH, 435 SOUTH MAIN STREET**

Applicant: Luther Memorial Lutheran Church

Applicant Representative: Ron Niedzwiecki

#### **PROJECT INTRODUCTION**

Chairperson Lancette stated the Applicant before us tonight is the Luther Memorial Lutheran Church of 435 S. Main St. They are here for Site Plan Approval to replace the previously existing sign that was damaged on South Bay Road side with a Freestanding Electronic Message Sign to be installed in an R-9 Residential. They were already granted a use variance at the August 1, 2019 meeting to be allowed to install an electronic sign in an R-9 Zone and they have a Variance for the placement of that sign at that location from September of 1998. They would like to use the sign to display church related messages and events.

#### **PROPOSED PROJECT OVERVIEW**



Mr. Ron Niedzwiecki stated they he was here to represent Luther Memorial Lutheran Church. He continued this whole need for the process started last August as a result of a car accident and during the occurrence the sign got destroyed. He explained in trying to decide the replacement the congregation decided to move to the 21 century to go with a message board sign. He stated this would it would be appropriate and allow us to post church related messages and community messages regarding things like blood drives, clothing drives and that type thing. He continued we are looking to put a sign in the exact same place and exact same size. He went on the only difference is instead of having to go out there and change letters manually, it will be electronically.

### **THE BOARD COMMENTS**

Chairperson Lancette asked if anyone on the Board had any questions. Atty. Chatfield asked if it was going in the same location. Mr. Niedzwiecki stated it was. Atty. Chatfield clarified the difference is this one is going to be electrified. Mr. Niedzwiecki continued the other one was lit. Chairperson Lancette stated it was illuminated backlight.

### **DPW/FIRE/POLICE**

Chairperson Lancette stated that the DPW had no issues with the Project, and nothing with received from the Police. He continued the Fire Dept. did not have any concerns with the project.

### **COMMENTS FROM THE PUBLIC**

Chairperson Lancette stated the only received calls all have stated no problem with the project.

### **SETBACK**

Chairperson Lancette stated we have an asterisk with the 15' setback from the edge of sidewalk. Atty. Chatfield stated this was addressed through the area variance some years ago, back that we talked about.

### **HOLD TIME**

Chairperson Lancette stated next we have the hold time. Atty. Chatfield stated the Zoning Board of Appeals talked a little bit about the eight [8] second cycling time in between messages. He continued during the discussion he thought the applicant indicated willingness, because of the nature of their communication, it is not like a commercial where you want to get as much different information out every eight [8] seconds as you can. He stated theirs is to be a longer duration, so he would defer to the applicant for whatever they are thinking; they have to meet at least the eight [8] second time frame. Mr. Niedzwiecki stated we would meet all of the requirements of the Village of North Syracuse Electronic Sign Ordinances. He continued the sign electronic messages would be more static, he stated that they are not like Duncan Donuts





putting up pricing on everything, and so there will be little change, but yet it will give us the flexibility to have perhaps two [2] or three [3] related messages throughout the cycle.

### LANDSCAPING

Chairperson Lancette stated next is the landscaping around the sign. Mr. Niedzwiecki stated if you have the other sign with the brick pedestal and this will be very similar. He continued we have discussed the possibility of doing more like planter type face and that probably would not happen until spring.

### SIGNAGE

Mr. Niedzwiecki stated from what he has been told it will be a four [4] week because of ordering process and they hope to have the sign up in the fall.

### SEQR DETERMINATION

**Mr. Kolodzie made the motion** to list it as an Unlisted Action and therefore issue a Negative Declaration. **The motion was seconded** by Mr. Bachstein. All in favor. The motion was unanimously approved.

### SUNSET CLAUSE

Chairperson Lancette asked if the sign could be completed by twelve months [12] from today. Everyone agreed. **Ms. Desimone made a motion** to approve the Sunset Clause for 12 months to expire on August 15<sup>th</sup>, 2020. **The motion was seconded** by Mr. Kolodzie seconded the motion. All in favor.

Atty. Chatfield explained if the project is not going to be done by August 15<sup>th</sup>, 2020; he needs to contact CEO Johnstone ahead of time, so that we can consider extending or whatever. Failure to comply with the above date could result in a violation from the Zoning Officer and may result in being asked to return before the Planning Commission.

### SITE PLAN MOTION

**Mr. Bachstein made a motion** to grant the Site Plan Approval to include the Sunset Clause **The motion was seconded by Ms. Gustafson.** All in Favor.

Liaison Strong addressed the Planning Commission, he is new to this position and he took off five [5] hours of vacation time. He apologized, but that first applicant ran little long, so he has to leave the Planning Commission Meeting. He noted not many concerns as Atty. Chatfield has



spoken on the potential for the prepared item, but he has to go, concert is sold out and he has to go to work.

### **NORTH AREA MEALS ON WHEELS, 413 CHURCH STREET**

Applicant: North Area Meals On Wheels

Applicant Representative: Mark Petranchuk

### **LEGALS/SOCPA/RESPONSES**

Chairperson Lancette stated we have some housekeeping to address for our next applicant; North Area Meals On Wheels. Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors, the Town of Cicero were all noticed and the Agenda was posted on the website. Chairperson Lancette announced all legals seem to be in order.

### **PROJECT INTRODUCTION**

Chairperson Lancette stated the Applicant the Applicant before us tonight is the North Area Meals On Wheels of 413 Church St. They are here for Site Plan Approval to replace the existing sign that was has deteriorated with a Freestanding Electronic Message Sign to be installed in an R-9 Residential. They were already granted a use variance at the August 1, 2019 meeting to be allowed to install an electronic sign in an R-9 Zone They would like to use the sign to display organization statistics, volunteer recruiting information, how to get services for clients, Organization fund raisers such as Pasta Night, and events plus community service messages.

### **REPRESENTATIVE ADDRESSES BOARD**

Mr. Petranchuk, Representative for the North Area Meals On Wheels introduced himself to the Board. He stated that is pretty much everything, we did submit the package so; really everything that we had to say about it is included in here. Chairperson Lancette stated in the material that has been distributed. Mr. Petranchuk continued we are here to answer any questions that you might have. Mrs. Sharp state it was an impressive packet. Mr. Kolodzie stated he just saw that he included a letter from the neighbor, Mr. Maloney who lives across the street saying that there was no problem with the project. Ms. Desimone stated some of were concerned with the work that they are doing on Church St, is that going to affect you at all. Mr. Petranchuk stated no, hopefully that will be done by the time we have a next step and the Board has authorized us to go forward with a sign as long as we get a grant for half of the cost. He continued we wanted to make sure that we had the variance and then get the site plan approval, so the next step is to go ahead and apply for the Community Foundation Grant. He stated we are just starting out and the deadline for that is October 11th and they will make their decision in December, so at best case we could get the O.K. to manufacture for the sign



over the winter. He continued we will install it in the spring, but that is probably best case. Ms. Desimone stated so you are going to have enough time if we give you a year. Mr. Petranchuk stated we hope so, but if we are not successful in getting a grant then the Board will have to go through a process about whether we actually go through. Atty. Chatfield stated and your location is 15' back from the Right-of-way. Mr. Petranchuk continued it is 28' from the edge of the road. Atty. Chatfield asked what that meant from the Right-of-way. CEO Johnstone stated 13'. Mr. Petranchuk stated it is definitely out of the construction zone, it is exactly where the existing sign is and the nearest post to the edge of Church St. is 28'. He continued that is where the nearest post of the new sign will be. Atty. Chatfield continued that is why he asked the question, because the construction is only going to take place within the Right-of-way, so they will be 13' back of that. Chairperson Lancette stated it came up in our work session that you perform your new construction and then it be disrupted by the road work; that was a concern of ours. Ms. Gustafson stated are they not putting in a sidewalk there.

### **DPW/FIRE/POLICE**

Chairperson Lancette stated we did receive a letter from the DPW stating no issues. He continued we have not received a letter from the Fire Dept. having no concerns with the project. He spoke of not receiving a letter from the Police Dept. He stated we have received calls, but all have stated no problem and they are all in favor of the project.

### **SIGNAGE**

Mr. Daugard asked if the size of the sign is similar. Mr. Petranchuk stated the size of the sign is like 4' x 5' and this will be a little larger, 58" x 90"; about 25%. Chairperson Lancette stated the size has already been approved through zoning, correct. Mr. Petranchuk continued it is the same size as the Fire Station sign. Mrs. Piper asked if there was electrical there. Mr. Petranchuk stated no there is not. He stated there will be a regular 110/120 line going from the corner of the building hugging the parking lot to the new sign. Mrs. Piper asked if it would be telephone kind of thing or underground. Mr. Petranchuk added it would be underground. Mr. Daugard asked if the bottom half is going to be like an L.E.D. and the top half is going to be like a shadow box that is back lit. Mr. Petranchuk stated correct, the top half is going to be illuminated with the blue and white letters for the message sign. Mr. Daugard stated the transition time in between is 8 seconds, not less than to the transition.

### **HOLD TIME**

Chairperson Lancette stated we are going to go to the hold time of the messages. Mr. Petranchuk stated we will comply with all of those, we are very similar to the church, we do not expect to have a scrolling message, and it will be a lot more static message than the eight [8] second that is the max. Chairperson Lancette asked about the transition cycle time in between.



Mr. Petranchuk stated we are going to comply with whatever the code is. Mr. Daugard stated the hold time is a minimum of eight [8] seconds with the transition between messages is limited to one [1] second; he stated they cannot flash or strobe or motion.

### LANDSCAPING

Chairperson Lancette asked about landscaping. Mr. Petranchuk stated that there is a flower bed underneath it the sign right now. He continued quite honestly the Board has not talked about that, but there will not be any more than what is existing right now.

### SEQR DETERMINATION

**Mr. Daugard made the motion** to list it as an Unlisted Action and therefore issue a Negative Declaration. **The motion was seconded** by Mr. Bachstein. All in favor. The motion was unanimously approved.

### SUNSET CLAUSE

Chairperson Lancette asked 18 month desired, we want to give you ample time, so you will not have to come back and resubmit. Mr. Petranchuk stated [18] months sound like plenty of time.

**Mrs. Sharp made a motion** to set the Sunset Clause for eighteen months to expire on February 15<sup>th</sup>, 2021. **The motion was seconded** by Mr. Kolodzie. All in favor.

Atty. Chatfield stated if the project is not going to be done by February 15<sup>th</sup>, 2021; he needs to contact CEO Johnstone ahead of time, so that we can consider extending or whatever. Failure to comply with the above date could result in a violation from the Zoning Officer and may result in being asked to return before the Planning Commission.

**Mr. Daugard made a motion** to approve the Site Plan with the Sunset Clause. **The motion was seconded** by Ms. Desimone. All in favor.

Chairperson Lancette asked for a motion to adjourn the meeting. **Ms. Gustafson made motion to adjourn the meeting at 7:28 P.M. The motion was seconded by Mr. Kolodzie.** All in favor. The motion was unanimously approved.

Respectfully submitted,



Pearl Fuller  
Secretary

