

The Planning Commission of the Village of North Syracuse held a **Planning Commission Meeting** on **Thursday, March 17th, 2022** 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: Jeff Bachstein (Acting Chairperson), Vera Desimone, Emily Sharp, Connie Irick, Lisa Lioto, Darlene Piper (Alternate), and Sam Mondello (Alternate).

Personnel Present: Neil Germain (Atty.), Brian Johnstone (Codes Enforcement Officer), and Pearl Fuller (Secretary).

Absent: Chris Strong, (Liaison).

Agenda:

- Approval of the 10/07/2021 Planning Commission Meeting's Minutes (**approved**)
- Site Plan Review & Approval with Special Permit, Peter Penizotto (Main Street Ice Cream CNY, LLC.), 216 N. Main St. (**approved**)

MEETING STARTS

Acting Chairperson Bachstein called meeting to order at 5:30 PM. He took roll call and all members were present.

MINUTE APPROVAL

Acting Chairperson Bachstein stated next we have the approval of minutes for October 7th, 2021 for Joe Markert of Metz Properties, LLC. on behalf of DL Manufacturing Ms. Desimone made a motion to approve the October 7th, 2022 minutes. The motion was seconded by Mrs. Sharp. All in favor.

LEGALS

Acting Chairperson Bachstein stated we have some housekeeping to address for our applicant, Peter Penizotto, owner of Main Street Ice Cream CNY, LLC. He asked if the agenda was sent to the paper. Mrs. Fuller stated yes. Acting Chairperson Bachstein clarified surrounding neighbors; Town of Cicero and Town of Clay were notified. Mrs. Fuller continued yes. Acting Chairperson Bachstein continued Legal Notice put in paper. Mrs. Fuller added yes. Acting Chairperson Bachstein stated all legals appear to be in order.

PETER PENIZOTTO FOR MAIN STREET ICE CREAM CNY, LLC. (BIG DIP)
216 N. MAIN ST.

Applicant: Peter Penizotto (Main Street Ice Cream CNY, LLC.)

Applicant Representative: Peter Penizotto (Main Street Ice Cream CNY, LLC.)

EMERGENCY CIRCUMSTANCES

Acting Chairperson Bachstein announced due to the emergency circumstances caused by the Covid-19 pandemic, and the Mayor of the Village of North Syracuse, the public shall be allowed to attend; but must follow the Covid guidelines. Also, they are allowed to watch over Facebook Livestream.

PUBLIC HEARING

Acting Chairperson Bachstein stated this meeting was advertised as a Public Hearing for the Special Permit. No one came forth to speak in favor or express any concerns against the Special Permit. With no response the Public Hearing was closed.

PROJECT INTRODUCTION

Acting Chairperson Bachstein stated the Applicant before us tonight, is Peter Penizotto of Main Street Ice Cream CNY, LLC, owned by himself and his son, Peter M. Penizotto, of 216 N. Main St. which is located in a C-3 (Village Center) Zoning District. He continued he is here seeking a Site Plan Approval with Special Permit. He added as per his application, he has indicated no site work is proposed. He went on to say however, general landscaping and the planting of flowers will be done.

He stated according to Village Code §240-13 B. (3) a Special Permit is required to be issued to have a Drive-in Service, for the windows on the front of the building.

He continued Mr. Penizotto purchased the property last year, but he was not aware the Special Permit did not carry over to a new property owner. He added he is hoping to be granted the Special Permit, so he can open the Big Dip Ice Cream Stand which is a seasonal business.

He explained the survey submitted shows a building 625 sq. ft. with a separate 452 sq. ft. garage. He stated there are 19 parking spaces with a connection in the rear to neighboring parking areas which exits out behind neighboring property to Gertrude St. He continued the front has an existing concrete sidewalk and a paved access onto Rt. 11, a state highway.

He added this property, as far as the minimum lot requirement as per §240-65, is Legal Non-Conforming.

REPRESENTATIVE

Acting Chairperson Bachstein invited the applicant representative to speak his name for the record. Peter Penizotto introduced himself; he stated he is here on behalf of Main Street Ice

Cream CNY, Inc. which is owned by him and his son, Peter M. Penizotto and is operating the Big Dip located at 216 North Main Street.

DPW/FIRE/POLICE

Acting Chairperson Bachstein read the following:

DPW: Letter received dated 3/7/22 stated: He has reviewed the plans submitted for the above property and his findings are it looks good, no concerns for DPW; project does not have any negative impact on DPW or its operations.

Fire: No response received.

Police: Received 3/14/22, conducted site impact review, based on observations; currently no concerns of impact on public safety.

REPRESENTATIVE ADDRESSES THE FOLLOWING ITEMS:

Acting Chairperson Bachstein stated there are a few items that we need to go over.

BUILDINGS

Acting Chairperson Bachstein stated the survey submitted showing Revision Redated January 12, 2021 shows a building 625 sq. ft. with a separate 452 sq. ft. garage.

SIDEWALK/ACCESS/EXITS/ PARKING

Acting Chairperson Bachstein stated the survey submitted shows in front there is an existing concrete sidewalk and paved access onto Rt. 11 which is a state road. He continued there are 19 striped parking spaces, with a connection in the rear to neighboring parking areas, which exits to Gertrude Street. Discussion went back and forth regarding the Handi-cap Parking; one [1] of the parking spaces will be for Handi-cap parking, up front next to sidewalk with marking on the ground and a sign installed. Mr. Penizotto agreed to mark the Handi-cap parking space and add a Handi-cap Parking Sign. Ms. Desimone brought up that we have a lot of seniors in this area. Mr. Penizotto stated that is fine, he wants you all to come.

LANDSCAPING

Acting Chairperson Bachstein asked what general landscaping you are proposing. Mr. Penizotto shared he is planning on potted plants; waive petunias in the spring and then marigolds in the fall.

DUMPSTER(S)/ENCLOSURE

Acting Chairperson Bachstein asked if there were any dumpster(s) on site. Mr. Penizotto stated yes, one [1]. Acting Chairperson Bachstein continued is it enclosed. Mr. Penizotto continued yes, it is.

DAYS/ HOURS OF OPERATION/NUMBER OF EMPLOYEES

Acting Chairperson Bachstein stated this is seasonal, what date do you plan to open and will be open thru what date. Mr. Penizotto added we are trying to plan on opening by April 1st, and plan to close by October 31st. Acting Chairperson Bachstein continued what are your days and hours of operation. Mr. Penizotto explained every day, 11:30 AM thru 9:00 PM in the spring and fall and 10:00 PM in the summer. Acting Chairperson Bachstein asked how many employees you are planning to have. Mr. Penizotto shared they are all part-time and he thought there was 14.

SIGNAGE

Acting Chairperson Bachstein continued are there any changes to the sign. Mr. Penizotto continued no.

ENGINEERING COMMENTS

Acting Chairperson Bachstein stated you have indicated that there will be no site changes, is that correct. Mr. Penizotto stated yes. Acting Chairperson Bachstein explained there are no site modifications. He continued therefore, the Engineer was not required to review this application.

BOARD DISCUSSION

Acting Chairperson Bachstein stated we will open this up to any Board Members that have a questions or concerns. Mrs. Sharp asked if they are still going to have the seating out front. Mr. Penizotto stated yes. Ms. Desimone clarified the benches. Mr. Penizotto continued yes.

COUNTY SOCPA RECOMMENDATIONS

Acting Chairperson Bachstein stated the County SOCPA Recommendations, as per the County Planning Memo received dated 2/22/2022, their determination is no position.

SEQR

Acting Chairperson Bachstein stated we have listed the SEQR as an Unlisted Action. **Mrs. Sharp made a motion** to move for the adoption of a resolution that the Planning Commission of the Village of North Syracuse hereby determines based upon the applicant's completed environmental assessment, the information presented by the applicant, the Planning Commission's personal knowledge of the Site, and all other information presented and proceedings had herein that the proposed action will not have a significant effect on the

environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **The motion was seconded** by Mr. Mondello. Roll Call: Desimone-Yes, Sharp-Yes, Irick-Yes, Lioto-Yes, Mondello-Yes, Piper-Yes, Bachstein-Yes. Approved 7. Opposed 0. All in favor.

SUNSET CLAUSE MOTION

Mr. Mondello made a motion to approve the sunset clause to expire on 4/01/2022. **The motion was seconded** by Ms. Desimone. Roll Call: Desimone-Yes, Sharp-Yes, Irick-Yes, Lioto-Yes, Mondello-Yes, Piper-Yes, Bachstein-Yes. Approved 7. Opposed 0. All in favor.

Acting Chairperson Bachstein explained Special Permits expire after three [3] months of the cease of use. He stated if you cannot completely open by the Sunset Clause, you need to contact the Codes Officer prior to that date to request to come back to the Planning Commission to request an extension. He continued should you not be able to open your seasonal business on any given year, you would be required to come back to the Planning Commission to request a new Special Permit.

SITE PLAN MOTION

Mr. Mondello made a motion to approve the Site Plan with Special Permit for Drive-in Service, with an Unlisted SEQR having a Negative Declaration, including conditions listed below, as per survey presented: Prepared by Lehr Land Surveyors, D.P.C., Date: 8 September 2011, Drawn By: W.J.H., with Revision Redated: January 12, 2021 with drawing No. 11-H-68*B*.

Conditions

- Complies with Sunset Clause Completion date to open by 4/01/2022

The motion was seconded by Mr. Bachstein. Roll Call Vote: Desimone-Yes, Sharp-Yes, Irick-Yes, Lioto-Yes, Mondello-Yes, Piper-Yes, Bachstein-Yes. Approved 7. Opposed 0. All in favor.

Acting Chairperson Bachstein asked for a motion to adjourn the meeting. **Mr. Mondello made a motion** to adjourn the meeting at 5:44 PM. **The motion was seconded** by Mrs. Irick. All in favor.

Respectfully submitted,



Pearl Fuller
Secretary

