

The Planning Commission of the Village of North Syracuse held a **Planning Commission Meeting** on **Thursday, January 18th, 2024** 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, Jeff Bachstein, Vera Desimone, Paul Kolodzie, Lisa Lioto, Connie Irick, and Emily Sharp.

Personnel Present: Neil Germain (Atty.), Ben Harrell, (CHA Engineer), Nicholas Rohm (Codes Enforcement Officer), Pam Di Carlo (Codes Enforcement Officer), Chris Strong, (Liaison) and Pearl Fuller (Secretary).

Agenda:

- Approval: 12/21/2023 Planning Commission Meeting's Minutes (**approved**)
- Site Plan: 709 N. Main St., St. #9 Akina Sushi Syracuse, Inc. (Hong Zheng)
(Adjourned, returning)

MEETING STARTS

Chairperson Lancette called meeting to order at 5:32 PM. He took roll call and all members were present.

MINUTE APPROVAL

Chairperson Lancette stated next, we have the approval of minutes for 12/21/23 for Chick-Fil-A of 110 E Taft Rd. Mr. Kolodzie made a motion to approve the 12/21/23 minutes as written. The motion was seconded by Mrs. Irick. All in favor. 0 opposed.

LEGALS

Chairperson Lancette stated we have some housekeeping to address for our applicant, Akina Sushi Syracuse, Inc. for dba Akina Sushi & Hibachi located at the 709 N. Main St., St. #9 property. He asked if the agenda was sent to the paper. Mrs. Fuller stated yes. Chairperson Lancette continued was Legal Notice put in paper. Mrs. Fuller continued yes. Chairperson Lancette clarified surrounding neighbors, and Town of Clay and Cicero were notified. Mrs. Fuller added they were. Chairperson Lancette verified that the referral was sent to Onondaga Cty. Dept. of Planning and Resolution is back. Mrs. Fuller continued yes. Chairperson Lancette stated all legals appear to be in order.

Akina Sushi Syracuse, Inc. (Hong Zheng) 709 N. Main St., St. #9.

Applicant: Akina Sushi Syracuse, Inc.
Applicant Representative: Hong Zheng (Business owner)
Hunt Real Estate Agent: Steven Reed
Attorney: Michael Fogel: Not present (not available)

PROJECT INTRODUCTION

Chairperson Lancette stated the Applicant before us tonight is Akina Sushi Syracuse, Inc., owned by business owner Hong Zheng, who is proposing to open a restaurant in Bear Road Plaza. It is proposed to go in space no. 9., formerly known Key Bank. The Bear Road Plaza is in a C-2A (Storage Unit District), as per §240-12.1. B. refers uses other than Storage, to follow Commercial C-2 District uses, as per §240-12 B. (4) allows Restaurant/bar with the issuance of a Special Permit. Bear Road Plaza is located in the Town of Cicero and owned by 709 Bear Road Partners, LLC., with Tax Parcel ID. No. 013.-01-03.1 and they have given permission for Akina Sushi Syracuse, LLC. to make application before the Planning Commission, to operate business under the name of Akina Sushi & Hibachi. He is proposing to convert the existing 4,000 sq. ft. space

into a Japanese Restaurant, with 14 employees and a total occupancy of 226; he will not be using the drive thru.

It should be noted that the requirement for a new survey was waived by the Codes Enf. Officer. The Survey provided notes Parcel 1, and Parcel 2, are located within Storage Unit District (C-2A); not in the districts noted on the survey. As per CHA Review Letter there are 172 existing parking spaces within the plaza, there are no proposed changes to the site. However, there are 15 additional parking spaces proposed to be used between the bank use and the restaurant use. The Associate business at 805 N. Main St. (Firehouse Subs) was approved on 2/15/2018 by the Planning Commission with a parking agreement/easement. A copy of that easement shall be included in the Planning Commission's records hereof. It is noted that the easement provides Firehouse Subs, parcel access over the proposed site plan area for egress, ingress; and shared parking on the current site. This easement was a condition of the Firehouse Subs' approval and the applicant shall cause the same to be filed with the Onondaga County Clerk's Office as a condition of any approval given herein. To date no new information has been provided in this regard. Attorney Michael Fogel could not be here as a representative on behalf of Akina Sushi

Chairperson Lancette invited the applicant, Mr. Hong Zheng, owner of Akina Sushi Syracuse, Inc.; to present for Akina Sushi & Hibachi, to address the Board. He asked for a brief overview of what he was planning on doing there in the restaurant if approved.

Mr. Zheng stated he planned to open a Japanese restaurant, that will primarily serve Sushi and Hibachi which is grilled meat on a flat griddle. He continued it is going to be a full-service restaurant, it will have sit down, and a server that will serve you at the table side. He added they are going to take your orders and whatnot. He explained the concept of the restaurant is all you can eat. He stated so it will be as a buffet, but instead of going to the Buffet Bar, you will get a server. He continued like other restaurants we will take your orders at the table, and we will prep it after you order, it is made to order. He explained once it is done, somebody is going to bring it to your table. He shared being a buffet, it is going to be one fixed price, instead of al a cart; pay per item. Chairperson Lancette clarified that it will be continuous portions, but a server brings that to them vs going to a buffet. Mr. Zheng replied yes. Chairperson Lancette stated not having an active buffet. Mr. Zheng stated yes.

PUBLIC HEARING

Chairperson Lancette stated this meeting was advertised as a Public Hearing. With no one present he continued.

LETTERS FROM SURROUNDING NEIGHBORS

Chairperson Lancette stated we did not receive any letters from the surrounding neighbors.

DPW/ POLICE/FIRE

Chairperson Lancette stated we have comments from Police, Fire and DPW who have commented on the project and the application and he read through them as follows:

DPW: Letter dated 1/10/24, stated the plans have been reviewed and looks good; no concerns on behalf of DPW. The project does not have any impact on DPW or its operations.

Police Dept: Letter dated 12/15/23, stated the plans, and Onon. Cty. Plan. Board Resolution dated 12/13/23 were all reviewed and a visual inspection of the exterior of the property and plaza were done. It was suggested that Akina Sushi Syracuse, Inc. employees park in the rear of the plaza where routinely it is not utilized. As per SEAF dated 10/12/23, President attested that the proposed action will not result in a substantial increase in traffic above present levels. Chief Fieldson stated historically it is difficult during certain times of the day, for vehicles existing this plaza via Bear Rd., to take a left and travel west on Bear Rd.; due to traffic

volume on Bear Rd. He continued this will be an added concern for Akina Sushi Syracuse, Inc. patrons. He added he is confident that much of the routinely unused parking spaces in the main portion of this plaza parking lot as well as those closer to the north end of the plaza property will be utilized by Akina Sushi Syracuse Inc. patrons.

Fire Dept.: Memo dated 1/8/24 from Fire stated he has reviewed the drawings of the proposed Sushi restaurant located in the Bear Road Plaza. The drawings were submitted by Lam & Lam Designs, the sheets were stamped and dated 8/8/23. Page 2 of the Project Narrative indicates an automatic sprinkler system will be installed. However, there is no detail of the sprinkler system with the drawings submitted.

Fire Dept. had the following comments regarding the proposed restaurant:

- The Fire Dept. Connection (FDC) shall be located adjacent to the main Entrance. The FDC should be located on the east wall, at the right of the Main entrance, facing the parking lot.
- A SUPRA lock box shall be installed near the main entrance.
- The annunciator panel for the fire alarm system shall be installed in the vestibule.

PROPOSED INTERIOR RENOVATIONS

Chairperson Lancette stated the existing Key Bank, space no. 9 is proposed to be converted to a 4,685 sf. Japanese Sushi and Hibachi Restaurant, but will not be using the existing drive thru; is that correct. Mr. Zheng stated yes, that is correct.

PERMISSION LETTER

Chairperson Lancette asked has a letter been provided to the Codes Dept. giving permission for Akina Sushi Syracuse, Inc. to make application on behalf of 709 Bear Road Partners, LLC. Mrs. Fuller stated we did receive one.

PARKING LEASE EASEMENT AGREEMENT

The Associate business at 805 N. Main St. (Firehouse Subs) was approved on 2/15/2018, by the Planning Commission with a parking agreement/easement. A copy of that easement shall be included in the Planning Commission's records hereof. It is noted that the easement provides Firehouse Subs, parcel access over the proposed site plan area for egress, ingress; and shared parking on the current site. This easement was a condition of the Firehouse Subs' approval and the applicant shall cause the same to be filed with the Onondaga County Clerk's Office as a condition of any approval given herein. To date no new information has been provided in this

regard. Chairperson Lancette stated has the Atty. been provided copies of the lease and easement agreement for the Firehouse Subs business that also use the plaza. Atty. Neil Germain stated yes. Chairperson Lancette asked Atty. Germain if he had reviewed the lease and easement agreement for Firehouse Subs that share the plaza. Atty. Germain continued yes; he has reviewed them. Chairperson Lancette added so after reviewing the lease and easement agreement, are there any concerns that will affect this project. Atty. Germain added the only concern was that easement is part of an agreement, that was never recorded, the easement should be recorded with Onondaga Cty. Clerk's Office to provide the public; an actual easement for egress/ingress over that site including the parking.

DAYS/HOURS OF OPERATION

Chairperson Lancette asked what are the hours and days of operation. Mr. Zheng stated 11:00 AM to 9:00 PM, seven days a wk., Sunday thru Saturday.

NO. OF EMPLOYEES/OCCUPANTS

Chairperson Lancette asked what are the total number of employees and what is the maximum number of employees that will be on site at the same time. Mr. Zheng added the number of employees will be 14. Chairperson Lancette stated how many patrons can be seated inside the restaurant at full capacity. Mr. Zheng explained 200. Chairperson Lancette continued what is the total occupancy with employees in the restaurant? Mr. Zheng replied 226 total occupants, he added not that he is not confident, but he doubted we are going to have max occupancy.

PARKING/HANDICAP PARKING/PARKING EASEMENT

Chairperson Lancette spoke of your narrative speaks of seating for up to 15 disabled customers. He asked are there handicap parking spaces being provided for them as well, and if so, how many and where will they be located. Mr. Zheng stated handicap parking space most of them are located in front of zone space 10 there near the light pole. He continued he has not counted it, but there is like a couple. Mrs. Sharp stated she sees here where it says total occupancy 226 in seating, 15 disabled. Chairperson Lancette asked how many total parking spaces are provided in the parking lot for all of the businesses. Mr. Zheng stated 172.

Chairperson Lancette clarified per Item #12 from CHA Review Letter: for Parking: Noted 172 existing spaces in plaza, no proposed changes. He continued there are 15 additional parking spaces proposed between the bank and the restaurant use. He asked is this something that needs to be a condition of the Site Plan and Special Permit. Atty. St. Germain clarified if they are showing this as part of the Site Plan, it is already on there, so if it is part of the Site Plan. He stated so if it is part of the Site Plan, you approve the Site Plan with 15 additional spaces and then would be encompassing the approval.

Mr. Harrell stated no, it means this 15 right here, but not that there is 15. Atty. Germain stated so exactly what she is saying is he is short 15 spaces. He did not think that had to be conditional, that cannot find a way to put more parking there. Chairperson Lancette agreed. Atty. Germain stated that is up to this Board whether it is yes or no, that should be addressed by the Board.

PARKING VARIANCE

Chairperson Lancette explained his next question here is actually for the Board Members. Will there be a need for a parking variance for the required number of spaces to accommodate this business and still have the spaces for other businesses. He added if any of you feel there is, please show hands now. He noted Mrs. Lioto raised her hand. He stated for those of you who feel we can proceed without. The rest of the board raised their hands. Mr. Bachstein asked Mrs. Lioto if she wanted to share the reason why it would impact us. Mrs. Lioto stated she thinks safety issues with 14 employees, and up to 226 occupants given the current parking spots; you cannot make more parking spots. She continued it has been a light winter, so snow storage, obviously that is a concern. She added Harbor Freight usually has tent sales once during the summer time and they take up parking spots. She explained there is Firework display tents in the past, these all take up spots. She shared three is another vacant spot in the plaza. She continued she just thinks the right thing to do would be to get a variance, before she was able to approve; it is just a very congested area for that. She added she thinks it is great and would love to see them go in there, but for her it is just a safety issue in that parking lot.

FIRE LANE/FIRE APPARTATUS TURNAROUND

Chairperson Lancette stated it shows that the dumpster will be placed outside 5' from the kitchen exit door, by the wall; is this block the Fire lane? Mr. Zheng replied fire lane, no. Steven Reed stated no it will actually be out of the way, more under the canopy where the unused drive thru is. Chairperson Lancette stated O.K. Chairperson Lancette inquired will the placement of the dumpster interfere with the fire apparatus turn around. Mr. Zheng stated he did not understand what it means. Chairperson Lancette explained so would the location and the placement of the dumpster, outside of the kitchen will it interfere with the fire lane or the fire department's ability to swing their trucks around. Mr. Zheng continued no. Mrs. Irick asked how is the dump truck getting in there, is it one of those kinds where it pokes inside, it picks it up and dumps it. Mr. Zheng replied yes. Mrs. Irick explained most restaurants have a big door or gate, that they have to have open, it is a metal gate. She stated then the truck comes in, picks it up and dumps it. She continued how is the truck going to do that, if they have got to leave that one drive thru open for fire lane. Mr. Zheng stated so on the site plan the dumpster is actually open facing the east. Chairperson Lancette explained it is 3 sided on this drawing, is it not. Mr. Zheng continued no; it is open on one side. He added it is open towards the east, which faces the main parking space, the dumpster truck goes in and backs out. Chairperson Lancette asked so the gate swing direction does not reflect swinging into the driveway, it swings towards the building. Mr. Zheng replied so the door faces the east. Mr. Reed stated it is reflected on the site plan, pointing to the

east. Mr. Bachstein stated it is on the new, the one we just got. Mr. Harrell stated so the truck is going to drive in here, thru those gates, and then he is going to back up. Mr. Bachstein asked if it is out far enough, is there an overhang, which way does it open. He explained he was talking about where the dumpster is located, in reference to that overhang. Mr. Zheng explained it is to the east of the building, the overhang, it is not under the overhang. Mr. Bachstein stated he sees it, but he does not know what the scale is there. He clarified it is going to get lifted up. Mrs. Irick added up and over. Mr. Bachstein continued up and over and asked so is there enough clearance. Mr. Zheng explained there is enough clearance, so is like the canopy there is nothing over it.

DUMPSTER: LOCATION/DUMPSTER VARIANCE

Chairperson Lancette asked if there are any other variances that may be needed for this project, he stated he was not aware of any through all of the review and the engineering. Chairperson Lancette asked regarding the dumpster what is the screening that is going to be used around it, how high will it be. Mr. Zheng replied the fence would be vinyl, the dumpster is about yay tall, so he thinks the fence will be like 10' tall.

Chairperson Lancette asked will variances be required for the screening for height or type of fencing. Mr. Harrell stated he did not have it in his detail, that is different. Chairperson Lancette explained we are looking at each other as it did not have the height in the detail there and 10' would probably require a variance if that. He stated minimum heights before it would require a variance, 6' maximum height per §240-35. Mr. Zheng asked does it have to be like 8' or higher. Mrs. Fuller stated it has to cover the dumpster. Chairperson Lancette stated right it has to cover the dumpster, be taller than the dumpster. Mr. Zheng stated so 10' would cover the dumpster. Chairperson Lancette stated 10' would be like 4' taller than the dumpster. He continued sir, if it is based on the elevation that you are holding your hand at. Mr. Zheng added he knows that the dumpster is taller than he is, like 5'8". Chairperson Lancette clarified so the dumpster may be like 6' tall, so an 8' may conceal the dumpster. Mr. Reed asked just for clarity is it anything taller than 6', needs a variance. Mrs. Fuller explained that is what we are checking right now. Chairperson Lancette explained we are just reviewing to give you an accurate height, the detail was not in on the submission. Mrs. Fuller stated 6' is the maximum height for screening, so if it is over 6' a variance is going to be required for that. Mrs. Fuller asked on the screening for that is it an open design or like a privacy closed design. Chairperson Lancette asked if he had any visual or at least a rendering that would show. Mr. Reed clarified of the fence. Mrs. Fuller replied yes. Chairperson Lancette stated yes, like the fence of the dumpster imposed on the site, besides the technical drawing that we have here.

DUMPSTER: BOLLARD

Chairperson Lancette stated in Mrs. Franco's material had suggested bollard placement without indicating the direction of facing, as a concern of the dumpster. Mr. Bachstein asked if we have the option of suggesting that it is decorative since it is facing Bear Rd., not just like a chain link;

something decorative since it is facing Bear Rd. Mr. Zheng reiterated it is actually facing the east. Mr. Bachstein explained the part that is going to be closed, not the doors, the enclosure itself is going to be facing Bear Rd. He stated when you are going to the doors, the wall to the right is facing Bear Rd. Mr. Zheng stated so it is going to be like a white fence, to make it (muffled) as possible for screening. Mr. Bachstein added can we ask that it be more like brick or something. Chairperson Lancette continued in Mrs. Franco's review, in our notes from our engineer, note #3 was the location of the dumpster has been shown on the provided plan highlighted and will require the detail of the type, height and material of the screening which is landing into what Mr. Bachstein is discussing. He added as it will block through traffic near the canopy, stripping, bollards, and signage, etc. shall be required on both sides of the canopy. He explained that was one of the engineering notes from January 17th, 2024. Chairperson Lancette stated so Mrs. Franco has reviewed and made a couple of suggestions on that.

DUMPSTER: AESTHETICS

Atty. Germain stated the appearance of it is subject to review, and that is something that you can ask for, or demand. He continued it is part of the overall review process is the aesthetics of the project. Mr. Bachstein added would you be O.K. with coming up with something more decorative than just the chain link with the vinyl to make it more aesthetically pleasing. Mr. Zheng stated he could do vinyl fence, not the chain link that is like the one that is back of somebody's house. He continued clearly the aesthetics and the optics of the line of sight continuously by the traffic is what is generating the questions. Mr. Reed continued understood the level of concern, we are looking for a replication of it right now. Chairperson Lancette stated we are looking at 6' vinyl fence panels. Mr. Zheng explained it will be these kinds of panels, but it just be measured to dimension in size. Chairperson Lancette continued so they are solid vinyl panels cut and manufactured for the dimensions ordered by the client. He added it is not a metal mesh with nylon ribbons. Mr. Zheng stated this is the representation, actually a dumpster, there is a dumpster in the back. Mrs. Fuller clarified so it is actually a privacy fence. Chairperson Lancette explained yes, in the picture that the applicant has, it is a vinyl custom made panel paddock with continuous vinyl pvc., panels there that do not have the mesh chain link or ribbons. Chairperson Lancette stated that our concern is, and if he did not mind doing a quick loop. Mr. Zheng walked around showing the Board members a picture on his phone. Mr. Harrell stated they are more concealing. Codes Enf. Officer Rohm shared 128-2 has to deal with the screening of containers in chapter 2. Mrs. Fuller asked if there was any specific letter. Codes Enf. Officer Rohm continued D. Screening shall conform to requirements of Chapter 240, Zoning, as amended. Mr. Bachstein stated if you look at those dumpsters over time, the vinyl things fall out and all you see is the chain link. Atty. Germain stated the slats. Mr. Bachstein continued the fence down the road in a couple of years after the winter beats up on it for a time or two. He added then they look ugly, if it is behind the building it is not big deal. Mr. Bachstein asked if he could look at something more when he is doing his dumpster. He continued if that lane is going to be open and they are going to be plowing snow, that fence is going to break. He asked if it is possible to do something solid for a few feet and then put vinyl on top of it. Mr. Zheng stated he does not think the plaza

cell tower will be under the canopy. He asked Mrs. Bachstein if it answered his question. Mr. Bachstein stated he just thinks that the fence will get beat up after one winter with pushing snow around it. He continued they use those big huge 15' or 20' to plow things, he just sees the fence being smashed within a year. Mr. Zheng added so something solid. Mr. Bachstein explained something with a couple of feet like M & T Bank behind there have, like 2' or 3' of brick or cement and then there is a fence on top of it; it is more durable and solid. Mr. Bachstein stated just the side and the back, not the where the opening is. Mr. Zheng clarified it is like a concrete foundation with fence on top of it. Mr. Bachstein reiterated something more durable, maybe you could look at it, if it is feasible; if it is too expensive, he does not know.

ENGINEERING

Chairperson Lancette asked if there were any more comments from CHA that we needed to go over. Ben Harrell, Engineer stated he did not have anything else to add.

ATTORNEY ADDRESSES APPLICANT

Atty. Germain stated showing that to me is great, but hear is the thing, you are asking of an approval of a plan. He continued when you are asking for the approval of a site plan it should

be complete. He added all the answers given back to the engineers; their comments should have all been satisfied. He explained if you show us a picture on your phone of a dumpster enclosure, O.K., that is a picture on your phone of a dumpster enclosure. He stated the issue for the municipality is we have to have something that is enforceable later, so we can look at it. He continued so your plan in it of itself, seems to be incomplete. He added other words if you had a plan for a dumpster in it, it is an important aesthetic feature, because you are going to have people who see it. He explained you should have presented that as part of your plan, so you can get an aye or nay, and later on if that dumpster comes in and it is not what you presented; there can be an enforcement mechanism on behalf of the municipality. He stated right now, your plan is in complete, it does not appear to him to be at the point where it is right for an approval, because you just do not have enough of it done. He continued you do not have the fence detail with what appears you need a variance for. He added you still have the question of the parking, of which they could waive the parking variance, but if you are going to have to go to the ZBA anyways. He explained he did not know what the appetite for getting that done at the same time is. He stated what you have given the Board so far would appear to be insufficient to warrant an approval.

Mr. Zheng stated what he was thinking is like requesting the signage details, and also the sprinkler details, and as far as the dumpster; he was thinking if we could submit a plan for the Codes Enf.

you have given them so far, and he noticed that you got our comments and your engineer has got our comments back and apparently something came in like 2 days ago. He stated what really did not give our engineers enough time to probably say look you have not given us detail for your enclosure. He continued you have not really told us about the fence, you have these parking issues that are kind of unresolved, for the Board to at its discretion not to require a variance. He added it looks like you are going to the ZBA anyways, based on your height issue with the fence and your dumpster. He explained this Board from his experience likes to proceed at a pace, and get everything done, but we are stuck with what you give us; and what you have given to this point is not complete.

SEWER/SANITARY FLOW

Mrs. Sharp stated the letter from Onon. Cty. Plan. Board, it is talking about the flow of excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1-gallon sanitary flow to offset plan/project coordination with the municipal engineer. Capacity Assurance Form and approval process can now be found online. She continued do you know anything about that part. Mr. Harrell stated yes, so Onon. Cty. is going in with a use that requires or produces additional sewer flows over the existing that may be required and offset plan. He continued you can either line the sewers, manhole, or certain municipalities allow applicants. Mrs. Sharp added so that should be in the included. Harrell added that will be a requirement as well.

SIDEWALK CLEARING/SNOW STORAGE

Mrs. Fuller stated one of the things that they are going to eventually say to you, and it was one of Mrs. Franco's questions, was basically the snow storage was going to be: The sidewalk clearing around the restaurant, all of its doors and how it was going to be handled. She continued if that dumpster is by your door coming out. Mr. Zheng stated it is several feet away from the door. Mrs. Sharp stated based on what Mrs. Lioto stated, we also should see where you store snow. Mr. Reed stated there is snow storage indicated on the site plan. He continued Lam Engineering included it in the corners where it is going to be, he believed the snow plow is where the snow will be stored. He added do you see that snow storage area to the bottom left corner. He explained then overflow storage is to the east along US Rt.11., where that snow plow is also indicated.

PARKING AND SAFETY

Mrs. Lioto stated her concern continues to be the parking; she has been in that parking lot many times all hours of the day. She continued it is already very congested during peak hours it is very difficult stated to find a parking spot, and navigate in and out, so again that would continue to be her concern; is the safety especially with that many patrons. She explained she would love to see a restaurant in there, but that just continues to be her concern.

Mr. Zheng stated he guessed the only way for that is to make those change the occupants. Mrs. Lioto stated well, she guessed there are some other issues too, that have to get resolved. Mr. Zheng continued but that would be one way to resolve your points right. Mrs. Lioto continued that is a fairly large restaurant so employee parking. She added sometimes there is a group of five [5] right, that show up for happy hour or a dinner right, so that is not one [1] car, that is five [5] cars, for one [1] group of people. She went on to say it is just very congested in there, it is a safety issue for her.

Chairperson Lancette stated Mr. Zheng, unfortunately we are going to stop the process here tonight, because we will not be able to grant the approval of the site plan, and the special use permit. He continued it sounds like you are going to have to apply to the ZBA, and it may be two [2] issues that are taken up with the ZBA, one [1]: The existing parking lot, and number of spaces that are there. He added it is not uncommon for that type of plaza for that type of use. He explained and also [2] for the type and height of the fence which the ZBA will require a rendering or at least communication between your engineering firm and the Village's engineer.

Mrs. Fuller stated they will need renderings showing height and color pictures would probably work best, showing exactly what you are presenting, so that they know specifically they are approving. She continued the ZBA Board wants exactly what they are approving on paper. She added her suggestion, as you are submitting things would be to submit drawings probably at least ledger size for like pictures of the stuff. She explained with dimensions on it for like the actual dumpster and surrounding enclosure. She stated they will want to see a drawing showing where everything else is going too. She continued they are going to ask you questions about the site, so you are going to need to be prepared for that as well. She added they are going to want to know about the parking lot, we have to know exactly how many parking spaces are there; and how many are handicapped, and what your business is going to roughly require. She explained because that is going to be a very detailed decision, it will be numbered out specifically, so we need specific information to make those decisions.

Chairperson Lancette stated as of right now the Board cannot even make a decision based on the information or lack of information that we do have there for tonight's meeting.

Atty. Germain stated he thinks what you are asking us to do adjourn this, to give you more time to get together a more detailed plan and then come back with a detailed plan. He continued in the mean time you are also going to go to the ZBA and you are going to seek variances for fence and the parking. Mr. Zheng stated O.K.

FOR THE RECORD: CONDITIONAL APPROVAL ON NON-CONFORMING PLAN

Atty. Germain added and we should not just for the record, a Planning Board is really not in a position of giving any kind of conditional approval on a non-conforming plan, that has not been before the ZBA. He explained for many reasons, but for one [1] for the least of which is, if the

ZBA comes back with conditions that are inconsistent with the approval that you have already given, now what. He stated you really have to have that straightened out before you come here. He continued the next time you are going to have sufficient details; we are not going to be looking at a phone, or basing things on your height; that should have been in your plan. Mr. Zheng continued he did not know. Atty. Germain stated it is O.K., you get a lot out of a work session.

PROJECTED PROJECT COMPLETION

Mr. Zheng added we are just a couple of months into it. He explained honestly, he does not know much about how Planning Board works. He stated to him, it is like the entire property that he is renting is over 4,000 sq. ft., so something small like a dumpster, we could like work as. He continued as it goes, because the interior renovation is going to take 6 months. He added he just wanted to get somethings done, and well we are doing that maybe work on the dumpster. He explained a dumpster is proportionately smaller scale than more of the entire interior of the former Key Bank that we are renovating, so that was his thought.

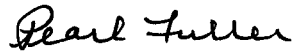
Chairperson Lancette stated we understand your comments sir, but for the Board to approve is only what is submitted, and the details if they are omitted; like the Atty. just stated some of the things there we do not want to approve something that is conflicted or not there or not whole. He continued the recourse that could follow afterwards, even thou it is as small as a dumpster tonight, in this conversation error; if it is not properly documented. He added or supported by the technical engineering data with it. He explained there is not an enforcement mechanism, if you found another dumpster per say or another enclosure there, because we do not even have the basis of the original to make a determination if the plan meets criteria or not unfortunately.

Mrs. Fuller stated the one thing that you may need to understand, Mrs. Franco and CHA do not work on Variances, as far as making recommendations to that Board. She continued so you are going to probably have who ever does your stuff, do like a through search and through work up themselves. She added along with the information that she has already given you, that we need as a Board here to work with; to go with those numbers. She explained because when you go to the ZBA she will not be there. She stated there will not be a recommendation letter from her, only what you have got now, to give you a little bit of information; you are going to have to put it together. She continued we can email back and forth and talk about the things that are required. She added this is definitely going to have to be sent to the county for the variance application, like we did with the site plan and special permit. She explained they will want all that information too, so you have that information. She stated once we get that then we would come back and start working again with CHA and this Board, O.K. Mr. Zheng stated O.K. and thank you.

Chairperson Lancette thanked the applicant for his time tonight. Atty. Germain stated leave the Public Hearing open.

Chairperson Lancette asked for a motion to adjourn, but keep the Public Hearing open. **Mrs. Irick made a motion** to adjourn at 6:20 PM while keeping the Public Hearing open. **The motion was seconded** by Mrs. Sharpe. All in favor.

Respectfully submitted,



Pearl Fuller
Secretary