

The Planning Commission of the Village of North Syracuse held a **Planning Commission Meeting** on **Thursday, July 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: Jeff Bachstein, Acting Chairperson, Vera Desimone, Paul Kolodzie, Lisa Lioto, Connie Irick, Emily Sharp, and Darlene Piper, Alternate.

Personnel Present: Neil Germain (Atty.), Amy Franco, (CHA Engineer), Nicholas Rohm (Codes Enforcement Officer), John Bolton, (Acting Liaison), Fire Chief Patrick Brennan, and Pearl Fuller (Secretary).

Personnel Absent: Greg Lancette (Excused), and Chris Strong (Excused).

Agenda:

- Approval: 1/18/2024 Planning Commission Meeting's Minutes **(approved)**
- Amended Site Plan: 709 N. Main St., St. #9 Akina Sushi Syracuse, Inc. (Hong Zheng)
(approved)
- Site Plan Sunset Clause Extension, Louis Rescignano
(Twin Trees III.) 306-310 N Main St. **(approved)**
- Site Plan Sunset Clause Extension, Tom Oot (Brolex Properties, LLC aka Brolex Plank Road, LLC.)
444 S. Main St. **(approved with conditions)**

Roll Call: Acting Chairperson Jeff Bachstein, Member Connie Irick, Member Vera Desimone, Member Emily Sharp, Member Lisa Lioto, and Member Paul Kolodzie.

Personnel Present: Secretary Pearl Fuller, Codes Enf. Officer Nicholas Rohm, Trustee John Bolton-Acting Liaison, Attorney Neil Germain, Engineer Amy Franco, Fire Chief Patrick Brennan - Attendee, and Alternate, Darlene Piper.

Personnel Absent: Chairperson Greg Lancette (Excused) and Liaison Chris Strong (Excused).

MEETING STARTS

Acting Chairperson Bachstein called meeting to order at 5:30 PM. He stated he needed to do some housekeeping and did roll call. He noted Greg Lancette was excused and Trustee John Bolton was filling in for Chris Strong, Liaison, otherwise noted all others were present.

MINUTE APPROVAL

Acting Chairperson Bachstein stated the first item will be the approval of minutes from the mtg. held on January 18th, 2024 when Akina Sushi Syracuse, Inc. was here last. Mr. Kolodzie made a motion to approve the January 18, 2024 minutes. The motion was seconded by Mrs. Lioto. All in favor. 0 opposed.

LEGALS

Acting Chairperson Bachstein stated the first items is going to be 709 N. Main St., #9 Akina Sushi Syracuse, Inc. He explained we have a few housekeeping items first. Verify all items: Agenda was sent to the paper. Mrs. Fuller stated yes it was. Acting Chairperson Bachstein asked if legal notice was put in the paper. Mrs. Fuller continued yes it was. Acting Chairperson Bachstein asked were surrounding neighbors and towns notified. Mrs. Fuller added yes, they were. Acting Chairperson Bachstein asked if the referral was sent to OCDOP and resolutions back. Mrs. Fuller explained it was sent to them and they sent back, that it is considered Exempt. Acting Chairperson Bachstein shared all legals appear to be in order.

AKINA SUSHI SYRACUSE, INC. (HONG ZHENG) 709 N. MAIN ST.

Applicant: Akina Sushi Syracuse, Inc.: Hong Zheng (Business owner)
Applicant Representative: Vincent Ryan, Landscape Architect, Keplinger Freeman Associates
Attorney: Michael Fogel
Hunt Real Estate Agent: Steven Reed

PROJECT INTRODUCTION

Acting Chairperson Bachstein 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 the 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 to Akina Sushi Syracuse, LLC. to make application before the Planning Commission, to operate business under the name of Akina Sushi & Hibachi. They are proposing to convert the existing 4,685 sq. ft. space into a Japanese Restaurant. There will be 14 employees, a total occupancy of 150 and the restaurant will have seating for up to 10 disabled customers; they will not be using the drive thru. It should be noted 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. Note: At the last Planning Commission Mtg., a Parking Variance was requested by the Board, it has not been submitted. 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, of which a copy of the filed easement with Onondaga Cty. Clerk's Office has been submitted to the Codes Dept. and shall be included in the Planning Commission's records hereof. A copy of that easement has been provided and 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. As part of the Firehouse Sub's approval and was required to be filed with the Onondaga Cty. Clerk's Office as a condition of any approval given herein. Vincent Ryan, Landscape Architect from Keplinger Freeman Associates and Atty. Michael Fogel are here as a representative on behalf of Akina Sushi Syracuse, Inc. for the Akina Sushi & Hibachi owned by Hong Zheng.

PUBLIC HEARING

Acting Chairperson Bachstein announced this was advertised as a Public Hearing. He stated it was adjourned and left open at the last meeting. After discussions went back and forth Acting Chairperson Bachstein continued it is a Public Hearing, did anyone else wish to speak, with no response he closed the Public Hearing.

CHAIRPERSON OPENS WITH INITIAL QUESTIONS

Acting Chairperson Bachstein shared we did have a work session to study some of the information. He explained some of the information came in relatively recently, so there was a little bit more review on some of that. He asked if any of our Planning Commission Members have any questions initially, before we go through, some of the brief descriptor of the project. Hearing none, he invited Mr. Ryan to present.

APPLICANT REPRESENTATIVE ADDRESSES THE BOARD

Mr. Ryan greeted the Board and stated the last time we were here was in January. He stated since then we have a great update, we have had back and forth in re: To the easement, but we are here tonight for approval for the Sushi Restaurant. He continued there are a series of changes that occurred from the January mtg., that were within the engineering letter, as well as this Board. He added he will quickly go through those just to recap. He explained there was a preference for a vinyl fence, we provided a vinyl fence outside of the restaurant in the outside overhang canopy. He stated it is a chain link fence with vinyl stats that go into it, there was a preference for that for easy maintenance. He continued planting was provided to not only screen the waste enclosure, but to screen the overhang the restaurant. He added the waste enclosure and fence will be blocking the canopy, signage has been provided at either end of the canopy to discourage anyone from driving through there, as well as the waste enclosure actually blocking the lane, so it would be inoperable to drive through, you would get stuck. He explained garbage collection would occur twice a week, and then there are add'l comments, that was outside the site plan most noted was parking. He stated in our response letter we felt the parking was sufficient, that a variance would not be required on the grounds according to the Vlgs. Code, that this Board would have the right to waive that and modify the parking requirements. He continued there are 172 existing parking spots, we are required to have 47 spots, so there are sufficient parking spots. He added there is a shared access parking agreement in place. He explained so

the need for additional parking do not think is necessary to provide a variance for the additional parking. He stated on top of that, the other uses that are in the strip mall as it stands today are varied, there are other restaurants; but they are open at different times. He continued there is some overlap, but the expectation is people come and people leave and many won't be there at the same time.

SPECIAL PERMIT REQUIREMENTS

Mr. Ryan stated this is a special use permit, so he just quickly wants to go through the requirements on that, as part of §240-58: Traffic generation, we do not believe it would be any adverse effects in proximity to the other uses as stated there are restaurants in the plaza. He explained visual and aesthetic considerations: The building is currently vacant, obviously the use would alleviate. He stated general compatibility of proposed use: As he previously stated, there are other restaurants, so we believe it is a compatible use. He continued available of municipal services: Existing building, we do know that we have water, sanitary; etc., coming to the building. He explained any other factors affecting general health, safety and welfare: We do not believe there is anything affecting that. He stated compliance with any other specific criteria: We are not requesting any other approvals at this time. And the last one we agree to as well.

RESPONSES TO DPW/FIRE DEPT. COMMENTS

Mr. Ryan explained we received additional comments since putting this project forward back in January to include: A letter received 7/17/24, from the Fire Dept. which he would like to address, as it stands right now. He stated for items #2, #3, and #4; as part of this process, we can certainly attest that we will provide that. He continued we believe they are a code issue; Mr. Zheng is working with the sprinkler system company right now to address those issues and they will be addressed during the Building Permit stage. Mr. Ryan added it pertained to item #1, the overhang: Unfortunately, the actual canopy is not part of the lease agreement, so he does not have any control over the removal of that canopy.

BOARD QUESTIONS

Acting Chairperson Bachstein asked if anybody from the Board had any questions. Mrs. Sharp stated she was wondering are you going to have takeout. Mr. Ryan stated yes.

Mrs. Sharp continued so that includes more people driving in and out. Mr. Ryan continued yes.

Acting Chairperson Bachstein asked if anyone else had any questions. With no response, he added we will go on and read the comments from the Police, DPW and Fire.

LETTERS FROM SURROUNDING NEIGHBORS

Acting Chairperson Bachstein asked if we did not receive any letters from the surrounding neighbors. Mrs. Fuller stated we did not receive any.

DPW/ POLICE/FIRE

DPW: Sent letter dated July 1, 2024, that stated going from a bank to a restaurant, there is a lot more use of bathrooms, kitchen water and drain use. He stated he is not sure sewers will handle all of that flow. He continued he did not see anything about grease traps, but we did address that on the plan and the cleanouts. He explained the project does not have any negative impact on the DPW or its operations.

Police: Sent a letter 12/15/2023, they stated the plans. He continued the Onon. Cty. Planning Board resolution dated 12/13/2023 were all reviewed, a visual inspection of the exterior of the property and plaza were done. He suggested that Akina Sushi Syracuse, Inc. employees park in the rear of the plaza where routinely it is not utilized as per SCAF dated 10/12/2023. He added the Police Chief attested that the proposed action will not result in a substantial increase in traffic above present levels. Chief Fieldson explained historically it is difficult during certain times of the day for vehicles exiting the plaza via Bear Road, to take a left and travel west on Bear Road due to traffic volume on Bear Road. He continued this will be an added concern, for Akina Sushi Syracuse patrons. He added he is confident that much of the routinely unused parking spots in the main portion of the plaza parking lot, as well as those closer to Bear Road on the north end of the property will be utilized by Akina Sushi patrons. He explained there were no other updates after that letter was received.

Fire Dept.: Received a Memo dated 7/17/2024 asked to add the following comments in addition to their original letter from 1/8/2024. He continued they had a concern with the overhang, they are asking that the overhang that was once the drive thru lane, should be removed to improve access around the building. He added in a letter that was dated 1/8/2024, from the Fire Dept., stated he has reviewed the drawing of the proposed Sushi Restaurant, located in the Bear Road Plaza. He explained the drawings were submitted by Lam and Lam Designs, the sheets were stamped and dated 8/8/2023. He stated page 2 of the project narrative indicates an automatic sprinkler system will be installed. However, there is not detail of the sprinkler system with the drawings submitted. The Fire Dept. also had the following comments: The Fire Dept. connection shall be located

adjacent to the main entrance, the right of the main entrance facing the parking lot. The SUPRA Lock box shall be installed near the main entrance. The annunciator panel for the fire alarm system shall be installed in the vestibule. He shared they had a concern about moving the overhang in once what was the drive thru for improved access around the building.

CANOPY BOARD QUESTIONS

Fire Chief Pat Brennan stated the canopy is damaged, if struck at the top, concern is the proposed dumpster where it is going to be. He continued if you have a dumpster fire there, it is going to travel up into that hole, and go across and shared concerns for the building; there is no value to that canopy which was for the drive thru there. He explained that is why the Fire Dept. asked for it to be removed. Applicant explained not part of lease, landlord has control over that. He stated if it cannot be removed, he already sent the Code Enf. Officer notes to have him go down there and ask them to make the necessary repairs to that.

Mrs. Sharp asked if she could add, they make effort to talk with the owner, the lease people and the Fire Dept. write something or talk to them about the concern for fire. Atty. Germain stated he did not think that they would be opposed to that suggestion or passing it along to the owner. He continued their issue is that it is really outside of their control, they do not control that space, they cannot do it. He added if it is a Code violation, then Codes can take it up with the owner. He explained it if it outside of their waste, they just cannot do it, but they certainly; he did not think that they would have any problem talking to the owner and saying can you help us out with it. Mr. Ryan stated we can mention something at this point. Atty. Fogel stated they will bring up to the owner, they have shared the letter too, and we will talk to them about the concern.

CHANGE OF USE

Acting Chairperson Bachstein stated existing KeyBank, space #9 is proposed to be converted to a 4,685 sq. ft. Japanese Sushi & Hibachi Restaurant, but will not be using the existing drive thru; is that correct. Mr. Vincent stated yes.

PROPOSED INTERIOR / EXTERIOR RENOVATIONS/FACADE

Acting Chairperson Bachstein explained the narrative states a new emergency exit door on the side driveway, the CHA Review letter asked that all doors existing and proposed be put on the site plan; has this been added. Mr. Ryan explained yes. Acting Chairperson Bachstein asked are there any exterior changes being done. Mr. Ryan stated just the sign will be added, no façade changes.

PERMISSION LETTER

Acting Chairperson Bachstein verified the Codes Dept., received a permission for Akina Syracuse Sushi, Inc. to make application on behalf of 709 Bear Road Partners, LLC. Mrs. Fuller stated we did receive one.

PARKING LEASE EASEMENT AGREEMENT

Acting Chairperson Bachstein verified with Atty. Germain he had been provided copies of the lease/easement agreement for the Firehouse Subs business that also uses the plaza. Atty. Germain stated yes, it was filed and approved. Acting Chairperson Bachstein asked if Atty. Germain had reviewed the lease and easement agreement for Fire House Subs that share the plaza and do you have any concerns that will affect this project? Atty. Germain continued no; he approved it.

DAYS/HOURS OF OPERATION

Acting Chairperson Bachstein asked what are the hours and days of operation. Mr. Ryan stated the hours are 11:00 AM to 10:00 PM, 7 days a week.

NO. OF EMPLOYEES/OCCUPANTS

Acting Chairperson Bachstein 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. Ryan continued total number of employees is 14, and maximum on site at one time is 14, during slower periods it could be less.

The applicant response letter dated 3/8/24, stated there are 10 disable customers, a total occupancy of 150; which includes the disable customers and the employees.

PARKING/HANDICAP PARKING/PARKING EASEMENT/PARKING VARIANCE

Acting Chairperson Bachstein continued parking: In CHA 4/17/24 Review Letter, it was stated there are 172 existing parking spaces within the plaza, with the change of use from a bank to a restaurant, 15 additional spaces are required. He added due to varying times of business' parking demands, the parking lot serving as a shared parking. He explained then noted based on the sq. footage, and use provided by the Applicant, there are 463 parking spaces including 19 handicap spaces required. He stated there are 172 existing parking spaces including 6 handicaps within the plaza which is a difference of 291 spaces. He continued it was discussed at the 1/18/24 Planning Commission Mtg., that the applicant pursues a variance with the Zoning Board of Appeals (ZBA).

He added does the required handicap number include any handicap spaces for this project and if so, where are they located.

Mr. Ryan explained they are not dedicated spaces, but there are 6 spaces, there are several there and he believed that there are 4 down that way. He stated there are at least 4 in the vicinity of the project. Acting Chairperson Bachstein explained is there a designated area for the employees to park, if so, where is it located and are those spaces included in the number just listed. Mr. Ryan continued the employees are being encourage to park behind the building, there are no assigned spots, to alleviate parking on Bear Rd. Acting Chairperson Bachstein asked if those spaces are included in the numbers above. Mr. Ryan added yes.

Acting Chairperson Bachstein stated at this time we are going to ask the Board members if they want to ask for a variance from the ZBA or not.

Mrs. Lioto stated she thought it was discussed at the 1/18/24 Planning Commission Mtg. that it was recommended that the applicant pursue a variance from the Zoning Board for parking. She continued she is just wondering why it did not happen.

Mr. Ryan stated under their review, it is your zoning §260-31 that this Board has the right to modify or waive the requirements for the parking count. He continued so they feel it is up to the Planning Commission to make that determination. He added the variance we feel is kind of a tough spot to put the applicant in, obviously he is controlling only a portion of the property, he does not control the entire property. He explained the property as just described is already under sized. He stated we do not know of any previous variances undertaken to accommodate that parking requirement. He continued as stated 463 spots are needed, only 172 were built at the construction for the whole plaza with the construction project. He explained so there is already a difference of roughly 300 spots, so there is no room to add additional spots with the addition of Fire House Subs and things like that. He stated so to accomplish it with a variance and who would be; our applicant is getting the variance for his spots or is the entire project getting the spot. He continued where is the variance coming from, he guessed is our concern in that regard as opposed to understanding that the parking lot is what it is. He added this is a new use, basically it is a more intense use, but ultimately there would not be much change to the site to pursue attempting to build those spots; it would be difficult. He explained to seek the variance we would need further clarification as to who would need the applicant in that situation; we do not feel it would be Sushi in this situation.

Atty. Germain stated he might be able to help in that, if the requirement is, and this Board can require you to obtain a parking variance. He continued and if that is the requirement, you would have to be in tandem with the land owner, to obtain the variance. He added it is incumbent to obtain the variance, because you are the applicant. He explained now would you have to choose to bring in the landowner, of course, because it is their property. He stated but you would be incumbent on the applicant to obtain that variance.

Atty. Fogel, Atty. for the applicant, asked how would that work; anytime there is a new tenant they have to go to get a variance, because there is always going to be less parking.

Atty. Germain continued he would not say anytime there is a new tenant, but this is a new tenant, that based on the reports that is going to require additional parking. He added so it was a bank, now you are moving it to a different use, that is going to be additional 15 spots, that is already short 291 spots. He explained so the Board can say, well we are O.K. with that or they can say we want somebody else to look at that and we want you to go get a variance, it is up to them. He stated but you are already over, over now.

Atty. Fogel explained but there are already enough spots for our use. He stated that is what he does not understand about the variance, because there is sufficient parking, for our use. He continued how many spots do they need. Mr. Vincent stated 47. Atty. Fogel asked how many spots are there. Mr. Vincent continued 172. Atty. Fogel added he does not understand what you are asking for a variance.

Atty. Germain continued he guessed what the calculus would be in it, is that you are asking for a change of use, you are asking for site plan; when you do, we are going to look at the change of use. He added one of the things involved in a change of use is, you are going to require additional parking spots. He explained you are going to require additional parking spots into a plaza that is now 291 parking spots short. He stated and the Board can say we agree with you, that is O.K. or they can say you need to go get a variance. Atty. Fogel explained but we would be getting a variance for like 200 spots. Atty. Germain stated you would be getting a variance for your spots for your parking. He continued he is sure that the ZBA is going to look into the whole totality of the plaza and say should we grant this or not. He explained that is up to the ZBA, not up to this Board. He stated this Boards decision is confined souilly to we want you to get a variance, because you are going to change the parking. He continued you are going to change the operation of the lot or we are O.K. with it; that is a decision for this Board. He added the other decisions are up to the ZBA whether or not to say it is O.K. or it is not O.K., and grant you the variance, but that is outside of the scope of this Board. Atty. Fogel stated this is going to be for the entirety of the plaza. Atty. Germain explained you would have to apply for that variance and when you apply for it, he would think that the ZBA is going to consider everything at that plaza. He stated he did not know how else they would do it. Atty. Fogel continued he didn't think it was fair for us, for every other tenant in that building to be part of our application. He added and influence whether the ZBA is going to approve our application. He explained we would like the Planning Commission to consider the approving of the waiver. He stated we think that fits in well with the situation with a new tenant, coming into an existing plaza, that is probably why that is there. Atty. Fogel asked if there was a variance issued when that plaza was first constructed, because there were not enough parking spaces at that time.

Atty. Germain stated he has no idea and he know the relevance of what happened before. He continued he does agree with you, but it is up to this Board whether to say they want a variance or they don't.

Atty. Fogel added we know that the parking requirements are driven by the sq. footage of the building. He explained we also want the Board to take into consideration, the fact that, based on the comments from the January meeting, we did reduce the capacity of the restaurant. He reiterated which yes, the parking requirements are driven by the sq. footage, but we would like the Board to take into account that reduction in capacity; reduced the amount of people coming to the restaurant. He stated we think that also supports that.

Mrs. Sharp stated she would like clarification; you did show a relevant distance between your restaurant and the first area of handicap. She continued if you could show it on the Plan. Mr. Ryan stated there are spots here and there are spots here, so you are looking at relatively maybe 40' from the length from this spot. Mrs. Sharp asked if that was within the purview of the law to have it that far away. Mrs. Franco stated it is.

Mrs. Sharp stated secondly, she wondered should there be a sign for the pickup, a parking spot for pickup. Mr. Ryan clarified like a temporary spot. Mrs. Sharp continued not temporary, because you are going to have pickup people coming back and forth to pick up their order. Mr. Ryan stated are you asking delivery or pickup. Mrs. Sharp added pickup. Mr. Ryan explained then that would constitute a temporary spot, for someone to pull in and get out of their car, grab their pickup and then drive away. Mrs. Sharp agreed. Acting Chairperson Bachstein stated there is signs in some of them spots that say 15-minute parking. Mr. Zheng stated yes there are signs that say 15-minute parking. Acting Chairperson Bachstein continued there are like several of them there isn't it. Mr. Zheng continued yes. He added they do have them there for Little Caesar Pizza, too.

Ms. Desimone stated she understands that the employees are to park in the back, is that correct. Mr. Vincent stated yes. Ms. Desimone continued so that will save some spots. She added and how many parking spaces will be near there, handicap spaces total will be near the building. Mr. Ryan continued a majority of those six [6] parking spaces and the ten [10] handicap spots we have in the building are located right near that entrance near other locations along the lot. Ms. Desimone asked if they will be marked. Mr. Ryan explained they are already marked, they are existing.

Mrs. Piper stated she will go against the Board and say that she thinks that there is way too much parking in that space, she does not think that there is an issue. She continued she is a home body and does not get out much, but anytime she drives by that parking lot there are spots, you might have to walk a little way; but there are spots.

Mr. Kolodzie stated he really does not have any questions, he kind of feels the same way, there always seem to be spots there, unless you are trying to get a Little Caesar's Pizza.

Mrs. Irick stated she has no problem. She added she is in that shopping center a lot. She explained she knows that they have plenty of Handicaps, they have got 15-minute spots, where people can pick up for Door Dash or whatever. She stated Little Caesar Pizza, people pull right up in front of the door. She continued as far as parking, you have got a lot right over here in this, because that Tanning Salon; they take up a lot of these spots, to get closest to the door.

PARKING VARIANCE

Mrs. Lioto moved for adoption of finding that the parking as presented herein doesn't comply with the standards set forth in the Village of North Syracuse Code and requiring the applicant to obtain a variance from the ZBA prior to any final determination being rendered herein. Acting Chairperson Bachstein asked for a second. With no second, so we make a motion that we are not going to require a variance.

Mrs. Irick make a motion for the adoption of finding that the parking as presented herein will not require a variance. **The motion was seconded** by Ms. Desimone. All in Favor: Mrs. Irick, Ms. Desimone, Mr. Kolodzie, Mrs. Piper. Opposed: Mrs. Lioto. Abstain: Mrs. Sharp. Acting Chairperson Bachstein stated it passes, no variance for parking is required.

FIRE LANE/FIRE APPARTATUS TURNAROUND/HYDRANT

Acting Chairperson Bachstein added will the placement of the dumpster interfere with the fire lane driveway or apparatus turn around. Mr. Vincent stated for fire dept. concerns, it has been brought up and we do not believe so. Acting Chairperson Bachstein stated where is the closest fire hydrant to the restaurant. Fire Chief Patrick Brennan stated it is across the street on Bear Road, right behind Fire House Subs.

DUMPSTER: LOCATION/SCREENING/DUMPSTER VARIANCE

Acting Chairperson Bachstein asked will this require a variance. Mr. Vincent explained it is a chain link fence with vinyl stats that go into it, there was a preference for that for easy maintenance, with planting provided to screen the waste enclosure as well. He continued at 6', no. Acting Chairperson Bachstein stated be it so noted, this will require a Building Permit from the Codes Office.

DUMPSTER: BOLLARD(S)

Bollards will be placed by Dumpster-Canopy area on both sides and signage stating "Do Not Enter."

SIGNAGE

Acting Chairperson Bachstein asked Mrs. Franco, regarding Signage: Front signature (4 x 14 light box signature), and pylon signs addition mention in 3/8/24 applicant response, but does not give details per your 6/12/24 CHA response. He added would this be a part of the Site Plan Approval as a conditional for approval thru Engineering or not included and approved by the Codes Officer. Mr. Ryan continued a signage package will be provided at a later time. He added we wanted to get an approval, before submitting any signage, so we can handle it under a separate application. Acting Chairperson Bachstein shared note signage requires permits thru the Codes Office. Mr. Ryan stated we will get a sign permit.

SEWER/SANITARY FLOW

Mr. Ryan stated we received letter from DPW: Just to address that, the comment was going from bank to restaurant, more people would be using the bathrooms, and they were not sure if the sewers would handle that flow. He stated as well he did not see any grease traps on those plans. He continued the architectural plans that were submitted, P-100 does show there will be grease traps to the restaurant, so those are there. He added as well as sufficient new piping, being added to the interior of the building for the use as a restaurant.

SIDEWALK CLEARING/SNOW STORAGE

Acting Chairperson Bachstein asked are there sidewalks, and/or crosswalks by the restaurant. Mr. Ryan stated there is a small concrete pad in front of the restaurant, but that would be it, in the existing area. Acting Chairperson Bachstein stated snow storage and sidewalk clearing around the restaurant, and all door ways, how will this be handled. Mr. Ryan stated the lot is handled by the owner and drawing 100 we identified the snow storage areas.

LANDSCAPING

Mr. Ryan stated there is not any landscaping being removed, pointed out on the drawing the plants, trees, shrubs that would be added and where they will be located.

DELIVERIES

Acting Chairperson Bachstein stated deliveries: Where will they load. Mr. Ryan stated Mr. Zheng has pointed out that the deliveries will be off hours and the truck will be parked in the lot and they will wheel stuff into the interior of the building. He continued they will not be using the kitchen door on the side, so everything will come to the front entrance. Acting Chairperson Bachstein continued how many times a week will deliveries be made. Mr. Ryan did not reply to this.

UTILITY CHANGES/PERMITS REQUIRED

Acting Chairperson Bachstein continued are there any other utility changes, permits required and if so, who are they with and have they been applied for. Mr. Ryan continued we are not seeking anything additional in terms of plumbing, and everything else will be handled through the Codes Dept.

LIGHTING

Mrs. Sharp asked if there is going to be any lighting that is going to be attached to the building. Mr. Ryan continued no new lighting at this time, the building is actually fairly lit. He added outside of the sign permit that would come in whether it would be back lit or not, but that will be handled under the sign permit whether it is a lit sign or not. He explained there is existing lighting on the building. Acting Chairperson Bachstein stated lighting, are there any changes to the exterior lighting on the building or in the front or rear parking lot and the locations and types being used. He continued does that include the drive thru by the canopy. Mr. Ryan stated no changes to the existing light. Acting Chairperson Bachstein continued does that include the drive thru canopy. Mr. Ryan continued yes, he thinks there is canopy lighting, it is the existing lighting that will just stay. He added like he stated the canopy is not part of the lease agreement, so they cannot make any substantial change to the canopy.

SPRINKLERS/HOOD SUPPRESSION SYSTEM

Acting Chairperson Bachstein stated is the restaurant going to be sprinklered with a Hood Fire Suppression System. Mr. Ryan stated yes.

CHANGE OF USE/ TRAFFIC

Acting Chairperson Bachstein continued with the change of use, going from bank to restaurant what affect will it have on the generation of additional numbers of patrons and traffic at the Bear Road and N. Main St. intersections. Mr. Ryan continued obviously there would be an increase due to the change of use, but we do not think it is drastic enough, to warrant additional changes to the property. Acting Chairperson Bachstein added was a traffic study done or is there a need to have one done. Mr. Ryan added there was no need for a traffic study.

SEQR

Acting Chairperson Bachstein explained a revised SEQR was submitted, what was changed from the SEQR submitted regarding the involved acreages and stormwater discharge to the site. Mr. Ryan continued we just confirmed those two [2] items that were requested in CHA's letter, they were minor. He added so the acreage and the stormwater we updated in that letter and it was submitted. He explained that physically disturbed would be less than a 1/10 of an acre, and stormwater there are no proposed impervious areas, so we just address the question as there would be no impact. He stated so we answered yes, there will be stormwater discharge, from

point and non-point sources. He continued will stormwater discharges flow to adjacent properties: No, it will be maintained on site. He added would the stormwater discharge be directed toward the established conveyance systems: Yes, there is no changes to the existing stormwater system. He explained it will all drain to existing drainage systems.

SEQR MOTION

Atty. Germain stated you can just do a determination of an Unlisted Action with Negative Declaration. Mr. Kolodzie made a motion to approve the **SEQR Determination of Exempt**, with no Negative Impacts. The motion was seconded by Mrs. Irick. All in Favor. 0 Opposed. Unanimous.

ENGINEERING

Acting Chairperson Bachstein asked if there were any more comments from CHA that we needed to go over. Mrs. Franco, Engineer stated she did not have anything else to add.

SUNSET CLAUSE

Acting Chairperson Bachstein asked do we want to set a Sunset Clause date for completion, do you guys have a time frame, probably like as soon as possible.

Mr. Ryan stated we are looking to get in there as soon as possible. He asked Mr. Zheng if he has a completion date at this point for the renovation. Mr. Zheng stated 4 mos. Mrs. Fuller asked if that included inspections and everything to open. Mr. Ryan stated yes, we probably ought to go out 6 mos. Mrs. Sharp asked if they wanted to give him to January 1, 2025, then stated that is not enough time; we have got to go further into 2025. Acting Chairperson Bachstein asked if they wanted to give him one [1] yr. Mr. Fogel stated he is anxious to get in there, but with the construction, so a yr. would be great.

Acting Chairperson Bachstein asked if someone wanted to make a motion for the Sunset Clause. **Mrs. Sharp made a motion** to approve one [1] yr. to expire on 7/18/2025. **The motion was seconded** by Mrs. Irick. All in Favor.

SITE PLAN WITH SPECIAL PERMIT MOTION WITH CONDITIONS

Acting Chairperson Bachstein asked if someone wanted to make a motion to approve the Site Plan with Special Permit with conditions.

Motion to Approve Site Plan with Conditions and Special Permit:

Mrs. Sharp made a motion to approve the Special Permit with Site Plan with **Unlisted Action** SEQR including conditions listed below, Site Plan Proposed Shared Parking for Parcel 1 and Parcel 2, in

Tax Parcel ID No. 13-1-03.1, owned by 709 Bear Rd. Partners, LLC. for Bear Road Plaza, Space No. 9, for Akina Sushi Syracuse Inc., Drawing No. G-001.00, Project No: NY230717J, Sheet 001, Prepared by Lam & Lam Designs, D.P. C., dated August 8, 2023, Revised date of February 14, 2024.

Conditions:

- 1.) Applicant responsible to confirm with Utility Companies, they have capacity to handle additional demand of new electrical, plumbing, sprinkler system, and grease traps to connect to the existing sanitary sewer system.
- 2.) Topography and spot elevations not provided, Applicant is responsible to confirm ADA accessibility and that it shall not negatively affect the adjacent properties or the right-of-way. All stormwater incidental to site is considered private and shall be maintained by property owner.
- 3.) Fire Dept. Connection shall be located adjacent to main entrance to the east wall, to right of main entrance, facing the parking lot.
- 4.) SUPRA lock box shall be installed near main entrance to the east.
- 5.) Annunciator panel for fire system shall be installed in vestibule
- 6.) Complies with Sunset Clause
- 7.) If ceases use for more than 3 mos., must apply for new Special Permit with Planning Commission, if new use requires Special Permit

The motion was seconded by Mrs. Irick. All in favor.

TWIN TREES III. (LOUIS RESCIGNANO) 306 N. MAIN ST.

Applicant: Twin Trees III.: Louis Rescignano (Property owner/Former Corporation Partner)
Applicant Representative: Louis Rescignano

Acting Chairperson Bachstein asked who would be representing Twin Trees III. Louis Rescignano stated he is representing the applicant.

LEGALS

Acting Chairperson Bachstein stated we have some housekeeping to do for the next applicant, Twin Trees III. He asked if the agenda was sent to the paper. Mrs. Fuller stated yes. Acting Chairperson Bachstein asked if the surrounding neighbors, Town of Cicero, and Town of Clay were notified. Mrs. Fuller continued yes. He announced it appears all legals are in order.

ENGINEERING

Acting Chairperson Bachstein announced there is no Engineering required for this applicant.

PUBLIC HEARING

Acting Chairperson Bachstein announced it is not advertised as a Public Hearing.

PROJECT INTRODUCTION

Acting Chairperson Bachstein stated before us tonight is Louis Rescignano, owner of the property and building located at 306-310 N. Main Street and his partner in the corporation, Jeff Rescignano for Twin Trees III, Inc., business was unable to attend. He is here to request an additional extension of the Sunset Clause of two [2] yrs. He appeared before us on August 15, 2019 when he received Site Plan Approval for modifications to the site to include an 18' x 50' addition on the side of the building on the Maxwell Ave side. He has completed the other modifications, but has not added the addition on the side of his building to date. He has requested previous Sunset Clause on the following dates: Appeared: July 16, 2020, citing Covid, supply chain issues; and lack of income and demand which expired on August 15, 2020. He then returned on July 21, 2022, citing Covid restrictions, supply chain issues; lack of income, demand and labor shortages which expires on August 15, 2024.

Acting Chairperson Bachstein shared they are requesting another extension of the original approve plan without any changes to the plan for one [1] or two [2] more yrs. He explained Louis Rescignano has retired from the corporation and their son, Jeffrey and his wife are taking over. He stated his request stated we have just about recovered from the pandemic, and are beginning to see increased business, and more staffing available to them; business is finally returning to normal. He continued they request an extension while we finish the transition to their son and daughter in law. He added this Sunset Clause is due to expire on August 15, 2024.

BOARD QUESTIONS

Acting Chairperson Bachstein asked if there were any questions from the Board or comments.

Mrs. Darlene Piper spoke of the building is going to jet out, people are going to park on the other side of the building, and walk around it; to get to the pizza pickup. Mr. Rescignano stated there is still parking towards the front of the building, we will put up signs there for pizza pickup, but people ignore signs; you know that. Mrs. Piper continued almost always people park on the side of the road, and she sees them doing that even more when you remove those parking spots. Mr.

Rescignano reiterated well there will still be parking spots horizontal to the building, there will be three [3] spots. Mrs. Piper clarified for pickup. Mr. Rescignano added well we are going to put signs up, like the 15-minute signs, but people park there; and they stay there for two [2] hrs. He stated that is going to happen when they go there when they go out to eat and they park in a 15-minute spot. Mrs. Piper went on they can Police it, it just becomes an inconvenience when you are trying to get to the corner, to make a turn; there are multiple cars on the side of the road. Mr. Rescignano stated usually that is only on Tuesdays most of the time. Mrs. Piper continued it happened Friday. Mr. Rescignano continued this past Friday was the busiest Friday we have had since Covid began. He added everything is almost back to normal. Mrs. Piper explained she just sees it getting worse. Mr. Rescignano shared people are driving smaller cars. Mrs. Piper stated but trucks are huge. She stated that is her biggest concern and they are talking parking at another place and this she sees. Mr. Rescignano stated he can put signs up there No Parking and everything and if the Police want to come along and ticket them, they can, he guessed; the signs are there, No Parking.

Ms. Desimone asked what are you going to do that you need more time. Mr. Rescignano explained he would like to do it in the spring. He stated that is our plan right now, to hopefully be able to do this in the spring. He continued he does not to do construction during the winter. He explained it will take two [2] more months just to settle on someone to do the work. Ms. Desimone inquired as to how long he thought that he would need. Mr. Rescignano stated once you get started, we should be able to do it in three [3] or four [4] mos. He continued he is hoping to have it done by the end of next summer. Mrs. Piper asked will the Sunset Clause go long enough; it would be August of 2025. Mr. Rescignano added yes, he had asked for either one [1] or two [2] yrs., if he does it in one [1] he has got to hurry; if he does it in two [2] he has plenty of time.

SURROUNDING NEIGHBORS

Acting Chairperson Bachstein stated that there are no letters from surrounding neighbors.

DPW/POLICE/FIRE COMMENTS

Acting Chairperson Bachstein 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 7/02/24, stated it looks good, no concerns for DPW and does not have any negative impact on DPW or its operations.

Police Dept: The Police had no updated response.

Fire Dept.: The Fire Dept. had no updated response.

Mrs. Fuller clarified so are you giving him until August 15, 2025. Mrs. Sharp stated yes, on the same day. Mr. Rescignano stated August 2025 is one [1] yr. Mr. Kolodzie stated that is one [1] yr. Acting Chairperson Bachstein asked if he wanted to do two [2] yrs., he is asking for two [2] yrs. Mr. Rescignano continued he would like two [2] yrs., if somebody would make that motion.

Mrs. Lioto made a motion to grant the sunset clause extension for another two [2] yrs. to expire on August 15, 2026. The motion was seconded by Mr. Kolodzie. Roll Call: Bachstein-Yes, Desimone-Yes, Lioto-Yes, Irick-Yes, Kolodzie-Yes, Piper-Yes. Sharp-Abstain. Approved for another two [2] yrs.

BROLEX PROPERTIES, LLC. (TOM OOT) 444 S. MAIN ST.

Applicant: Brolex Properties, LLC.: Tom Oot
Applicant Representative: Tom Oot

LEGALS

Acting Chairperson Bachstein stated we have some housekeeping to do for the next applicant, Brolex Properties, LLC. He asked if the agenda was sent to the paper. Mrs. Fuller stated yes. He asked if the surrounding neighbors, and Town of Clay were notified. Mrs. Fuller continued yes. He announced it appears all legals are in order.

ENGINEERING

Acting Chairperson Bachstein announced no Engineering is required for this applicant.

PUBLIC HEARING

Acting Chairperson Bachstein stated this was not advertised as a Public Hearing.

PROJECT INTRODUCTION

Acting Chairperson Bachstein stated the applicant before us tonight representing Brolex Properties, LLC., owner, is Tom Oot, here for the property and buildings located at 444 S. Main Street.

He continued he received Site Plan Approval on August 20, 2020, to build 2 apt. buildings with 24 apts. in each, for a total of 48 apts. The Sunset Clause was to set to expire on August 20, 2022. He added he appeared on July 21, 2022, asking for an extension, and cited the following: Covid issues with completing utilities, and supply chain issues, delivery of various materials and components. He explained he was granted an extension of the Sunset Clause which is expiring August 20, 2024.

He shared they have requested another extension of the original approve plan without any changes. He spoke of the letter we received that was dated June 6, 2024 which stated "I hope to get the exterior site work substantially completed in the next two [2] weeks, as I mentioned, the electric gang meter sockets are not scheduled for delivery until late October or early November of 2024." He continued This sunset clause is due to expire on August 20, 2024. He added the Building Permit # BP-23-000051 is set to expired on July 21, 2024. He added it needs to be clear that the Sunset Clause extension does not guarantee the building permit will be extended; they are two [2] separate issues.

APPLICANT ADDRESSES BOARD

Acting Chairperson Bachstein asked who is representing. Tom Oot stated he would on behalf of the developer. Mr. Oot apologized for the statement that the site work would be substantially done. He stated he was planning on having the site, but he just finished the Loso project on Lakeshore Road in the Town of Cicero, so you can check that out to see what that looks like. He continued it is a much larger project, but they just got out of there last week. He added they will be mobilizing there tomorrow for the dirt work. He added finally we got the transformer components from National Grid; those were delivered last week to the site. He explained it is all about the electric really, there are two [2] parts to that: 1) Is the transformer shortage that is throughout the country, and 2) the gang meter sockets. He spoke of them being a miscommunication, the 1st project manager they hired, dropped the ball; Joe, whatever his name was. He stated he did not hire the electricians soon enough. He continued the 2nd thing that happened, was the 1st electrician that we hired last summer, bailed on us or actually it was a miscommunication. He added the meter sockets for this project did not actually get ordered until last November and it is a twelve [12] mo. lead time on the gang meter socket. He explained he got some stuff off the web, that you can look at, that talks about the delay. He stated and it varies between the gang meter socket and the transformers are the issues. He continued so those meter sockets are not going to be here until October or November. He added however, we are going to be starting on the transformer pad next week. He apologized for the water service; he was not aware that those hydrants weren't active. He explained OCWA went out today and turned them on, because he saw something from that Fire Chief that stated they were concerned about fire protection. He stated he was under the impression that the water had been completed, so Steve Drake sent a crew over today to turn the water on. He spoke of them finding a small leak, the plumber going back over to take care of that, but he will get that handled as soon as possible. He stated the dirt crew will be mobilized and moving equipment over there tomorrow morning, stone was delivered there today. He continued we have thirteen [13] conduits going in under the parking lot for the electric service. He added six [6] conduit, four [4] inch conduits for the electric service to each building. He explained and then some two [2] conduits in the parking lot. He stated those conduits have to go in before he can put in his storm drain, catch basins, and do his final grading; and complete his detention/retention basin. He continued the detention/retention areas are roughed out and boxed in. He added the underdrain materials and the HD Pipe is being delivered probably the 1st part of next week. He explained the dirt will be there and you will be

seeing some activity. He shared the reason it slowed down because we had a construction loan with Pathfinder Bank that we have to pay interest on the amount we borrowed. He stated because we have this delay on the electric, and it has been continuous, we cannot install the elevators; and we cannot advertise the property, so our hands are kind of tied. He continued until we can get those meters done, we can get the transformer, and get the conduit in; he can get the outside stuff done. He added but as far as completing the buildings, until we have electrification, and he thinks you will see more and more of this as we go total electric with the state gas ban going into effect in another sixteen [16] to [18] months. He explained so that is kind of what we are up against, so if we could get a one [1] year extension, his commitment is we will get that stuff done. He stated my partner left here earlier, and he stated we will make commitment to get the asphalt binder down this year before the plants close. He continued so the for the Firemen to get in there for access, so that is what his partner stated, so he can state it will get done. He added so if we can get a one [1] year extension, he thinks we can wrap this thing up and get it done. He explained we have had Covid and miscommunication on this electrical component and he apologized.

Ms. Desimone stated people are asking us why is that building not done yet, it seems like it has been so long.

Mr. Oot stated yes, again, they cannot install the elevators without electrification. He continued basically all the interior stuff that we could do, on the front building is done. He added in the back building they slowed down a little bit, only because we figured we pay interest every month on money we borrowed, so the more we put into it; we have a \$7,000,000 construction loan with Pathfinder Bank that we draw against. He went on to get the buildings fixed without electrification, you cannot rent them, you cannot do anything.

Ms. Desimone asked how long do you think to finish the job. Mr. Oot stated he would say he would assume we will be renting the apartments by next spring at the earliest. He continued the plan is to get the top portion of the asphalt, he would like to get the binder down, and then top it in the spring; that would be his preference. He added and do the planting in the spring. He explained if we keep the dirt crew there, go look at the Loso property, he is not a partner in the Loso property. He explained that was done with Bufford Brewer and his two [2] partners jointed hands in it. He stated they have been over there for twenty-three [23] months just doing their work. He continued it is beautiful, but it really hurt the rest of our operations, because you do not have any heavy equipment back. Ms. Desimone stated she thought it would be very nice, and she likes the name, you are carrying on the Plank Road. Mr. Oot shared he is upset with his partners, because they really didn't. He stated he did talk to two [2] of his guys and they are moving equipment tomorrow morning, then you will see some progress. He continued he thought the water was on, but he will get after that. He added they did turn it on today and he will get that handled.

Mrs. Piper stated she had a question with hydrants you are saying that they are on, but then it mentioned there was a leak. Mr. Oot stated he thought they were on. Mrs. Piper continued does the leak affect the hydrant(s). Mr. Oot continued no there is a backflow valve there, they stick up towards the road, there are two [2] things up there; and he thought the water was on. He added it was on several months ago, and he found out from the Fire Chief, that those hydrants were not active. He explained that he called Steve Drake at OCWA, he stated he would send somebody right up. He stated the OCWA guys went out today to turn it on, and they found a small leak above ground. He shared he talked to the plumber a little while ago. He continued apparently, he stated they will get out there, they have a to pull it apart, there is some debris or something got in there; because they did not properly blow out the line before, something like that. He explained nothing major; it will get handled shortly and he apologized; he thought the water was already on.

Mrs. Lioto stated so the water is on, for her that property is a significant safety risk to the community. She continued the property is not secure, there is no lighting over there. Mr. Oot stated there is no electricity. Mrs. Lioto added right, but can you bring something in on generators, to light up the property. Mr. Oot continued that is going to be awful noisy. She explained her concern is kids, squatters getting in there. Mr. Oot added he knows (muffled). Mrs. Lioto shared she walks by there every day on her walk, anyone can walk in that property. She stated the vegetation is overgrown. Mr. Oot explained they can clean that this week, it will be a little better, he will make sure that they get on that as well. Mr. Oot stated no, I agree with you. Mrs. Lioto asked can you bring in lights on generators to light up that property for safety purposes. Mr. Oot continued he is just thinking of the noise factors, he does not know. Mr. Kolodzie stated he did not think that you can run a generator all night. He continued they will make you shut it off, because of the noise alone. Mr. Oot added it would be easier, if he could buy power from one [1] of the neighbors and run a cord, if anybody has any ideas; we would pay them for it. He explained that is what we do in the tracks alone of times.

Mrs. Lioto asked so how could you secure that property better. Mr. Oot stated well I got the fencing up. Mrs. Lioto stated the fencing is a mess. Mr. Oot continued he knows, they were supposed to fix it yesterday. He added he does not know; he has locks on the buildings. He explained somebody cut the padlock off the storage trailer last night. Mrs. Lioto continued someone cut it off, do you know who cut it off. Mr. Oot stated they cut it off with a bolt cutter it looked like. Mrs. Lioto added do you know who that was. Mr. Oot continued no he found it on the ground.

Ms. Desimone asked can't you fix the fence, so the fence will be... Mr. Oot added he does not think it would keep them out. He explained if somebody wanted to get through, that is such a big perimeter, especially with the stormwater ponds in the back and what have you; he does not know, if we could fence the whole thing.

Mrs. Sharp asked do the Police check. Mr. Oot stated he thinks the light makes the most sense, if he could get some temporary electric there. Mrs. Sharp reiterated do you know whether the Police stop by and check it and walk around a bit. Mr. Oot continued he thinks with the darkness it is more dangerous out there.

Mrs. Lioto asked so when do you foresee the electricity being turned on. Mr. Oot added electrification is on that sheet that he gave you guys, November 18th, he thinks it was; that should be the worst case, that is for the manufacturer. He explained he talked to the electrician and he stated we are hoping for October. Mrs. Lioto stated so that is several months from now. Mr. Oot stated yes, it is going to get worse, before it gets better. Mrs. Lioto continued you are talking about doing work on it, pretty immediately, but how are you going to do work when there is no electricity. Mr. Oot continued there is a lot he cannot do without electricity; he is kind of limited. he can do the outside, do the site work, he can finish the conduits and underground svcs., he can get the transformers set by the road. He added what he can do, is let him talk to the electrician, because he was looking at the electrical sheet; some of those meter sockets, the ones for the house were delivered, the gang ones are the ones that are the problem. He explains when you have multiple, they attach the meter sockets together, they come in groups of six [6]; four [4] or eight [8]; or whatever, those are the ones that are delayed. He stated that he saw in that electrical list, he will call the electrician and see if when we get the transformer set. He continued they will be doing that in the next couple of day, they actually started the work. He added they had to work with National Grid and the whole nine [9] yards, because there are a lot of components and there is a lot of material that was delivered. He explained if we get that transformer set then we could energize the house panel. He stated so we cannot energize the apartments, we could possibly get one [1] meter set, so we could get some lights on. He stated we cannot do all of that, that is 48 apartments.

Mrs. Lioto stated so there is an option, and a plan. Mr. Oot continued if he is thinking right there is an option. He added he is not an electrician, but it is locking like some of the meter sockets were delivered on that sheet. He explained once the transformer is set, we get our conduit in the ground, it should happen within a ten [10] day; two [2] week period. He stated 1200-amp CNBC delivered, it looks to him like they were delivered, in fact they were released in May and should have come in Federal Express. He continued so let me talk to him if that is a possibility, he cannot give you a firm answer.

Mrs. Lioto continued so you are saying it shows on your sheet that they were received in May. Mr. Oot added two [2] of them were, the meter ring it says on here, he knows it is not the gang one [1], because those are scheduled for November 18, 2024. He explained then there is another one [1] coming in Federal Express on August 29, 2024. He stated so it like we can possibly get something turned on before the gang meters come in. He added he is hoping, he will call Dan the electrician when he leaves here, he has been really good. He shared he has got all the wires pulled inside the building, all the phone run, all those cables are run; and all the conduits on site, there are six [6] conduits that he is building. He explained that is all there and that is going to

start Monday. He stated we will get the hot box for the water after that and get that cleaned up. He stated and then they are going to start right on the transformer pad, the conduit and the stormwater at the site; we will have to stay there and get it done.

TRUSTEE BOLTON AND BOARD SPEAKS WITH APPLICANT

John Bolton introduced himself representing the Village Board. He stated I as a Trustee have received numerous phone calls and emails about that property. He continued do you realize a fire truck cannot go on your property. Mr. Oot stated about the road not being done. Trustee Bolton added correct, so if those buildings catch on fire, so all of this that you are talking about electrical; talking about grading companies coming in is great. He explained a fire truck cannot enter that premises, so if those buildings, squatters got in there or kids got in there; the person who cut the locks off got in there, they are fighting the fire from Palace Court side and from Rt. 11. He stated with one [1] hydrant on Rt. 11, and one [1] hydrant on Palace Court side and no firefighters will enter those buildings. He continued he is believing you saw the letter. Mr. Oot continued yes, he did. Trustee Bolton added no firefighters will enter the building, because there is no safety for them inside that building. He explained unfortunately Fire Chief Brennan must have had a fire call, and had to step away, but those buildings are just going up like tinder box. He stated secondly this has not been a one [1] day, one [1] mo., six [6] mo.; eight [8] mo. project. He continued you have not had water on that site since you broke ground. He added now you are telling us there is water on the site, miraculously you didn't know. Mr. Oot added he did not it was turned on; he did not know... Trustee Bolton asked who is in charge of the project sir. Mr. Oot explained he thought the plumber would handle that. Trustee Bolton explained you are, you have been in contact with the Mayor, you have been in contact with the DEC; you have been in contact with CHA. He stated they have all had communications with you on what needs to be done to move forward with this project. He continued continually there is every excuse in the book. Mr. Oot stated agreed, he means there is excuses, he did not have... Trustee Bolton added so what is to make the Board, this Board, and the citizens of the Village of North Syracuse that he represents; feel comfortable that, that property is going to be done, be constructed in the order, that you yourself just stated. He stated you are not a commercial builder, so whoever your recommendations come from, would you or would you not agree; that one [1] of the most important things is fire protection. Mr. Oot stated no question about it. Trustee Bolton continued second most important thing is water to put out the fire. He added then as Mrs. Lioto spoke about the possibility of squatters breaking and entering, vandalism, he is kind of somewhat disagree with the people who felt as though generators would be too loud. He explained when you look at where those generators, like the lights on the side of the highway that light up the highway, would you be willing to put one [1] in the back corner by Palace Court far enough away from there. He stated and your company is responsible for showing up there at 8:00 PM to turn them on and then showing up at 7:00 AM to shut them off, and then put one [1] up in the front by Rt. 11 facing into the property. He continued we are not going to upset Vince's, because he is closed. He added the building across the street from you that was coincidentally built in record time, there is no one occupying now. He explained he is sure that those lights that you can rent from Admar,

can be put into that property some place to light that property up at night. He asked are you willing to do that. Mr. Oot continued he would like to check on it first, to see what it is going to cost and he assumes they run on gasoline. Trustee Bolton stated isn't that your responsibility as a builder to have somebody that is there who can maintain that for you. Mr. Oot added normally we would have electrification; we would normally have no twelve [12] mo. delays in getting meter sockets. Mr. Oot explained yes, the ball has been dropped a number of times. He stated he is not asking fire people to go in and fight a fire in an empty building. Trustee Bolton asked him what about the people that have called me a number of times who live on Sandra Lane, and are concerned if those buildings catch fire, the embers go over their property. He continued he has not received a phone call from anybody that lives at Palace Court, but he has walked your property numerous times. He shared he would be concerned if he lived at Palace Court. Mr. Oot continued once he has the conduit in the ground, there is no reason that parking lot cannot be runner crushed, that is the only thing that has to be done; you have to have the conduits and they are on site, so we can start in there tomorrow. Mr. Oot suggested why don't we give me 30 days and he will prove to it, that we can get this thing done, get the water on and make you happy. Trustee Bolton stated this is the last comment he is going to make, maybe and he might continue if it comes up. He asked him to speak to us about the issues and the concerns that the DEC brought to you and the possible amount of fines that you could be incurring, by not meeting the DEC requirements. Mr. Oot added that was before the Stormwater retention areas were created and done. He explained yes, it was the lack of the dirt for the road, and he did not have any control over it. Trustee Bolton continued so if the DEC had come and fined you thousands, and thousands of dollars that they could have fined you, you then; would have gotten your crew over there. Mr. Oot stated he would have held his partners responsible for it, because they are the ones that took the dirt crew and they were there for 26 mos. Trustee Bolton asked Codes Enf. Officer Rohm if he could shed any light on where we are with the DEC. Mr. Oot continued, he thinks we are in compliance for the inspections.

Codes Enf. Officer Rohm stated he cannot speak for the DEC; this is his understanding of the situation: They have completed enough that the DEC is satisfied with their progress. Mr. Oot reiterated again; my goal is now that the materials are here, the dirt crew is going to be there to get that stuff done. He stated get all the under drains on the retention ponds and out flow structures, complete the catch basins for the parking lot, those are all ordered; they are there. He continued get the catch basins are all there, the HDP: the twelve [12] and six [6] inch pipe will be shipped coming out of Webb, it is available locally and he knows they were paid for that, that should be picked up and delivered either tomorrow or Monday. He added we will keep the guys there and we will get side done. He explained we will get all the conduits in the ground, again, our goal is to have the binder down before the plant closed.

Mrs. Sharp asked if there is an access for the Fire Dept. engines to get in there, she did not think that was up to code. Trustee Bolton shared the Fire Dept. cannot enter the property. Mrs. Sharp stated that is what she thought. Mr. Oot clarified they cannot turn or they cannot... Trustee Bolton stated the trucks will sink into the ground, because you have not constructed the roadway to

engineering standards. Mr. Oot stated they just delivered the steel railings, and they had a truck from Buffalo in there and he helped them unload it. He continued it had to weigh as much or more as a fire truck and he had no problems. Trustee Bolton reiterated the Fire Dept. will not enter that property sir. He apologized for continuing. He then asked how many times has the Village been through this situation with the Brolex Corporation, numerous, numerous times. He stated you have come before us and stated we are going to get it done, try next week, we are going to get next month. He continued oh, hey, by the way; I am coming to the Planning Board Meeting and the water got turned on, and my electric stuff might be showing up. He added that is his concern as a Trustee representing the residents of the Village of North Syracuse, on what that property public safety wise, could bring. He explained every day that this goes on there is more of a chance for public safety issues. Mr. Oot added he understands your concerns, again they have been on that other project, it was out of my control; they are done with it, that is all he can say.

Mrs. Piper asked but when did that other project start. Mr. Oot stated it started about the same time this one [1] did and it was done with Bufford Brewer and they did all the dirt work. He continued they six [6] or seven [7] heavy equipment operators, with all my heavy equipment and they have been there for two and a half [2 ½] to three [3] yrs., on my nickel and he did not have anything to do with it. He shared it has not only upset this project, it has upset a lot of homeowners too, because a lot of dirt work was not getting done; believe me it is compounded. He added all that he can say is he apologizes, he knows that job is complete, you can go over there and look; we have pulled out of there completely removed from there, it has been a long time, but that is how long it has been.

Mrs. Sharp stated so how are we going to fix the access for the Fire Dept., the water is there, but it is kind of hard if you cannot get in there. Mr. Oot stated the water is getting backfilled tomorrow, the stone got delivered this afternoon, if you go over; you will see it there. He continued the equipment will get delivered tomorrow, that will get backfilled, the twelve [12] conduits are going to go in with the transformer pad; within the next ten [10] days, after that he can do final grading for my stormwater. He continued it is going to take him thirty [30] days to get that thing. Mrs. Sharp asked if there was vegetation that has to be cleared as well. Mr. Oot added yes, that is part of the site grading, so we can go do that as well. He explained within thirty [30] days he can ready for fire trucks and have the water on and everything they need in shape where you can get in there and get out of there.

Acting Chairperson Bachstein asked when do the asphalt plants typically close. Mr. Oot stated they typically close November when it is getting cold, and they do not open again until April.

Mrs. Sharp asked if we have any information about the Fire Dept. and what they need to get in and stuff. Acting Chairperson Bachstein stated he has comments, letters and stuff to get to read, coming up next and then we can discuss those.

Trustee Bolton asked where is the entrance to the property going to be. Mr. Oot stated it does into Palace Court. Trustee Bolton stated so the only entrance right now is on Rt. 11. Mr. Oot continued correct. Trustee Bolton continued so the entrance to Palace Court has not even been remotely designed or worked on. Mr. Oot added no it has not been. Trustee Bolton added would that not have been one [1] of the first things you did to gain access to the property, is put the entrance in. Mr. Oot explained again, that was not his call, and he thinks Palace Court did not want the construction entrance there; they wanted it on Rt. 11., they did not want all that truck traffic coming in there. He shared that was his understanding at least.

Acting Chairperson Bachstein stated he believed we discussed originally, the construction entrance was going to be on Rt. 11., in the original way back when. Mr. Oot stated his goal for now would be until we get that black top down, is make a "U" and get that hotbox filled in and get that graded, so fire trucks can get in and out of there. He continued get your fire hydrants active, so that they are on, that work was done; he can show you the email from Steve Drake. He added he shut it off, because he stated there was a small leak after, other than that he thought that was on; because that work was done a while ago. He explained all he can do is get it done, the electrical stuff is out of our control. He stated yes, it should have been ordered when they started the project.

Trustee Bolton stated he was sorry to keep coming up with comments, but one [1] thing he wanted you to understand sir, is the Village, we want this project completed; we want to be respectful; we want to do everything we can to help you. He continued right now that is a major eyesore for the Village. He added we want it completed, we don't you to walk away from this project, and be sitting with empty vacant buildings; but you have to understand, the safety aspect. He explained he has been by that property every day, for four [4] wks., and those gates have not been closed; have not been locked, have not been secured. He stated anybody could walk in and do what they want, so he really wanted to specify, we want you to succeed. He continued "I" as a Village Trustee, I am not sitting here saying, don't give him his permit; don't give him the extension, don't give him what he wants. He added we want the project and please believe me; the Mayor feels the same way, he knows your relationship with the Mayor. He explained we want you to succeed, we want to have residents living in those buildings, but we first have to be concerned with public safety. Mr. Oot stated he appreciates everything he is saying, it is not the way he does business. He continued it is not why he has two [2] depts. he does not control, he will make it happen, and get it done; he will get it straightened out and turned around. Mr. Oot spoke of the Loso Project it was a huge headache, believe me, just along story.

Ms. Desimone stated she understands that the project that you are working on is going to be done November 24th. She continued how much longer after that would you say you need to finish that. Mr. Oot stated it would be 100% finished with all the plants and all of the landscaping and stuff done this time next yr. He continued he thinks that we can have apartments ready before

then, do not get him wrong, but to get it up to his standards; you have got to be done. Ms. Desimone asked if there is anything we can do, if he does not finish within a yr.

Atty. Germain stated you are assuming that you are going to give him a yrs. extension. He continued if he is not within the extension, he would have to reapply for the extension. He added but ultimately if he does not do what he is supposed to do, the Village would not have to issue a Certificate of Occupancy, and at that point; that is a pretty big hammer.

Mr. Oot stated yes, that is a big nut, he apologized again. Mrs. Lioto asked Atty. Germain if we could return again in thirty [30] days, to see what progress has been made. Mr. Oot continued he would go along with that. Atty. Germain explained you could give him an extension of less than a yr. Mrs. Irick stated she agrees with Mrs. Lioto, we are giving him like a favor. She continued O.K., you want it, you are asking us to give you thirty [30] days to show us that you are going to do something; about the lighting, about the fence.

Atty. Germain stated this is the thing about the thirty [30] days, he does not know when his building permit runs out. Mrs. Fuller stated it runs out Sunday, July 21st. Atty. Germain so thirty [30] days, isn't really going to help, because we cannot get back in; and then give him an extension, it is going to run out Sunday. He explained it is kind of a now or never. Mr. Kolodzie stated so we kind of approve the extension with the sunset clause with a list of provision. Atty. Germain stated exactly, you can approve the sunset clause with a list of conditions. He continued what you cannot do, is say we are going to adjourn this, and come back in thirty [30] days; to see what you have done, because by that time he will have expired, now you are back to square one [1]. Mr. Kolodzie stated we could put some time limits in the conditions.

Mrs. Irick stated she would rather take the vote to give him the one [1] yr., with the stipulations, that this, this and this has to be done in a row. She continued several of us were here, when you first with those other two [2] gentleman came, with a big description and talking about your other project. She added this was it, she has got herself, she is starting to figure out why if they have you start that project; if that project was so big, and was going to take up so much time. She asked if she was not thinking straight or something here. Mr. Oot stated you are right. Mrs. Irick added because you are coming up with, like he stated, basically one [1] excuse after another. Mr. Oot stated he appreciated that, they are his new partners, and he guessed whatever; it was not a good move. He added he needs a club to go back with, so I need a time and some conditions, so he can hold that over their heads. He explained he wanted to get this done more than you do.

INSPECTIONS

Mrs. Lioto asked are you up to date with all of your inspections, thus far, required inspections. Mr. Oot stated the stormwater inspections are wkly., then the building inspector we do the sequential ones, right now as far as the back building is; we did a framing inspection. He

continued the front building is waiting basically for final plumbing and final electric. He explained he does not know if they do a blower door test on the apartment buildings or not. He stated the back building is waiting for rough in electric, rough in plumbing and insulation inspection. Mrs. Lioto asked Codes Enf. Officer Rohm if he had any feedback. Codes Enf. Officer Rohm stated yes, the Codes Office has reached out multiple times trying to get an insulation inspection completed on the front building. He continued Mr. Oot does reply back and Cc's people, but people that he is tasked to, never follow through. He added we are also looking to do a Truss Inspections. He explained also on the 1st floor of the front building, there was an alteration made to the fire, the ceiling; so, we would also need to have a drawing submitted for that as well with the sprinklers being lowered. Mr. Oot continued oh, O.K., he will get that. He added he sent the truss stuff to you, is that a physical inspection. Codes Enf. Officer Rohm stated yes, that happens to be a physical inspection as well. Mr. Oot shared so that then the insulation he is going to have to cut some arbitrary holes too, so just mark them where you want them. Codes Enf. Officer Rohm continued it is where wherever you guys cut. Mr. Oot stated yes, let me know, he knew we had to do those, did not know if we were doing it right.

Atty. Germain stated he thinks that the issue is compliance, if you are asked by the Codes Enf. Officer to have an inspection, you have to know you... Mr. Oot continued no, he knew we have talked about that stuff, normally building inspectors mark where he has cut the walls before for insulation; they pick where he has cut and he cut out a rectangle to inspect. He added he can do trusses or whatever.

Mrs. Lioto stated she is just very concerned of your lack of oversight of this project, and she is not sure you realize the safety concerns to the community, at this time of that property. She continued she is concerned about that and it seems like there is a lack of concern. Mr. Oot explained he does not know what more they can do without electricity. He stated we can keep the buildings locked and keep it as secure as we can. He continued he can get that fire thing taken care of ASAP.

HYDRANTS/SPRINKLERS/ FIRE ACCESS /FIRE CODE COMPLIANCE

Atty. Germain reiterated when you say ASAP, since he thinks we are looking for some dates, are you saying that you are going to be in compliance within how many, thirty [30] days, sixty [60] days. Mr. Oot stated have me come back in forty-five [45] days and whatever. Atty Germain continued we just want a date that you are going to have it done by, because that is going to be part of any conditional. He added how long do you think it is going to be before you are going to be in compliance with Fire Code. Mr. Oot continued with the hydrants. Atty Germain clarified everything. Mr. Oot added the sprinklers, they do not set the sprinklers heads, until you get into the finished part; it is not going to happen until they... Acting Chairperson Bachstein stated you are talking access, so the Fire Dept. has access if there was a fire, so roadway. Mr. Oot added he can have the hydrants on. Acting Chairperson Bachstein continued and a suitable road. Mr. Oot explained he has hydrants on and he has an access road where they can get in and out. He

stated he guess what is suitable, as far as if he does not open the Palace Court Road, if he uses the two [2] on Rt. 11; is that going to be sufficient for fire trucks if he gets it worked on. Acting Chairperson Bachstein stated he believed we initially stated the construction entrance, and he could be wrong, but was going to be off of Rt. 11 and you were not going to cut Palace Court until the project was pretty much complete. He continued that is how he remembered it, he could be wrong. Mr. Kolodzie stated so the fire trucks are going to have to enter from Rt. 11. Mrs. Irick stated yes. Acting Chairperson Bachstein continued that is how he thought it was presented originally, Palace Court was not coming in until the end, the project was basically completed.

Atty. Germain stated so you are going to state that you are going to have access to this property for a fire truck to get to that property in what sixty [60] days, thirty [30] days. Mr. Oot stated thirty [30], to forty-five [45] days, somewhere in there. Acting Chairperson Bachstein added from Rt. 11. Mr. Oot continued he gets those conduits in, then his catch basins in. Atty. Germain continued your access is going to have to be engineered and approved by the Fire Dept., you are going to have to work with them on it.

Mrs. Sharp asked are you the only one [1] coordinating this project. Mr. Oot stated he split up with them, no he has some help, they do not know much about it; (muffled) would like to be the developer. Mrs. Sharp stated it seems to her, that you need someone else working with you that knows what they are doing.

Ms. Desimone asked what do you suggest, we just keep talking over and over, what do you suggest we do. Atty. Germain stated he thinks that you are looking at some kind of conditional approval for an extension. He continued he thinks the conditions that he has noted so far is:

- You have got to allow for meeting the inspections of the property by Codes and the Village of North Syracuse

- You have got to allow for all future inspections by the Village

- You have to allow for the property needs to be secured

- You need lighting as soon as there is power to property giving a max of ninety [90] days to get that done

- The applicant will comply with all applicable codes that apply to the Building Codes and Fire Standard

- You are going to give him forty-five [45] days to give them access to the property sufficient for the Village of North Syracuse fire apparatus to get to the property

- If he does not do it, he does not get a Certificate of Occupancy which is kind of a definite no for a property

Mrs. Lioto stated she had a question, so you stated just recently someone cut the lock, so she does not know if we can set a condition that if there is no immediate lighting; some kind of conditional that you will have to hire some kind of private security to secure that area. Mr. Oot stated it could be one of my workers. Mrs. Lioto continued there has to be something, because thirty [30] days, anything can happen; and now you just told us that someone cut a lock. Mrs.

Sharp stated and we are looking at a time line, where we might run into snow fall. She continued and what is that going to do to the time line. Mrs. Lioto reiterated it has to be secured. Mr. Oot continued why don't we just lock the gates. Mrs. Lioto asked what gates, you can walk right on to that property. Mrs. Irick stated yes, the gates are almost lying on the ground. Mrs. Sharp agreed. Atty. Germain explained so we are talking about physical security. Mrs. Lioto continued is it because just a few minutes ago you stated there was no way to put a gate up anyway, they could just cut the fence and walk in. Mr. Oot explained his goal would be to get some power turned on, as quickly as possible. Atty. Germain stated that is probably a good incentive. Mr. Oot stated he needs to talk to his electrician. Mrs. Lioto added in the mean time when you are talking to an electrician, and you are coming up with a plan, how are we going to secure the property. She suggested, but is not sure, she would have to defer to Atty. Germain; that there is some sort of physical security on the property. Mr. Oot clarified continuous. Mrs. Lioto explained continuous. Mr. Oot stated that would be worse than lights. Atty. Germain continued that is the whole point. Mrs. Lioto stated that is the whole point. Mrs. Piper stated the question is if someone goes on that property and gets hurt, let's say some teenage kid, they could then sue the Village. Mrs. Sharp continued they could also start a fire. Mr. Oot explained that is what we have insurance for. Mrs. Lioto explained we are talking about the safety of the community of the other residents that live in this neighborhood. She stated it is beyond monetary, it is about the safety, lives of our neighbors; we live here. She asked do you live in this community, do you live in this Village, for the record, we live here. Mr. Oot stated he has got you. He continued he thought the lighting was more feasible than a security guard on there all the time. Atty. Germain explained he thought the compromise there was you were going to supply security personnel in non-daylight hours until lighting is available at the site. Mrs. Lioto stated she would agree. Atty. Germain stated which means you are just going to have to hustle and get the lighting there. Mr. Oot continued so lighting during the nighttime hours. Atty. Germain continued non daylight hours or security personnel. Mrs. Sharp stated she did not think that they were going to walk around with a flashlight, she did not think so. Acting Chairperson Bachstein asked once the transformer is there, can't you put a temporary meter up that you can plug in. Mr. Oot added yes, as soon as we get it turned on, knowing National Grid, he thought a generator is probably the only way to do it quickly.

Trustee Bolton spoke to Atty. Germain's point, if Atty. Germain puts in an order of things that have to be done, access and compliance with Codes is number one [1]. He continued you cannot do anything else on that property until you make sure he has access. He added number two [2], the road for Fire Dept., you cannot do anything else until you put that road in. He explained that is going to force you to set your priorities. He stated you can't go in and put kitchen cabinets in building two [2], and do sheetrock if there is no electricity to it, because that is more important than getting your kitchen cabinets. Mr. Oot stated no, but... Trustee Bolton continued to Atty. Germain's point of the Board can make this conditional, conditional on you complete number one [1], you cannot go to number two [2]; until you complete number one [1]. He added then you go to number two [2], then you go to number three [3], and until you show us or show the Board; that you are making a good faith effort to bring that property into compliance for public

safety or firefighter safety. He explained he would not blame the Police if they never went in on that property, because how do they know what is in there. He stated so that is where he took Atty. Germain's point, that is where we need to go. Mr. Oot continued the thing is, before he can get that parking area, that entry; he has got to get those 13 conduits in the ground, he has to get his catch basins, and storm drains in there so he, so he can put his final stone down, get it compacted and make it (muffled). He added when he has got all that done, that has to be done first.

Atty. Germain stated he thinks what you are looking at is time limits for having the Fire Dept. being able to access that property, a time limit for securing the property, a time limit for having the lights on; either lights or personal walking the property. He continued that will be a good incentive to actually get that done. He continued he did not think you are going to be getting a sequential order here, because it becomes difficult with construction. He added he is going to have to start different stuff and being different stuff at different times. He explained you cannot say I want you to do one [1], two [2], three [3]; four [4], because that might not even work for his construction for the dirt that has got to get moved on that site. He stated you have got to let him move the dirt, and work the site, because that is in everybody's interest. He continued but to the other, what you are saying is, you have got to have some kind of time limits on getting this stuff done; because this has been too long. Mrs. Irick stated and inspections are important. Atty. Germain added that is going to be number one [1] and number two [2].

Acting Chairperson Bachstein asked where is the conduit being run. Mr. Oot stated on site, six [6] to one building and six [6] to the other, so six [6] of them right across the whole parking lot parallel to the building. Acting Chairperson Bachstein asked from where. Mr. Oot continued from the transformer box which is up by the road stacks out passed the surveyor, it is right up by this pole on the southeast corner of the property and the transformer pad is about twenty [20] feet behind that. Acting Chairperson Bachstein stated so it is going across the parking lot or driveway. Mr. Oot added it is going across kitty corner diagonally across the parking lot. He explained that is why he has to get that stuff in the ground before he Fire Dept. gets its access. Mr. Oot showed the transformer pad is here, six [6] of them, to the meter is over her, six [6] will go this way and six [6] will go down here. He stated that is his big concern and then he has got the catch basins that he has got to get in, the conduits are below the catch basin, so these are pretty shallow. He continued the conduits are deeper. Acting Chairperson Bachstein asked can you get a temporary driveway that the Fire Dept. can use. Atty. Germain stated it has got to be engineered, it has got to be right, because that is a pretty big piece of equipment going across there; so, he has got to do it right. He continued he stated he could do it in forty-five [45] days. Acting Chairperson Bachstein stated in the end it is really not going to be coming off of Rt. 11, because that is not in the end where it is going to be. Mr. Oot explained this little piece here is for initial protection. Atty. Germain stated at the end you have to have the fire access where the Fire Dept. wants it, in a manner that they want it, engineered the way that they want it. Acting Chairperson Bachstein because originally you were doing something off Rt. 11, twenty-six feet [26'] wide with a turnaround at the end, that was what Vincent Ryan stated you were doing, back in July of 2020.

Mr. Oot stated these two [2] hydrants will be active, those will be done as soon as the plumber fixes the leak, so those are active plus the hydrant up here will be active. He continued that is not really going to matter, because if the Fire Dept. cannot get to the property. Mr. Oot added he can get them down to here, my question is could they back up though, how do they make a turn. Mrs. Irick stated that was supposed to be on when you first started doing all of this. Mr. Oot explained well with the black top. Mrs. Irick continued you guys were supposed to have showed us that. Mr. Oot stated they go down to where the retention ponds are. He stated he can get you good access all through here. Trustee Bolton stated it is 110' long. Mr. Oot continued he can get you 400' of good solid road. Trustee Bolton continued you need to check with the Fire Chief to see if they can turn the fire truck in what you have. Atty. Germain stated it is really up to them, none of us have the expertise to tell you what the turning radius is for a truck of that scope or magnitude. He continued but we can do is say that you have to comply with what the Fire Dept. tells you to do. Acting Chairperson Bachstein stated there was something with when we did the apartments up here if it was over 200', they can't back up or something, they had some kind of something. Atty. Germain continued we can refer it out and reference it with the approval of the Fire Dept. He added ultimately, they are the ones that are going to have to go there, and he thinks what you are looking at, is you want to make them happy; because that really is the whole game as far as that goes. He explained so you are going to have to figure it out, they will tell you what they need, not the other way around. Acting Chairperson Bachstein asked what is keeping you from this point from cutting your access to Palace Court for non-construction use, but for Fire access, if you have got to build the road anyway. Mr. Oot added he thinks it was our deal with Palace Court, they did not want it until the black top was all down and it was done, that was his understanding. He explained we bought the property from that guy. Atty. Germain stated he thinks that deal is out the window. Mr. Oot reiterated once he gets his conduits in which are going in, and his catch basins which are only three [3] or four [4] of them, he can get his compaction down and get this thing stoned and he will meet with the Fire Chief. Atty. Germain continued you might want to start thinking about your compaction and getting that asphalt down, everything that you need, the binder coat and that. He added because you are going to have fire trucks that want to get across there. Mr. Oot asked if you think it is going to be (muffled). Atty. Germain stated you are going to have to talk to the Fire Dept., he is not qualified to... Mr. Oot stated he would really like to, normally he would do sidewalks, before he would do (unclear). Atty. Germain continued whatever the Fire Dept., you have got to make them happy, not me. Mr. Oot continued he guessed he would like that... Mrs. Lioto asked if he could go to into the middle, so we can all hear. Mr. Oot stated he can have this whole strip in her compacted, the question is they black top down, but normally he would put sidewalks in and then black top. Mrs. Lioto stated she is just really confused, she does not understand why you do not have a plan for this already, like she is not understanding, why there is not a plan. She continued why we are looking at plans right now trying to figure this out (muffled). Atty. Germain stated at this point you just have got to get it done. Mrs. Irick stated it has been going on too long. Atty. Germain continued he did not think we should be issuing anything temporary, it's like get to the end of the game. Mrs. Lioto added but you are questioning the fire engines, the turn radius, but there should have already been a conversation for safety planning.

Mrs. Sharp stated that is one of the things that you do not know, it is too much for one person coordinating all of this. Mr. Oot stated he would like a chance to find out what the Fire Chief wants. He continued he wants to get it done as much as you guys do. Atty. Germain suggested we make a motion at some point.

DPW/POLICE/FIRE COMMENTS

Acting Chairperson Bachstein stated let's move on to the comments from Police, Fire, and DPW and neighbors, etc.

DPW: Letter dated 7/2/24 stated it looks good, no concerns for DPW and does not have any negative impact on DPW or its operations.

Police: The Police did not have an updated response.

Fire: Received a letter dated 7/17/24, from Chief Pat Brennan stating: I am writing to express my concerns, regarding the above captioned project. We have documented concerns with this project since going back as far as June 2020. Construction should not have been allowed due to the failure of the developer to compile with the Building and Fire Codes. Ultimately permits were issued despite the Fire Depts. strenuous objectives. The applicant is seeking an extension of the building permit, he is not in favor of this extension without significant and binding conditions being placed on the developer. There are major public safety issues, that persist at this project, since the first building permit was issued. There is no fire apparatus access road as required by NYS Fire Code. At one point the developer had an engineering firm provide a document that stated a temporary road meant the intent of the Fire Code. However, since the letter was provided the developer dug out the entire site to install utilities, after the utilities were installed; no dis credible access road was installed, a violation should have been issued. The water distribution system, remains out of service, the hydrants have finally been installed. However, as of this date OCWA has not supplied water to the site. The failure to provide water to the site prior to construction, is a violation of NYS Fire Code. Currently two [2] yrs. after the start of construction, this fire code violation persists. In a letter dated June 6, 2024, Mr. Thomas Oot, managing member of Brolex, LLC., stated I hope to get the exterior sitework substantially completed in the next two [2] weeks, and as he mentioned the electrical gang sockets are not scheduled for delivery until late October or early November 2024. As of this writing nothing has changed at the site, there is no water, there is no road; or parking lots. Violations of the building and fire code persists. This project has been poorly managed from the start, in the more than two [2] yrs. of construction. This project has not been compliant with building, and fire codes. The project requires forced oversight from the Codes Dept. if the permit extension is granted.

Email received dated 5/20/2023, from Paul Linnertz forwarded, stating he is available any time Friday before afternoon in a response to a letter from Brandy Fry who was the Codes Officer at the time. Codes Enf. Officer Fry sent to Mr. Linnertz: She would like to meet with the three [3]

of you, on the Brolex Property at 444 S. Main St., she continued he knew Fire Chief Brennan and Mr. Linnertz were out of town this past week. I have limited time to deal with this project to get them under way as the Mayor would like to have a meeting with Brandon. I have not been informed when that meeting will be and have requested to be a part of it when notified Friday at 4 PM that this is something being set up. I would like to request compliance with the hydrants, access road and pond that they need to as part of establishing a new permit from the Department of Code Enforcement as they are no longer a candidate for an extension for their permit as it has been expired for eleven [11] mos. Let me know what time works best for you all. If it's not during the day, I will make the time. Thank you for your time and consideration on working on this together.

Attached letter to Brian Johnstone, Codes Enf. Officer at the time. Thank you for stopping to discuss 444 South Main Street project. I appreciate and commend you for issuing a Stop Work Order on this project as the developer has failed to meet the minimum standards of the NYS Building & Fire Codes. As we discussed, there are a few issues in play with this project. The two most important issues are fire apparatus accessibility and fire hydrant placement. I would like to reiterate that the builder failed to comply with the NYS Building and Fire Codes. As I have said repeatedly, the fire apparatus accessibility road, or a temporary road with an all-weather surface capable of supporting the weight of fire apparatus, along with the approved water distribution system, was required to be in place "prior to and during the time of construction". Why the contractor was not required to adhere to these laws continues to be an unanswered question. According to the developer, OCWA is responsible for the delay in installing the fire hydrants. Today we spoke with Steve Drake from OCWA. Mr. Drake clearly rebuts the developers claim. I have attached Mr. Drake's email response for your review. As for the location of the newly proposed hydrant on the west side of Route 11, it will help to alleviate the compliance issue created by the developer. This additional hydrant only remedies the code violation for the non-compliant building currently under construction. Any new construction on the site will require the installation of the hydrants as required by the site plan approval process. After the water issue is remedied, the problem with the fire apparatus accessibility remains. I am requesting the Village Engineer be involved with the review of and installation of the roadway.

LETTERS FROM TRUSTEE BOLTON AND SURROUNDING NEIGHBORS

Trustee Bolton Emailed: Dear Planning Board Chairman: During your July meeting the planning board will be deciding on issuing Brolex a new building permit. As a Village resident who lives very close to this development I wanted to offer some thoughts. We are all aware to the situations with this project. While we want to be welcoming to new business ventures we also want to be concerned with public safety. The planning board is within its power to grant a conditional building permit, I recommend that in the interest of public safety these conditions are put in place. Construction can continue in this order.

- The driveway and entrance must be completed to engineering standards. Presently the North Syracuse Fire Department can't enter the property in case of a fire because the

weight of the apparatus can't be supported under present conditions. If a fire were to occur public safety would be jeopardized.

- Water and hydrants must be installed to engineering standards to allow the fire department to effectively respond to a fire. In the event of a fire public safety and the safety of the fire fighters would be at risk.
- Electric service must be completed and all exterior lighting must be installed to engineering standards. The property is presently in completed darkness allowing for the possibility of vandalism and unauthorized entry allowing for public safety concerns.
- General construction at developer's needs. While we all want to see this project completed if the developers are more concerned with interior work such as painting, installing cabinets and moldings the appropriate village boards need to be concerned with what's in the best interest of the Village. I encourage the planning board members to partner with the mayor, Village Atty., fire and police chiefs and code enforcement, before any building permit is granted. Mr. Lancette please share this with board members. Thank you all for your time.

Email from Lester Wilson: I support the extension of the building permits for the Brolex apartment complex at 444 S. Main Street, but only under the condition that the developer has demonstrated they have the funds to compete with the project and can meet actionable goals and milestones within a reasonable amount of time in order to bring this project to completion. Otherwise, the buildings need to be demolished, the property cleared and returned to its natural state. We are at a crossroads with this property as progress continues to languish since construction began with a planned completion timeframe of Spring 2022. The project is over two years behind schedule. Currently, the North Syracuse Fire Department will not enter the property on account of a number safety issues that would endanger first responders in the event of a fire or other emergency on this property. In addition to being an eyesore with overgrown vegetation, the condition of the property presents a danger to public safety as the buildings and property are unsecured, with a very real potential for vandalism, arson and/or squatting. Either the developers must be compelled to complete the project, or the buildings must be demolished and the property cleared immediate in order to mitigate this risk to public safety. The time for action is now. Thank you. Lester Wilson of 209 Wells Ave W.

Email received from Loribeth Vail: 7/16/24: Attn: Mayor and Planning Board Chairman: As a village resident who resides near the current Brolex building site, I wish to express some thoughts regarding the upcoming deliberations on potentially issuing Brolex a new building permit. While we all share the same opinion on the value of new businesses in the village, the primary concern regarding the continuation of this project is public safety. The developer has currently left the site unsecured for three [3] wks., after stating in a letter to Nichola Rohm dated 6/6/24 that the site work would be completed within two [2] wks. Due to these and numerous other concerns I strongly recommend that the planning board grants a conditional building permit with specific conditions in the interest of public safety. The following are the main areas of concerns and the details that should be included in the specific conditions.

- General construction progress at the site, particularly securing it. The site has remained unsecured for over three wks., as per the latest communication. The developers have indicated a timeline for site work completion by mid-June.
- Water supply and hydrants must be installed to engineering standards to ensure effective fire response capabilities. Inadequate fire response could jeopardize public safety and firefighter welfare in case of emergency.
- The driveway and entrance must be completed to engineering standards. Presently, the North Syracuse Fire Department cannot access the property in the event of a fire due to inadequate weight support. This poses a significant risk to public safety.
- Electrical service must be fully installed, and exterior lighting must meet engineering standards. The current lack of lighting leaves the property vulnerable to vandalism and unauthorized access, raising concerns for public safety.

It is crucial and in the best interest of the village at this point that the developers prioritize essential safety related and exterior infrastructure rather than interior work. Please ensure this message reaches all board members.

Email received from Thomas A Miller on 7/12/24: I own Serendipity: Antiques, Artwork and Goodies with some concerns about the property and trees hanging over fences and safety issues.

COMMENTS FROM BOARD

Acting Chairperson Bachstein asked if there were any comments from the Codes Enf. Officer or does the Board having any further questions. Ms. Piper stated she would like to make just one [1] comment, she spoke of seeing other building sites getting started and completed, so she finds it very hard to think that three [3] yrs. later we are still waiting for things to come in. She continued when other apartment complexes on Buckley Road specifically. She added they are built and they are done. Mrs. Irick stated (muffled). Mr. Oot stated that is because they were ordered when they should have been ordered. Mrs. Piper explained that is just another excuse. Mr. Oot continued it is funny the Loso Project, they got their gang meters, but they ordered them from day one [1] up front.

SUNSET SET CLAUSE MOTION WITH CONDITIONS

Acting Chairperson Bachstein asked if anybody would like to make a motion to grant or deny their request for another sunset clause extension.

Ms. Lioto stated so moved the following motion with conditions listed below. The motion was seconded by Mrs. Irick. All in favor. 0 Opposed. Unanimous.

Move for the adoption of a resolution extending the Sunset Clause in the matter of Brolex Properties, LLC. (Tom Oot) 444 S. Main St. to 8/20/2025, this extension is strictly conditioned on the following:

1. The Applicant will allow for immediate inspections of the project by the Village of North Syracuse Codes Department to determine the status of the project. These inspections will take place on or before 7/25/2024.
2. The applicant shall cooperate with any and all future inspections as required by the Village of North Syracuse.
3. The Applicant will immediately secure the site to prevent vandalism, trespassing and any other similar public nuisance. Lighting to the site will be provided as soon as electricity is available to the site. In no event shall this be past 90 days hereof.
4. Applicant will provide security for the site in the form of a security personal in non-daylight hours until adequate lighting is installed.
5. The Applicant shall make sure the property complies with all applicable building and fire codes including, but not limited to, any supplemental recommendations of the Fire Department.
6. Applicant shall provide the North Syracuse Fire Department with access to the property in a manner that would allow their equipment to access the property. The exact nature of any access road must comply with engineering standards and specifications which shall be reviewed and approved at the discretion of the North Syracuse Fire Department. This shall be completed within 45 days hereof.
7. The applicant is reminded that no certificate of occupancy shall be issued unless and until the applicant is in full compliance with all approvals issued by the Village of North Syracuse including the conditions enumerated herein.
8. The applicant is further reminded and notified that the project must substantially comply with the approved site plan any substantial deviations from the approved plan may result in action by the Village of North Syracuse, including but not limited to the refusal to a certificate of occupancy.

Acting Chairperson Bachstein asked are there anything with Codes or lighting with generators that he needs to be aware of, before he goes and does it.

Codes Enf. Officer Rohm stated so in this Village, when other businesses have opened, and they have lit their lots; we have received complaints from the neighbors about lights shining in. He continued it was not people directly across the street, it was street away. He added we have received noise complaints from trash trucks emptying dumpsters. He explained there is also, you talked about the vacant buildings, and Vince's; but there is also Palace Court, right there. He stated and then the other apartment complex is right on the back too. He continued so there

maybe complaints come in. Acting Chairperson Bachstein asked but there is not code. Codes Enf. Officer Rohm added there is a noise level, however, he is not familiar with it, because the Police deal with noise complaints. Mrs. Fuller asked about the projection of how the light is facing. Atty. Germain stated you are going to make sure that light does not bleed off that property. Mr. Oot stated we can work together, if we need to (muffled)... Mrs. Irick stated it will have to be aiming right at those buildings. She continued and get it out of the dark in that back corner there where the woods are. Acting Chairperson Bachstein reiterated he just wanted to make sure that he is compliant with any codes, that is all. Mr. Oot continued it will probably be more of the generator noise than anything. Atty. Germain explained that is why it is part of the approval, because he is going to comply with any codes and you are going to go out and have the ability to inspect. He stated and you are just somebody that is going to be a good neighbor and somebody that does not want to hear from every neighbor; you are going to make sure that those lights do not bleed out. Ms. Lioto stated she would propose if there are complaints, and the generator is not going to be an option, the ownness is on you. She continued and private security would have to be hired. Mr. Oot continued there are other places on the site. Acting Chairperson Bachstein stated we can put that in Codes Enf. Officer Rohm's hands. Atty. Germain continued that is not what it comes down to, get power to that site, so you can run a temp. Mr. Ott added there is enough room we can move it a little bit, we will figure it out. Mr. Kolodzie stated a lot of the lights are quieter now to. Mr. Oot explained he is thinking, this generator is not going to be really quiet. Mrs. Irick asked how long are we giving him. Atty Germain stated he wanted him to have it officially. Mr. Oot asked for a copy of that.

110 E. TAFT ROAD CHICK-FIL-A INC.

Acting Chairperson Bachstein stated we wanted to mention that the Chic Fil-A Inc. project has been pulled off the table, in Clay also. Mr. Kolodzie asked if we know if that is temporary. Acting Chairperson Bachstein continued it has been completely pulled, as of when he spoke with the Town of Clay when he talked to them the other day. Mr. Kolodzie stated he was just wondering if they were looking into buying other pieces of property that are now available. Acting Chairperson Bachstein shared they stated as far as they are concerned it is pulled completely.

Acting Chairperson Bachstein stated we need a motion to adjourn. **Mr. Kolodzie made a motion** to adjourn at 7:41 PM. The motion was seconded by Mrs. Irick. All in favor.

Respectfully submitted,



Pearl Fuller
Secretary