

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS**

**PUBLIC HEARING: WOMEN OF RACING**

**APPLICANT: MARK RENDEE**

**NOVEMBER 27, 2018**

Chairman Ronald J. Beach, Jr. called the meeting to order at 7:09 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA Members present were Chris Proulx, JoAnn Mammone, Robert Wasyleski and Alternate Member David M. Pasick. Absent was Vice Chairman Joseph Aiello.

Also present were Supervisor Anthony J. Lucenti, Codes Officer Philip Green, Administrative Assistant to the Supervisor Jeffrey Dingman, Bette Szesny, who serves as Recording Secretary, Bruce Ward, and Ricky Proulx, and the applicant, Mark Renee.

Town residents Pavel Kislyak and Anna Mazoruk left the meeting shortly after call to order.

This application represents the applicant's intent to operate a restaurant at 2016 State Route 5, Utica, NY 13502. His application reflects the location's Tax ID# as 104.7, Block 2, Lots 14, 16 and 17; lot size 1 acre.

**PUBLIC COMMENT**

There was no public comment on this application.

**APPLICANT STATES CASE**

Chairman Beach asked Mr. Rende to step up to the podium to describe his plans, as set forth in his application.

Mr. Rende outlined his plans which involve converting the vacant house currently located on the property into a restaurant. He plans to serve pizza as well as many other menu items. Parking will be located along the side and in the back of the property.

Chairman Beach expressed his concerns regarding adequate parking space on this property for this intended use. Ms. Mammone also stated this location does not seem to provide adequate space for parking. Mr. Rende stated there are shrubs currently in the back making the proposed parking area appear smaller than it actually is, adding that this section of the property is actually about 60 ft. wide.

Mr. Beach asked the dimensions of the existing structure; Mr. Rende stated it is approximately 30'x40' including the garage, which he plans to convert into a kitchen.

Codes Officer Philip Green stated the application and related paperwork submitted by Mr. Rende does not reflect a plot plan that provides documentation on ingress/egress and designated parking locations, sidewalk, or a layout of the interior of the proposed restaurant. Mr. Green asked Mr. Rende to verify the lot size of the proposed location of the restaurant. Mr. Rende stated it is about 1 acre. Mr. Green stated a full acre is required and must be confirmed before approval of this application can be issued; if less than an acre, an area variance must be sought. As well, the dimensions of the building and lot size must be established. An engineered plot plan for the parking area must also be submitted, along with layout plans for the interior of the restaurant. Mr. Green advised that plans for a sidewalk and lighting must also be included, which will also be part of the approval process. Mr. Pasick stated plans for solid waste disposal must also be included. Mr. Beach stated a plot plan reflecting layout of the restaurant must also be submitted; Mr. Green stated a hand sketch will be acceptable.

Mr. Green asked the secretary to contact the Town Clerk to verify the lot size as is shown on the Tax Map, which must be established before this application can move forward.

Mr. Rende was advised to resubmit his application reflecting the above requirements, and another public hearing will then be scheduled

Mr. Rende asked if he chooses to revise this application into a "Take Out Only" food service establishment whether he would still need a full acre. Mr. Green stated this makes no difference; a full acre is required for any food service establishment accommodating 100 persons or less, regardless of where the food is consumed; otherwise a variance must be sought.

Mr. Rende then asked whether he would require a full acre of property if he revised the application to reflect only a "food preparation kitchen" where he would be able to prepare food items to be transported in his mobile food vehicle to be sold at area events. Mr. Green stated this use of the above referenced property would not require ZBA approval from the Town of Schuyler; he would only need to meet NYS Dept. of Health criteria and obtain the appropriate permits required to prepare food items to the general public at area events, including a Town business permit to operate a commercial kitchen at this site. Mr. Green stated Mr. Rende would not be permitted to sell any food items at the 2106 State Route 5, Utica, NY location, however.

Mr. Rende will review his options and get back to the Town with his decision.

**APPROVAL: JULY 24TH MINUTES: APPLICATION BY DOLLAR GENERAL**

Motion by David M. Pasick, seconded by JoAnn Mammone to approve the minutes of the July 24, 2018 ZBA Public Hearing regarding the application by Dollar General; all in favor. Motion carried.

**ADJOURNMENT**

Chairman Beach adjourned the public hearing at 7:37 PM.

*– Bette Szesny, Recording Secretary*