

V. NEW BUSINESS COMMUNICATIONS

2019-02

A request from The Vault Restaurant & Lounge LLC for a special permit for property located at 3036 Seneca Street, being part of Lot No. 127 & 128, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

Motion by McCabe, seconded by Rathmann, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Tyrus Butler represented Barbara Laster and stated her intention to open a sports bar at 3036 Seneca Street. She will be leasing the property and has been making improvements inside the building and the landlord intends to repave the parking lot. The sports bar will have ten employees and the hours of operation will be 2 P.M. – 11 P.M. weekdays with weekend hours until 1 or 2 A.M. Security will be in place on certain days.

Mr. Mendola questioned the lighting. Mr. Butler stated there is a light shining down outside every door and NYSEG will be fixing the lights in the parking lot. Code Enforcement Officer Jeffrey Schieber noted the lights in the parking lot cannot shine on surrounding properties.

Mr. Rathmann questioned the capacity for the dining area and bar and the required parking. Mr. Butler estimated they can fit 35 parking spaces in the lot. Mr. Schieber stated the parking lot is in deplorable condition and the landlord is waiting for the asphalt plant to open to repair/repave it. Engineering will be involved to ensure drainage is appropriate and code enforcement will deal with capacity of the building when the parking lot is done.

Mr. McCabe questioned if a variance was previously obtained for parking. Mr. Schieber stated there is nothing in the file and he estimated 70 parking spaces in the lot, so that will determine the occupant load in the building.

Mr. Mendola questioned if outdoor music is planned. Mr. Butler stated they planned to have music inside only. Mr. Schieber noted a variance is required for outdoor music.

Residents of Briarhill Drive, Lyndale Court and Seneca Street stated the following comments/concerns:

- A restaurant that closes at a reasonable time every night is acceptable, but a bar/night club creates problems
- Loud noise (music, fights in the parking lot, foul language, etc.)
- People parking on surrounding residential streets (trespassing, littering, damage of property, etc.)

2019-02 (continued)

- Suggested closing at 11 P.M. and putting a decibel limit on the loudness of music
- Safety concerns (security works at building, but not along the street)
- Placement of parking spaces causing vehicle lights to shine in surrounding residences

Ralph Lorigo stated he has owned the property for 15 years and the previous bar closed two years ago, but it was a bar/restaurant for a number of years before he purchased it. He has a tight lease agreement and if there is any State Liquor Authority violation he can cancel the lease. Mr. Lorigo commented that the tenants are good people and have put considerable money into the building. The property is properly zoned and had a special permit for decades, so there is no reason to deny this special permit.

Mr. Schieber commented on the Zoning Board practice of issuing a variance with a one year follow up review and questioned if this could be done with a special permit. Town Attorney Tina Hawthorne stated she will research this question and advise the Planning Board.

Mr. Butler stated there will be cameras on site that record 24/7 for two weeks. The business will be a sports bar, not a night club. The building will be sound proofed and they will have TV's, a pool table, dart machine and juke box with no live music.

Motion by Bebak, seconded by Rathmann, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by McCabe, to recommend approval of a special permit for property located at 3036 Seneca Street, being part of Lot No. 127 & 128, changing its classification from C-2 to C-2(S), for service of alcoholic beverages, subject to paving the parking lot and submission of a parking plan and drainage plan.

Ayes: All

Noes: None

Motion Carried

2019-03

A request from Robert Jemiolo for a special permit for property located at 3369 - 3385 Clinton Street, being part of Lot No. 28 & 29, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

Motion by McCabe, seconded by Rathmann, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

2019-03 (continued)

Robert Jemiolo stated he purchased the property late in 2017, but the project is taking longer than expected and the special permit he was granted expired. The project has been broken up into phases and the big kitchen will be opening for catering within 30 days. The small bar in the back will be a 15 to 20 seat café/bistro serving alcohol and the target opening date is September 2019. Hours of operation will be Monday – Friday, 11 A.M. - 9 P.M. and Saturday & Sunday, 10 A.M. - 9 P.M. Mr. Jemiolo was not sure at this point what he is doing with the other side of the building. There are currently 40 spaces in the parking area which is sufficient for the café/bistro, and there will be 64 spaces in the end. He is willing to work with the neighbors and stated he cannot fix what happened in the past before he owned the property, but will control what goes on going forward.

Mr. Mendola commented on the poor condition of the parking lot. Mr. Jemiolo stated the proposed parking area is in bad shape, but the existing parking lot is fine. The Zoning Board of Appeals granted a variance to allow the unpaved lot until the other side of the building is in operation. He does intend to seal and stripe the existing parking area.

A Clinton Street resident questioned if the previous restrictions are still in place, including the fence that was supposed to run to the back of the property, and was concerned that they are done in a reasonable time.

Town Attorney Tina Hawthorne stated the restrictions will remain in place.

The resident expressed his concern with privacy and noise and requested a pergola extending from the eave of the patio so people on the patio cannot look into his yard.

Code Enforcement Officer Jeffrey Schieber noted there is a driveway along that side of the building and something sticking out from the patio may interfere.

Motion by Bebak, seconded by Rathmann, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Rathmann, to recommend approval of a special permit for property located at 3369 – 3385 Clinton Street, being part of Lot No. 28 & 29, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

2019-03 (continued)

On the question,

Motion by McCabe, seconded by Bebak, to amend the motion and recommend approval of a special permit for property located at 3369 – 3385 Clinton Street, being part of Lot No. 28 & 29, changing its classification from C-2 to C-2(S), for service of alcoholic beverages and include restrictions granted with the prior special permit as follows: 1) limit west driveway to one way entrance and east driveway to one way exit; 2) live music is prohibited on the patio; 3) construction of an 8' fence on the west from the rear of the building and continuing to the rear 100' with a living foliage fence for additional screening; 4) construction of a 6' fence on the east side of parcel B two feet off the property line to screen the full length of the house to the east.

Ayes: All

Noes: None

Motion Carried


ADJOURNMENT

Motion by Bebak, seconded by Rathmann, to adjourn the meeting at 8:05 P.M.

Ayes: All

Noes: None

Motion Carried


**JACQUÉLINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY**