

TOWN OF GRANBY PLANNING BOARD

Meeting Minutes

August 2, 2022

A regular meeting of the Granby Planning Board was held at the Granby Town Hall, 820 County Route 8 Fulton; and was called to order at 7:00 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford	Erin Palmitese
Jane Crego, Chairman	Carl Nysten, Vice Chairman
Rhonda Nipper	Tom Anthony
Lori Blackburn	Lisa Somers, Clerk

Also Present: John & Brittany Cox, Attorney Terry Kirwan Jr., Rodney DeLong, Supervisor John Snow Jr. Town Clerk Janet Ingersoll, Town Councilor Farrands, Kevin Gioia, Jake Savage, Paul & Tina Sawyer, LeeAnn Haggard, Maureen Krol, Chad & Linda Sheldon, Tim Longley, Kristin Bar, Charles Montrand, Mark Shatrau, Mark Shatrau (another), and Greg Rudes.

BUSINESS

John Cox

Prior to opening the public hearing, Chairman Jane Crego explained that the Board would need to acknowledge the Oswego County Determination from the 239 Review referral request, complete the SEQRA review, and accept the submission of an updated Site Plan dated 7/29/22 provided by John Cox. The full-size surveyed map was prepared and stamped by a NYS Licensed Surveyor, Russell Getman, inclusive of all existing structures with existing and proposed parking and lighting locations.

County 239 Review – The location of the project on a State Road and in close proximity to a State Park triggered the need for a County 239 Review of the Site Plan application. A complete package was submitted for Referral on 3/18/22, and a County Determination letter dated 3/28/22 was received, in which they determined that no significant intercommunity or countywide impacts were anticipated and should be decided as a local issue. Several comments were included of potential local law issues that should be considered by the Board as follows:

- ◇ Proposal is a known non-conforming use to replace a prior non-conforming use, as such, the board should consider whether this use is more conforming to the district in accordance with Section VI of the Zoning Ordinance.
- ◇ Section V, paragraph 9 of Zoning Ordinance states that at least 8% of usable parking allotment should be landscaped, however the submitted Site Plan does not reflect landscaping.
- ◇ Additionally, the Zoning Ordinance states that areas not occupied by buildings, parking, walkways and storage shall be landscaped.

The Members commented on the County’s recommendations (not directives) as follows:

- ◇ The non-conformity of use has not changed in that all activity remains inside the building as is directed by the 2018 Use Variance.
- ◇ The property was developed years ago and contains landscaping and mowed lawn which is not reflected on the submitted site plan. Mr. Cox has made statements to this Board that he intends to address the overgrown existing hedges and landscaping throughout the property which was extensive and would be costly to replace. He also intends on adding additional plantings to enhance the property and develop a business that is attractive to customers and the neighborhood. The property has been mowed and attended to since he signed his 5-year lease with Vigesco, Inc.
- ◇ Areas of the property not currently developed are mowed grass, trees, and shrubs.

SEQRA – Vice Chairman Carl Nysten read aloud Part 1 of the submitted short EAF dated 3/14/22. The form completion had been assisted with application of the DEC EAF Mapper that auto fills questions related to environmental issues such as the presence of wetlands and endangered species. The Members found Part 1 acceptable and moved on to the review of potential impact assessment in Part 2, which was read aloud by Member Nysten. All questions were answered by the members as to the proposed project having no impact or only a small potential impact, yielding a determination in Part 3 of no significant adverse environmental impacts.

PUBLIC HEARING

Site Plan Review

John Cox; Fairway Billiards Inc.

Proposal to operate a restaurant/bar and banquet facility with billiards on property leased from Vigesco Inc, and located within the R-1 zoning district..

Property address – 2107 State Route 48, Fulton, NY

Tax Map # 201.20-01-04.

Chairman Crego opened the Public Hearing at 7:18 pm and asked John Cox to explain his proposal. He stated that he leased a property that has an established restaurant/bar and banquet use that he will be adding billiards to. He will provide a family atmosphere for APA players and offer a venue for special events such as tournaments, weddings and parties. He will abide by the 2018 Use Variance that exists with the property in order to get the business up and going, he has incurred great expense and has not been able to make money for the past few months while the neighbor's lawsuit was pending. This past month all parties agreed to annul and vacate the recent ZBA Variance granted to Mr. Cox to lift many of the stipulations of the 2018 Use Variance. Mr. Cox stated that in time he plans to reapply for more permissive use of the outdoor spaces. He added that he feels he will bring people and business to the Town of Granby, and add tax value to a property that has sat vacant for many years.

Chairman Crego opened the Hearing to public comments at 7:24 pm, they are as follows:

- 1) Kevin Gioia – Long time member of APA pool leagues, and has been waiting for a venue to open locally that caters to a family environment versus a bar. He believes that Mr. Cox will provide a friendly homey atmosphere and bring business to the Town.
- 2) Jake Savage – Spoke of John & Brittany Cox's character. He stated that he had recently lost his wife in June, and the Cox's brought him into their family, they have helped him immensely. John Cox has an excellent business plan that he will carry out and has already added many improvements to the property. Mr. Savage has been in pool leagues for more than 50 years and stated that this establishment is unique in that it is wholly family and community oriented. The Juniors program has already spawned much interest and is sure to be successful.
- 3) Paul Sawyer – Owns a small business in the Town, and lives here as well– stated that it would be nice to have a restaurant and recreational venue close by. He wishes Mr. Cox all the best.
- 4) LeeAnn Haggard – She has been involved with APA leagues for many years and has introduced her young sons to the sport, welcomes a new business to the Town that she intends to frequent.
- 5) Maureen Krol – Represents the property owner, her boss, whom wholeheartedly offers their support to Mr. Cox and believes that he has the ability to build a good viable business. He has already invested many financial improvements to the property.
- 6) Chad & Linda Sheldon – Mr. Sheldon spoke. He has played in pool leagues since 1993 in Florida, Las Vegas and many other venues around the country. He stated that Mr. Cox has created a wonderful venue and has already brought the pool and local community together helping to clean and work on the building, the landscaping and anything else that's needed. The Juniors program already thrives locally, in fact, the recent tournament in St. Louis was won by a junior from Hannibal, NY. This business will bring people into Granby and create a boost to the local economy.
- 7) Tim Longley – Supports this business endeavor.
- 8) Kristin Bar – A family activity that both her and her husband participate in, and recently her son began on a junior's league. This venue will be a home away from home for many, and will give the business longevity.
- 9) Charles Montrand – Him and his wife have played pool for the past 10 years, in which time he has gotten to know John Cox who has shown to be a good person. Having a local pool hall would be nice.
- 10) Mark Shatrau - Offers his full support to the Cox family and their business.
- 11) Mark Shatrau (another) – Also offers his support.
- 12) Greg Rudes – Offers his support, thinks it will be good for the community.
- 13) Harold Waugh submitted a letter drafted by their Attorney, Kevin Roe of Barclay & Damon LLP, that details their concerns as well as issues with the application. Chairman Crego read brief excerpts from the letter as follows:
 - Graphic parts of application not to scale, needs to provide a surveyed plan.

- Applicant states that he will strictly comply with the 2018 Use variance, but his site plan depicts activities outside – tent, outdoor stage, outdoor patios, horseshoe pits, to name a few.
- County 239 Review letter from the County has second page missing, however it does point out that landscaping needs to be addressed, and issues exist with the parking layout. Requirement to seek ZBA approval for required parking spaces if the Use is not listed within the Ordinance – no determination made or request made as of yet.
- Inability to verify if the parking is located outside the required 20-foot setback because map provided not to scale.
- Parking lot needs all weather surface, to be suitably drained, visibly marked with paint, lighted so as not to shine on adjoining properties – site plan depicts none of this.
- Visual screening required when parking abuts a residential property – concern for the impact of car headlights.

Without any further comments from the public, the Hearing was closed at 7:38 pm by Chairman Crego.

The Members began discussion regarding the adequacy of the site plan and business operation proposal for approval in accordance with the Town's regulations. The updated and surveyed Site Plan provided by Mr. Cox provides clear use of the property with removal of all outside designated areas such as tents and patios. The gazebo is allowed for ceremonial use but needs repair with issuance of a building permit, which Mr. Cox is aware of. The parking is also marked for individual spaces, traffic flow and allotted handicap spaces. Some discussion ensued regarding the size of the spaces and the required number. The regulations allow for number of spaces through determination of total square footage or by available seating, descriptions of uses applicable to this application being a restaurant, bar or club would require 1 space for either every 5 or 6 seats. The CEO will determine the maximum occupancy which will in turn will decide the number of required parking spaces. Lighting is also located on the Site Plan which is all existing. The Planning Board agreed that the Codes Department will decide adequacy of both the parking and the lighting. Presently no lighting points in the direction of the neighbors but when the leaves are gone from the existing trees along the north property line where a residential structure is located, a potential exists for headlights to impact the property. Appropriate screening was discussed as being either a solid fence or thick, dense shrub hedgerow that is not leafy. Mr. Cox was in agreement to install visual screening along the north property line where parking is located, he stated his main concern is to open for business. An existing sign will be utilized, any changes would require approval by the Codes Office. The well is located on the map and used by the business although plans to connect to the public water district in the future is expected. Member Tom Anthony asked where the septic was located as it does not appear on the Site Plan. Previous submitted documents show an approximate location which seems to be well within the 100-foot required setback between private wells and septic systems. Member Anthony was concerned with this issue and stated that the applicant should verify the location and supply the information to the Town as part of the Site Plan documentation. Any approval will require this to be done as well as require compliance with Oswego County Health regulations. Some Board members stated that the water and septic are pre-existing and not subject to planning board review, but Member Anthony was adamant that it is a health and safety issue that should be addressed.

The narrative dated 7/2/22 was compared with the stipulations of the 2018 Use Variance and found to be less for hours of operation, choosing to open at 10:00 am instead of the allowed 8:00 am. Chairman Crego asked how many special events were planned which many Board members had also questioned. Member Crockford commented that he had agreed to a limited number with the ZBA that would take place on the weekends. John Cox stated that he didn't have an approximate number and that the special events would provide capital to run the business – he only hopes to have continual bookings for weddings, parties, meetings, tournaments and whatever else the venue can provide. Member Lori Blackburn was in agreement with the applicant that the Board couldn't limit his business operation and provide a definition for special event after the fact – the ZBA provided a vague condition and it isn't the job of the Planning Board to define it. As long as he abides by the stipulations to keep all activity inside, it doesn't matter how many events he has. Member Rhonda Nipper agreed that it was defined properly initially, and that if the activity remains inside there shouldn't be impacts to the neighborhood. The Board reinforced the fact that all activity must remain inside only, with all doors closed, and be completed by 11:00 pm for customers and 12:00 pm for workers.

The members discussed the conditions to be included as had been discussed at tonight's meeting, as well as the general conditions attached to all approvals for CEO access, compliance with Granby Codes, and NYS Building and Fire

Codes, adhere with all applicable regulations of NYS and County agencies, as well Codes review and issuance of Operating Permit before business opening.

A motion was moved by Member Nipper to adopt a Negative Declaration for SEQRA of the project classified as an Unlisted Action. The motion was seconded by Member David Crockford, all were in favor without further discussion and the motion carried.

Resolution # 2022-02

*On a motion duly made by Member Lori Blackburn and seconded by Member Rhonda Nipper, and upon the facts presented and the determination made, that the application by John Cox for Site Plan Review to operate a Restaurant/Bar and Banquet Facility with Billiards, on leased property owned by Vigesco Inc., to be known as "Fairway Billiards Inc." on property located at 2107 State Route 48, Fulton, NY 13069; Tax Map #201.20-01-04. is hereby **ACCEPTED** with the following stipulations established by the Town of Granby ZBA Use Variance (Resolution 2018-03):*

- 1.) *Restaurant Hours are 6:00 am to 8:00 pm.*
- 2.) *Special Events Hours extended to 11:00 pm.*
- 3.) *All activity is to be inside building only.*
- 4.) *Allowing the use of outside gazebo for Special Events, usage to be for ceremony only.*
- 5.) *Inside music limited to DJ and Karaoke, no bands or live music.*
- 6.) *No outside music, concerts or band performances allowed.*
- 7.) *Allowing for future bar/liquor use in accordance with NYS Laws. Business Hours to remain 6:00 am to 8:00 pm; and Special Events Hours remain extended to 11:00 pm.*

Additional express conditions are stipulated as follows:

- 1.) *Exterior entrance doors to remain closed in an effort to mitigate any potential noise impact to the surrounding residential neighborhood properties. The facility is fully air-conditioned.*
- 2.) *A solid fence or dense year-round foliage bushes/hedgerow shall be installed along the north property line, located adjacent to the parking area, to provide extra buffering and prevent automobile headlight beams from the adjoining residential property.*
- 3.) *The existing parking and lighting lay-out presented on Site Plan dated 7/29/22 is to be reviewed by the Granby Codes Office for compliance with current Codes. The Applicant shall maintain the property so as to be within compliance of all Town of Granby Codes, and NYS Building and Fire Codes.*
- 4.) *Confirmation of the location of the existing private septic system and its distance to the existing well utilized by the business is required by the applicant; information to be provided to the Town and therein made an addendum to the Site Plan. The Applicant shall adhere with all applicable regulations of NYS and County agencies.*
- 5.) *The Town of Granby Codes Officer is to be granted access to the Property, without prior notice, during business hours to ensure compliance with the conditions of this Site Plan Approval.*
- 6.) *An annual Fire Inspection is to be performed by the Granby Codes Office, with the issuance of an Operating Permit, and before the business opening may commence.*

A Vote was taken:

<i>Jane Crego, Chairman,</i>	<i>Aye</i>
<i>Carl Nylén, Member</i>	<i>Aye</i>
<i>David Crockford, Member</i>	<i>Aye</i>
<i>Rhonda Nipper, Member</i>	<i>Aye</i>
<i>Erin Palmitese, Member</i>	<i>Aye</i>
<i>Tom Anthony, Member</i>	<i>Aye</i>
<i>Lori Blackburn, Member</i>	<i>Aye</i>

7 AYES 0 NAYES 0 ABSTENTIONS – APPROVED.

BUSINESS

Paul & Tina Sawyer

The Sawyer's approached the Board to discuss a possible land purchase of 50-acres for potential development and use as a campground. The property has frontage on County Rt. 8 and Bingham Road, zoned Agricultural, and has access to public water. The Sawyer's had received information from the Codes Office regarding the applicable Town Zoning sections which they presented to the members. The Planning Board agreed that a campground is a permitted use in the A district, and would require a site plan and special use permit. They were told to contact County Health whom has more encompassing regulations for development of the sites and infrastructure. The Supervisor, John Snow, also suggested that they contact the Town engineer to clarify the amount of water they would need to pull from the district, to determine whether it would be viable.

Zoning – Cannabis Local Law

Members received copies of 'Directive Concerning Local Laws Relating to the Cannabis Industry' from the NYS Office of Cannabis Management. The Supervisor requested the Board to review it and offer any suggestions to the Town Board for future actions within the Town. A discussion will occur at the September meeting.

MINUTES

A **motion** to approve meeting minutes for July 5, 2022 was **moved** by Carl Nylén and seconded by Erin Palmitese, all were in favor, and the **motion carried**.

ADJOURN

With no other business before the Board a **motion** to adjourn at 8:27 pm was **moved** by Erin Palmitese and seconded by Tom Anthony, all were in favor, and the **motion carried**

Respectfully submitted by:

Lisa Somers
Planning Board Clerk