



**Applicant Presentation:**

A. Ramirez said he is interested in opening a Mexican restaurant at the building last used as Perfecto Cleaners. He showed one copy of a hand drawn floor plan and some photos of a restaurant his business partner operates in New York City.

**Continued Board discussion on application:**

Chair Winner asked if he now owns this building. A. Ramirez said no. He would lease from Soubrette Holdings. They own that building and the small plaza next door. Chair Winner asked if he has any experience in the restaurant business. A. Ramirez said he has worked in the restaurant business for 10 years, but this will be the first time to own his own restaurant. His business partner has a restaurant in New York City. He said they hope to make the interior of this building look similar.

Member Locke asked if there is currently a kitchen. A. Ramirez said no. He will have to have one installed. He said his contractor was supposed to be here with the blueprints. Chair Winner asked who the contractor is. A. Ramirez could not remember his name. Chair Winner asked the estimated value of renovations. A. Ramirez said \$40,000 to \$60,000. S. Zarnstorff said he has not seen any plans yet.

Chair Winner asked the proposed name and type of cuisine. A. Ramirez said it would be called "Las Delicias Mexican Grill" and would serve west coast pacific style Mexican food.

Chair Winner asked if he has plans for a bar. A. Ramirez said yes, a small one. Chair Winner asked for his signage plans. A. Ramirez said he would utilize the existing frames on the pole and building wall.

Chair Winner asked if he has a written business plan. A. Ramirez said his contractor has it.

Member Locke said the drawing shows 8 tables. She asked if that is what it would hold. A. Ramirez said his contractor estimates 50 people. Chair Winner said S. Zarnstorff would determine the occupancy.

Member Appleby asked if there is a rear entrance for deliveries. Member Appleby commented that he did not complete the short environmental assessment form. Clerk Morelli said that she sent it back to him for completion. Member Appleby said he would like to see a business plan, interior floor plan that includes lighting, exterior plan that includes parking layout, location of dumpster and lighting.

Member Brugger said the hand drawn plan says service counter. He asked if there would be seating at the bar. A. Ramirez said 2 or 3 wooden stands, but most of the alcohol would be served at the tables.

Member Locke wondered if there would be any repercussions environmentally since the building was a dry cleaners and the proposal is a restaurant. She asked if air quality testing would be needed. S. Zarnstorff said there were no big chemical processes on site. The location was a spot cleaner, pressing, pick up and delivery. The actual dry cleaning was done elsewhere. He said a potential buyer of the building had some cursory environmental investigation done. Member Appleby said he would want to see that report. S. Zarnstorff said the Village has no rights to a copy of it since it was commissioned privately and that potential buyer did not go any further. Member Appleby said the Planning Board may need to ask the applicant to commission an environmental study. Member Locke agreed and expressed concern of Planning Board liability if approved without this information.

Attorney

Sekharan said as part of SEQR, the Planning Board should require something in writing in order to make an informed decision.

Attorney Sekharan asked where deliveries would be made. S. Zarnstorff said there is an overhead door

on the side of the building. A. Ramirez said he would add a shed on the back to accept deliveries. S. Zarnstorff said there is a pad there from a past shed. Attorney Sekharan asked when deliveries would be made. A. Ramirez said he plans hours of 10am to 10pm. Attorney Sekharan questioned if an area variance would be needed on setback. Dimensions and setback measurements will be needed.

Member Appleby asked if there are plans for a walk in freezer and if they are equipped for gas, water, disposal. A. Ramirez said there is a wooden floor in the rear where the kitchen will be. It will all need to

be put in. Member Appleby asked S. Zarnstorff if concrete would be needed rather than wood flooring in the kitchen. S. Zarnstorff said he would need to see plans and inspect the building. Chair Winner said all Monroe County Health Department regulations will need to be met.

Chair Winner said he likes the idea of a good Mexican restaurant in the Village. Chair Winner said the information provided is a start, but in order to make a good decision and afford the applicant an opportunity for success, the following needs to be submitted to Village Hall by Noon, Tuesday,

December 5<sup>th</sup> in order to continue review at the Monday, December 11<sup>th</sup> 7pm meeting. Chair Winner said his presence and that of his business partner and contractor is required at the meeting. The more detailed and professional information and plans he can provide on paper, the better. If more time is needed to make this submittal, the information would be due by January 2<sup>nd</sup> for the January 8<sup>th</sup> meeting.

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- Written business plan referred to & estimated value of renovations
- Hours of operation
- Sit down and/or take out and/or delivery service
- Menu
- Interior improvements plan including but not limited to
  - Floor plan with layout of tables, chairs, bar stools, etc.
  - Kitchen
  - Delivery entrance
  - Lighting
- Exterior improvements plan including but not limited to
  - Parking layout (10' x 20' parking spaces are required)
  - Dumpster location and enclosure
  - Lighting
  - Signage
  - Landscaping
- Completed short environmental assessment form (another copy is enclosed)

As discussed, as part of the State Environmental Quality Review Act, the fact that the last use of the building was a dry cleaner where chemicals may have been used might necessitate the applicant hiring an environmental company to conduct an inspection and review. If so, the Board would require a copy of the official findings.

If and when approval is granted, please be advised that the Building Inspector will need construction drawings by a licensed architect or engineer.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to table the application until further information is received.

**NEW BUSINESS:**

1. Application of:
- |          |   |
|----------|---|
| Name:    | Scott Harter, P.E. for Don Hibschi                |
| Address: | McCormick Place – East Avenue                     |
| Zoning:  | Residential (Cluster)                             |
| Purpose: | final subdivision & site plan approval – Phase II |

**Applicant Presentation:**

Scott Harter, P.E. and Don Hibschi, Developer/Builder were in attendance for consideration of final subdivision and site plan approval for Phase II of McCormick Place (Havenwood Meadows Section III).

S. Harter said the plans that were submitted mesh with the overall designed plan. Any design changes are due to the “as-built” information obtained from the surveyor. This caused the road grade and storm sewer elevations to go up a bit. The next phase will terminate between lot numbers 10 and 41.

S. Harter said he received the Village Engineer’s review letter today and has no issues with it. They agree to send a notice of intent to the NYSDEC regarding the storm design of the pond. The existing pond will need to be retrofitted to comply with the NYSDEC’s Storm water requirements. DEC requires a 60-day review period. D. Hibschi expressed concern of losing time waiting for the 60 days.

**Continued Board discussion on application:**

Member Appleby asked if there any lots sold in Phase II. D. Hibschi said not yet, but he is out of lots in Phase I. Member Appleby commented that the 60-day wait at this time of year should not have a big impact. D. Hibschi said it would because winter is the best time to do site work. S. Harter said no one in this business likes to wait 60 days. Chair Winner said he recalls the pond changing since the initial installation. D. Hibschi said yes, it was filled to accommodate the sediment situation. It was built to the specifications at that time, but now the specifications have changed. Chair Winner asked if they would need to dredge more to increase the capacity. S. Harter said yes 4’ depth below the low watermark and install a peninsula per DEC. They would be sure to protect yard basins, catch basins and the like with sediment control. The rear pond will probably need to change the outlet structure.

D. Hibschi asked if the Village would allow him to do some site work such as installation of the water main and sanitary main. J. Foote said he understands the construction urgency, and agrees with S. Harter’s assessment of the situation, but needs to review the storm water calculations. D. Hibschi said

they are on a roll and do not want to lose momentum. He said the DEC wants them to take something that looks nice now and make it an overgrown farm pond with cattails. Chair Winner said there could be no additional runoff. They would like to avoid angry phone calls from neighboring property owners. Chair Winner said this is really not a Planning Board issue, but a DEC issue.

Attorney Sekharan said he would be hard pressed to recommend the Planning Board allow any site work without the NYSDEC permit in place and the Village Engineer being given an opportunity to review the calculations. He said approval could be granted subject to those things. He said he is not trying to

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hold up the builder's progress, but Phase II needs to meet current regulations.

J. Foote agreed with Attorney Sekharan and said he would not be comfortable with work taking place before all approvals are in place. J. Foote said the Village Engineer's office will need a copy of the notice of intent, the storm water pollution plan and storm water calculations to review.

Member Appleby said they would hate to have to remove a street if approvals are not obtained. D. Hibsich clarified that the only hold up regards the pond regulations. He said even if they get DEC approval on the pond, they couldn't work on it until the dry summer season. D. Hibsich said 60 days will not kill him, but if DEC holds it up for 90 to 120 days it would hurt.

Chair Winner said it is really beyond the Village's control. However, it doesn't prevent D. Hibsich from cultivating sales leads. All else regarding lot layout is fine. D. Hibsich agreed, but said he just can't make actual sales since he will be unable to give buyers a build date. S. Harter said if something comes up that affects lot layout, they would return to the Planning Board. S. Harter said they could work on the letter of credit and button up some other smaller items.

Member Appleby suggested granting final approval subject to the DEC permit and getting calculation information to the Village Engineer. Chair Winner agreed and said that would save them having to return to the Planning Board. Member Locke agreed.

Member Brugger asked if there is another option regarding the ponds. S. Harter said the second pond services the next phases. Chair Winner said the DEC would likely have new storm water regulations by then.

Member Appleby asked D. Hibsich if he has resolved the property line issues on the west side. D. Hibsich said he has not yet approached the particular neighbors. He will do so after approval is granted.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant final subdivision and site plan approval of Phase II of McCormick Place subject to all conditions granted in preliminary approval and contingent on all governmental permits including NYSDEC permit, engineering, letter of credit, and Village Engineer receiving revised storm water calculations and signing off on them.

Chair Winner noted that SEQR was addressed at the time of preliminary approval.

**NEXT REGULAR MEETING:** Monday, December 11, 2006 7pm  
(Application materials due by Noon, Tuesday, December 5<sup>th</sup>)

**ADJOURNMENT:**

→ Member Locke moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 8:00pm.

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Leslie Ann Morelli, Village Clerk