

APPROVED MINUTES

TOWN OF WEST MONROE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

June 13, 2024

IN ATTENDANCE: Chuck Roberts – Chairman, Craig Stroh, Linda Wolf, Brad Sheldon, Keri Micale, Chick Quattrini, and Mary Regan-Benson – Recording Secretary

ALSO IN ATTENDANCE: David Bardoun, Leanne Daubek, Joe Grenga, Michael Ekiert, Melissa Snavlin, Dean Gass, and Paul Baxter

Chairman Roberts called the meeting to order at 7:30 PM. Mr. Quattrini was invited to join The Board, he accepted. Mary thanked Mr. Sheldon for documenting the minutes of the 5/24/24 meeting and distributing them so quickly. The Board thanked Dave Bardoun for the delicious Country Glazed doughnuts.

The 5/22/24 Meeting Minutes were reviewed. Ms. Micale made a motion to approve the 5/22/24 minutes as submitted, Mr. Stroh seconded the motion. All were in favor except Ms. Micale and Ms. Wolf who abstained. The motion was approved.

Dave Bardoun presented Leanne Daubek's application to reopen The Big Bay Bar as **The Bayside Bar and Grill**, located at 155 Camic Road. The tax id number is 307.12-03-05. They are seeking approval for a Special Use Permit and Commercial Site Plan. The marina has been active since 1977. The bar/restaurant [these minutes will refer to bar and restaurant interchangeably] closed on 3/20/20, when Covid hit and has been closed since.

What followed was A Sketch Plan Conference.

There are 2 apartments located above the bar, they have their own parking spaces.

The marina does not rent boats anymore. The parking lot can handle any overflow from the bar and fishing clients.

Ms. Micale asked if there would be a seasonal closure at the bar. Ms. Daubek intends to be open year round, she will close on Sunday or Monday depending on the season (open Sunday in summer and closed Sunday in the winter).

Dave Bardoun noted that Mike Ekiert wants a speed bump, the parking lot is not blacktop and gets dusty. There is a dumpster enclosure, and the dumpster will be pushed up to the building. They are not really changing anything.

Ms. Daubek said The Bayside Bar and Grill will be more family oriented, they will be serving bar food with nightly specials.

The apartments never stopped being rented.

There is handicapped parking on the east side of the building. There is no new parking needed. There are no building additions planned. The lighting will get updated. The adjacent 2 properties are also owned by the Ekiert family.

When questioned about the music, Ms. Daubek said she plans to have a 1 person band. They are applying for a liquor license, there is an 8 week minimum wait for that, which brings them to the middle/end of August.

Chairman Roberts asked:

- When the marina opened → Mike Ekiert said his wife bought it in 1975 or 1976, and in 1977 the bar opened in the Quonset hut.
- When the current restaurant opened → Mike Ekiert said it opened in 1984: they broke ground on 10/9/84 and opened it 75 days later on 12/21/84. They ran it until 2014, and then there were 3 other lessees.
- When did the doors of the restaurant get locked → on 3/20/20, when Covid hit. Mike Ekiert noted that the marina ran the whole time, never closing.

Chairman Roberts then congratulated Mike Ekiert on being a business that has survived so long in West Monroe. He is trying to understand what has changed. There is nothing on file for the marina.

Mike Ekiert was asked about the number of slips → there are 67 usable slips.

Ms. Micale commented that this is a unique piece of property and circumstances. Mr. Sheldon agreed it is unique, in that nothing has changed. Chairman Roberts thought this could be considered as an As Built.

Ms. Wolf asked if there is a parking problem there. Dave Bardoun replied there is no problem, that ample parking exists. Mike Ekiert said there were lines only on Opening Day for pike season. He went on to say that the fisherman come in the morning and leave by 11, the pleasure boats generally come from noon to 6, and by 7 PM everyone is gone.

Dave Bardoun noted this property has both sewer and water.

Chairman Roberts said the application addresses both the marina and the restaurant. There are 19 parking spaces, 15 are called for. Once again, he said this looks like an As Built.

Mike Ekiert said the apartments are long term rentals. Ms. Micale asked if they were labelled on the plan, Dave Bardoun confirmed they are labelled.

Ms. Wolf read from the town Zoning Law, Section 14.04 "Nonconforming Uses of Land or Structures", item 2 which states that "no nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished, except where transfer has been delayed in a probate case;"

Chairman Roberts asked if it complies with the current setback standards?

Mr. Sheldon said the site plan is for an existing site, the only change is it's on paper, this is just documenting what it always was. Ms. Micale asked when in our law do we go from an existing use to a site plan? In other words, how do we get from non-conforming to legit?

Mike Ekiert said Richard English did a survey in 1969.

Chairman Roberts then read from the town Zoning Law, Section 6.07 "Waiver of Application Requirements" which states that "The planning board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety, or general welfare and in appropriate to a particular site plan or special use permit. He then observed that they are doing what they have been doing since 1984.

Mr. Stroh referenced Section 7.01, item #1 of the town Zoning Law: "General Site Plan Review Standard" which states that "Uses subject to site plan review are appropriate in the district in which they are allowed but require the review of the planning board to ensure the adequacy and proper arrangement of the proposed improvements to the site. The planning board may approve, approve with modifications or disapprove an application for a site plan based on the criteria of this law."

Chairman Roberts talked about going through the process but Mr. Sheldon said it is not fair to have to get variances for structures that predate the West Monroe zoning law. He suggested putting the application documentation on file. Mr. Stroh pointed out that anyone that challenges this will say there is no stamp (with Chairman Roberts's signature).

Mr. Quattrini identified 2 options:

- A. put it in a file OR
- B. process with a Public Hearing, etc.

He wondered about potential complaints in 6 months [about noise or whatever issue arises], and if the plan is not signed, does that impact a future [potential] complaint? Ms. Micale asked "does this fit our law"? Ms. Wolf inquired about stipulations.

A lengthy discussion then ensued about considering this as a minor change [working with Codes] versus following the Planning Board process [Public Hearings, etc.].

After much discussion, Chairman Roberts started canvassing the members as to whether this could be considered a minor change. Going around the room, Ms. Micale, Mr. Sheldon and Mr. Quattrini said Yes this would be a minor change. Mr. Stroh said No, he disagreed. He referred to the SEQR Part 2 environmental issues, citing noise as an issue. He thought there is no clear path for an existing structure to a new business. Dave Bardoun noted that a minor change has the site plan review done by Codes.

Chairman Roberts determined that input from our town attorney Courtney Hills would be needed. He will send this request to Town Supervisor Dale Maher, along with a copy of the file and an explanation, with the question: does this require a full blown site plan?

We still have an opening for a **Planning Board alternate member**. Chairman Roberts asked Mary to email Katelyn Murray Bergen's and Mellissa Snavlin's resumes to The Planning Board members and have them vote (via email to him) on which candidate they prefer.

ADJOURNMENT: Ms. Micale made a motion to adjourn the meeting, Mr. Sheldon seconded, all were in favor and the motion was approved. Chairman Roberts closed the meeting at 9:05 PM.

Respectfully submitted,

Mary Regan-Benson (Recording Secretary)