

VILLAGE OF MINOA  
Planning Board Public Hearing Meeting Minutes

Thursday August 10, 2023  
Retail Hunting Sales

Present: Chairman Dan DeLucia, Planning Board Members: Alan Archer, John Jarmacz, Sarah Coleman, Attorney Courtney Hills and Secretary Barbara Sturick.

Absent: Dan Engelhardt

Also Present: See Planning Board meeting Sign in Sheet dated Thursday August 10, 2023 attached hereto as Schedule "1".

Upon due notice, a Public Hearing of the Village of Minoa Planning Board was held on August 10, 2023 at 6:30 p.m. at the Municipal Building, in the Board Room, 240 North Main Street, Minoa, New York.

Chairman Dan DeLucia opened the Public Hearing at 6:30 pm. Stating the purpose for the meeting was a Site Plan Application submitted by Mike Serrao of Butter-nut Sport Shop Inc. for consideration of a change of use for the premises situated at 249 N Main St. Tax Parcel No. 002.-08-06.0. The current use of the premises is a Bank. The applicant proposes a Retail Hunting Sales.

As a preliminary matter, Chairman DeLucia noted:

The purpose of this public hearing is for Site Plan Review to ensure compliance with the Village of Minoa Code, specifically Chapter 127, Section 12. It is not the intent of the Site Plan Review to prohibit, per se, any land use activity but rather to ensure permitted land use activities meet the standards set forth in this Chapter and other applicable law. It is not the purpose of this Board to arbitrarily say yes or no to things simply because the Board or those in attendance disagree with the intended use. The law permits the use, and as such the Board's role is limited to ensuring compliance with the Village's provisions for site plans.

**Chairman DeLucia then informed the public that the floor would be turned over to the Applicant to make their presentation and after the presentation the floor would be open to the public for any comment.**

**Chairman DeLucia stated the Planning Board would be following the Village of Minoa Rules for Decorum at Public Meeting, and therefore each public speaker should state their name and address for the record, only one person shall speak at a time, and their questions and comments should be directed at board only. Questions and comments would be limited to three minutes to allow all those in attendance an opportunity to speak.**

## Applicant Presentation:

Mike Serrao read a statement to the Board and public, giving a brief overview of the history of his family-owned business. A true copy of the statement is attached hereto as Schedule “2”.

Chairman DeLucia inquired whether the guns, and ammunition were going to be stored in the existing bank vault, particularly during closed hours. Mr. Serrao stated that they would be using the existing vault, along with other various measures of security. He advised they would be using Armoured One Window Security Film and grates for all windows, essentially making the entire building a “vault” and bullet proof.

He stated it is the stores responsibility to make sure no one under 18 years of age enters the building.

## Public Comments as follows:

Resident Linda Stoddard of 144 East Ave:

- She inquired whether the NYS law regulating Gun Free School zone applies, and noted that Minoa Elementary is not a thousand feet from subject property line. Planning Board member John Jarmacz read a summary put out by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) explaining the NYS Gun Free School Zone requirements, specifically that private properties and Federal Firearms License (“FFL”) holders on commercial properties are exempt from the requirement. A copy of the summary is attached hereto as Schedule “3”. Mr. Jarmacz noted for the record the applicant is in the process of having his FFL transferred to the subject location.

Resident Carl Gomore of 136 Fay Lane:

- He asked why the applicant intended to relocate his business to Main Street in the Village of Minoa. Mr. Serrao advised that the subject building already has extensive upgrades for security (it was a former bank) and it was more economically feasible than choosing an alternative location that would require extensive security upgrades. In addition, the subject property is located within a commercial zoning district that permits the subject use, thus no variance would be required.
- Mr. Gomore stated he did not care about the law and that he believes it is not a good location for this type of store and that the village should deny the use regardless of the law.

Resident Katie Markis of 117 Kensington High St:

- She asked if the store door has a “buzz in” system that would allow the building to be located and opened upon request by customers. The applicant indicated their existing location has such a system and they would be opened to considering using it at the new location.
- She stated she is concerned about what would happen if the location was robbed. The applicant again reiterated all of the existing and additional security upgrades that will be implemented prior to opening.
- She asked how the applicant would prevent those under the age of 18 from entering the building and expressed concerned that some high school students look older than 18. The applicant advised that those under the age of 18 are not permitted onsite without an adult present and that ID’s must be checked – it is a condition of his various dealer licenses. In addition, hand guns are

located in locked cases and the applicant is not permitted to show them without lawful licenses being presented first.

Resident Kathleen Owens of 140 Fay Lane:

- Stated her concern with the redevelopment of 481 and as a result an increase in traffic, and the kind of people that would be coming into the village. She fears Main Street would not be the right location for a gun retail store.

Resident Jennifer Bittel of 303 Ripplebrook Lane:

- Stated she is concerned with the sale of semi-automatic guns being sold in a residential neighborhood and putting a gun store in the middle of a residential location. She was informed by the Board that the subject property is located in the Village's Commercial Zone District, not a designated residential district.

Resident Terry Lindsley-Borton of 124 East Ave:

- She asked if other villages have gun stores located in their village. Chairman DeLucia stated he did not know the answer to that question.

Resident Emma Biel of 222 Edgerton Street:

- She stated she was a former student of ESM (now a college student) and is concerned about school shootings. She believed having a gun shop down the street from a school is anxiety provoking for both parents and students.

Resident Diana Abdella of 102 Kenner:

- She stated the applicant's current shop on Lodi Street is eye sore and boarded up. What is in place to prevent the subject location from becoming an eye sore? Mr. Serrao stated they were approached by the Onondaga County Sheriff's Department during the riots (during Covid) and were asked to board up the premises. They were merely following the recommendation of law enforcement to secure the building during an unprecedented time in history.
- She asked who is regulating 16 yr. olds coming into the store. Mr. Serrao stated it is their responsibility to check the identification of customers – the federal government and NYS has a zero tolerance approach and they would lose their license upon the first violation.

Chairman DeLucia reiterate to the Public in attendance that the law allows this business to be located within the Village's Commercial District and that the job of the Planning Board is ensure compliance with the Village's Site Plan Review requirements. The Planning Board has no authority to enact laws or to deny a lawful use if it meets the Village's requirements.

Resident Daniel Barton of 124 East Ave:

- He stated the applicant's current property is an eye sore. He also referenced the Gun Free School Zone of 1990. Planning Board member John Jarmacz once again addressed the federal statute and Section of the law that exempts private residences and lawfully FFL licensed dealers/commercial premises.

Planning Board Member John Jarmacz stated that it is the job of the Planning Board to ensure that the

Village of Minoa Code Site Plan Review regulations are being complied with. The Board does not have the right to say yay or nay because of how they feel about the business. He advised that is not legal, and this Public Hearing is not the forum for that.

Resident Rob Kelsey of 105 East Ave:

- He asked why they received a notice and were given an opportunity to speak if they do not have a say as to whether the use can be in their Village? Attorney Hills stated that NYS law requires public hearings for site plan reviews. She stated for the record that the Planning Board has no legal authority to enact laws, and it cannot deny a legal use if it complies with the Village's requirements and all other relevant laws.

Secretary Sturick stated as the secretary to the Planning and Zoning Boards the process of notification for each board is the same. She stated for the record per Village of Minoa Code Section §127-14 a public hearing notice was published in The Post-Standard Ad #0010705148-01 run date 7/27/2023, mailed to the owners of adjacent properties within a 500' radius of the subject premises using Onondaga County GIS website, and posted in the Village of Minoa Library, Village Hall Bulletin Board, Post Office, Scotty's Automotive, Spill the Tea and Trappers II and posted on the Village of Minoa website.

Resident Virginia Powell of 120 Beresford:

- She requested the board name plates be turned around showing members names. The Board advised that they do not have name plates – the plates were for the Village Board members who were not present at the time.

Resident Kevin Wall of 171 Beresford:

- He stated he understood Mr. Serrao's desire to relocate and understood the residents' concerns. He asked for clarification on the procedure for purchasing firearms. The applicant gave a brief overview of the procedure.

Secretary Sturick stated she completely understands the concerns of the residents in attendance and that anyone going into a gun store has to have a NYS Background check in order to obtain pistol license or conceal carry and have legally gone through the sheriff dept. in order to get their license and followed the proper protocol. They have knowledge of the laws, and these are the law abiding citizens. She stated that Mr. Serrao and his staff have gone through background checks, followed procedures to obtain the necessary licenses and followed the law to have the store.

Resident Robyn Reed of 240 South Main Street:

- She stated she has a statement and two questions. She stated she is sad to see that the village aesthetic going from small town suburbia to NYC with cages on store front popping up everywhere. She appreciates the security however.
- She stated there have been issues at the smoke shop and now there will be a gun store. She asked who is in charge of securing enforcement of age requirements. Chairman DeLucia stated the store owner is responsible per their license requirements.
- She asked if it was the village codes enforcement officer has any authority enforcing the age requirement. Attorney Hills stated the Village Codes Officer only has authority to regulate the

Village's zoning and planning laws, and NYS laws regarding property maintenance and inspections.

- She ask if it having a gun retail store would put the Village's main street initiative funding grant in jeopardy. Attorney Hills stated this business is classified and treated the same as any other business.

Resident Jennifer Bittel of 303 Ripplebrook:

- She asked how it can be gun free school zone, private property. Attorney Hills again advised that private properties and FFL licensed retails on commercial properties are exempt from the gun free zone requirements.

Resident Lori Rubenstein of 232 Elm Street:

- She stated she is concerned about the security and safety of Minoa and surrounding area.
- She stated that the value of her home will significantly decline if a gun retail store is permitted to be located in the Village. She would not have purchased a house with gun store around the corner.
- She asked whether the board could create a law to prevent the store from being located in the Village if it would cause the value of her home to decline. Attorney Hills stated that the Village has to follow all relevant laws, and what she is proposing is not legal – the Planning Board has no authority to enact laws. She advised that if residents are concerned with gun retail stores can be located, they should be lobbying their state representatives to have the law changed. Chairman DeLucia stated it is hard to predict what would impact the value of real estate, and that the laws can arbitrarily impact certain types of businesses.

Resident Alana Turbeville of 140 East Ave:

- She stated she is an ESM High School student and that kids are scared and that kids will find loop holes and a way to get guns. She asked if there was any way to prevent kids her age from getting a gun? Chairman DeLucia stated there are laws in place that are intended to prevent underage individuals from purchasing handguns and that the applicant must adhere to all laws in order to be a licensed dealer.

Resident Jeremiah Butchko of 240 S. Main Street:

- Requested an interpretation of the gun safety zone statute. John Jarmacz stated that the applicant must be in compliance with all laws regarding licensed dealers and if the location was not permitted, the license would not be transferred.

Resident Katie Markis of 117 Kensington High St:

- She requested clarification as to the purpose of the meeting and whether or not the board has a procedure to follow. Chairman DeLucia stated they have to go through the process and have not gotten to the purpose of the public meeting yet due to the public comments. Attorney Hills stated that the Board must follow the procedures outlined in Chapter 127, Section 12 as referenced in the beginning of the hearing.

Resident Colin Beirne of 212 East Ave:

- He asked Mr. Serrao what is the approximate time frame for the business to move in and open. Mr. Serrao replied that it could take 3 of 4 months to get all the licenses transferred.

Discussion continued between Residents, Applicant, and the Planning Board:

- The Planning Board's authority is limited to Site Plan Review as the business is permitted in the Commercial District.
- The Planning Board stated it was the same process for all site plan applications, and provided examples of Puff Joy and Northern Bound. Dan DeLucia stated all meetings are open to the public and residents can come.
- Does the current shop have any violations? Mr. Serrao stated he does not have any violations, and that there is zero tolerance. His license would be revoked upon a first offense.
- John Jarmacz inquired as to the standards are for security for the FFL License? Mr. Serrao stated the State requires FFL license, installation of alarms, installation of cameras at each door - inside and out, and at location of the sale, and all weapons must be secured.
- The majority of the residents concern was with the distance of the location of the store from the elementary school and that it was located on Main Street.
- The proposed signage was discussed and a request for no window advertising was made. The store cannot display fire arms in window and the proposed signage is their name only.
- Further discussion as to why Minoa?
- Some residents raised concerns as to the perceived lack of police presence in the Village, and inquired whether the Town of Manlius Police had any input. The Board advised that question would have to be direct to the Town of Manlius Police Department.
- There was a question as to whether or not the Town of Manlius Police Chief can prohibit the business from being relocated to Minoa. The Board advised that it was not legal.

A Motion made by John Jarmacz and seconded by Sarah Coleman to close the Public Hearing and continue into regular session at 7:50 pm. All in favor. Motion carried.

Attorney Hills reviewed the Short Form SEQRA form submitted by the applicant with the Planning Board and advised the proposed action meets the requirements of an Unlisted Action under SEQRA. The Board then reviewed and completed Part 2 of the Short Form SEQRA, and upon motion by Chairman DeLucia, seconded by Member Sara Coleman, All in favor. Motion carried. The Board resolved as follows:

- The Board identified the proposed action as an Unlisted Action pursuant to NY SEQRA:
- The Board elected to designate itself as Lead Agency,
- The Board determined based on the information provided therein and upon the analysis thereof and all supporting documentation that the proposed action would not result in any significant adverse environmental impacts, and therefore issued a Negative Declaration.

Attorney Hills suggested the Planning Board review each of the review standards per Article IV § 127-12 General standards and considerations of the Village of Minoa Code Book.

- A. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- **No changes to the exterior building, other than the sign. Per written confirmation from the Village of Minoa Code Enforcement Officer the proposed sign is in compliance with the sign regulations under Chapter 160-17.1 (general provisions of signs) and 160-17.2(c)(b) which provides that the aggregate area, in square feet, of all signs on any wall shall be not greater than 5% of the building facade or 100 square feet, whichever is less, of the wall on which it is placed. A copy of the Code Enforcement Officer's written report is attached hereto as schedule "4" and made a part hereof.**
  - **The use is permitted in a Commercial Zoning district and similar to that of the prior use (business).**
- B. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- **No additional traffic. Traffic flow will be the same to or less than that of the previous use which was a bank.**
- C. The location, arrangement, appearance and sufficiency of off-street parking and loading.
- **Adequate off-street parking already exists and given that the use is similar to that of the prior use, there should be no need for additional parking. Furthermore, the site plan complies with Village Code with respect to number of parking spaces. There is adequate space for deliveries as well. There are 5 parking spots located behind building to be designated for staff parking.**
- D. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- **No change. The premises is located in a walkable mix use area with sidewalks.**
- E. The adequacy of stormwater and drainage facilities.
- **No change. The stormwater and drainage facilities are adequate and that the change in use would not have a significantly larger impact than the prior use.**
- F. The adequacy of water supply and sewage disposal facilities.
- **The subject premises is served by OCWA for water supply, and the Village's wastewater treatment system already serves the premises and there would likely be no to small impacts on the system due to the change in use.**

- G. The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- **There will be no change to the landscaping.**
- H. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- **In compliance. There was adequate access to fire lanes and hydrants - this is an existing building with a hydrant located nearby.**
- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- **No changes. There would be no additional susceptibility to ponding, flooding or erosion as there would be no changes to the structure, roadways or landscaping**
- J. Overall impact on the neighborhood, including compatibility of design considerations,
- **The overall impact on the neighborhood would be small. The update and maintenance would be more aesthetic pleasing than the current condition of the vacant property. Planning Board members requested the applicant maintain the property in aesthetically pleasing manner and requested the fence to remain and be maintained. They requested windows be tinted in manner that does not allow those walking by to see into the store, and recommend installation of Buzz in System. Alan Archer requested lighting on the back of building be adjusted as the light is on 27/7 and directed towards his home.**

A Motion made by John Jarmacz and seconded by Sarah Coleman to approve the Site Plan based on Plans Submitted and the analysis conducted by the board. All in favor. Motion carried

A Motion made by Dan DeLucia and seconded by Alan Archer to close the Planning Board Meeting at 8:04 pm. All in favor. Motion carried.

Respectfully submitted,

Barbara Sturick, Secretary