



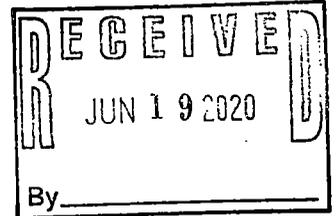
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June 18, 2020

Hon. Edmond J. Theobald, Supervisor
Town of Manlius
301 Brooklea Drive
Fayetteville, New York 13066



**Re: John and Stella Penizotto/JS Penizotto Real Estate, Inc.
Zone Change Application
4581 Enders Rd, Town of Manlius (Tax Map ID No.: 114.-01-13.1)**

Dear Supervisor Theobald:

Our Office serves as legal counsel to John and Stella Penizotto and JS Penizotto Real Estate, Inc. (hereinafter the "Penizottos") with respect to the Penizottos' request for consideration for a zone change of their parcel located at the intersection of Route 92 and Enders Road in the Town of Manlius to the Town's Commercial A (CA) zoning classification.

The Board is certainly intimately familiar with the parcel and the Owners' attempts to find an acceptable compromise zoning classification, which will allow the premises to be put back into productive use to benefit not only the Owners but the community at large in this portion of the Route 92 Corridor. As you are aware, the premises are currently zoned Residential Multiple-Use (R-M) District. In this instance, the Penizottos are submitting an application to request a zone change from its existing Residential Multiple-Use (R-M) District designation to the Commercial A (CA) District designation. While the Penizottos believe that the premises would be ideally suited for a Commercial B (CB) designation, after speaking with your legal counsel it is understood that the Town Board has certain concerns relative to the Commercial B (CB) designation. The Penizottos, practically speaking, wish to proceed with their application and therefore have agreed to modify their prior request to the Commercial A (CA) zoning designation.

The Penizottos have engaged Dunn & Sgromo Engineers, PLLC to assist in the preparation of the application materials for this zone change request. As you know, the Penizottos have been small business owners in the Town of Manlius for many years and have provided a valuable service to the residents of the Town and the community. The proposed Commercial A (CA) designation would allow the Penizottos to potentially realize a reasonable return on the premises after rezoning and marketing the property for uses allowed under the

Commercial A (CA) designation. As the Board is aware, the Commercial A (CA) zoning would allow for, among others, the following uses:

- Hotels;
- Any retail business or personal service carried on in enclosed buildings and such manufacturing which is incidental to the preparation of products to be sold on the premises to the ultimate consumer;
- Banks, including drive-through services;
- Retail establishments with associated drive-through services;
- Indoor theaters;
- Restaurants serving patrons indoors. Such indoor restaurants may serve patrons outdoors upon the issuance of a special use permit pursuant to Article IV, §155-27;
- Outdoor sales on a small scale, as determined by the Town Board, shall be permitted only upon the issuance of a special use permit, pursuant to Article VI, §155-27; and
- Public or private schools, churches, parish house and other places of worship, public libraries, municipal buildings, parks, playgrounds, community centers or recreational grounds operated either by the public or by membership organizations for the benefit of their members and not for gain, on a lot at least 40,000 square feet in area and upon the issuance of a site plan approval by the Town Planning Board pursuant to Article IV, §155-28.

While presently there is no specific, contractual tenant for the premises, the Penizottos have been in ongoing and open discussions with numerous potential businesses, which have shown general interest in the property if zoned appropriately. Each of these proposed uses would not result in significant traffic impacts or any change in the character of the area. As you are aware, the area is already commercial in nature and includes the nearby convenience store with fueling stations, the True Value retail hardware store, the new Village of Manlius Fire Facility and numerous other commercial uses adjacent to and alongside this portion of the Route 92 Corridor. It is believed that the subject property could compliment the existing uses and perhaps even introduce uses which many residents would find convenient and beneficial to today's lifestyle. Such uses could be a coffee shop, limited retail, financial services, etc.

Of course it is understood that upon designing a specific site plan for a specific use for the premises, any proposed project would be reviewed by the Town's Planning Board with appropriate considerations applied thereto. As you are also aware, a change from Residential Multiple-Use (R-M) to Commercial A (CA) would place the subject parcel in appropriate context with surrounding parcels, which include parcels presently zoned Commercial A (CA), Commercial B (CB) and some Residential Multiple-Use (R-M) (however, each having a distinctive commercial character). In short, re-designation from Residential Multiple-Use (R-M) to Commercial A (CA) would be consistent with the Town's comprehensive planning and would

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allow for uses which the Town and its residents would otherwise promote as consistent with the character of the existing neighborhood.

The Penizottos' application has been completed and is supported by correspondence from Dunn & Sgromo Engineers, PLLC, a reference survey map and a proposed rezoning map (also prepared by Dunn & Sgromo Engineers, PLLC). In addition, a Short Environmental Assessment Form has been completed in support of the application.

At this time, and after much thought and reflection, it is believed that the Penizottos and the Town will benefit from focusing their energies to working cooperatively to find a way in which the premises can be utilized in a manner consistent with the balance of this portion of the Route 92 Corridor.

Therefore, for all of these reasons, the Penizottos would request that this application for a zone change be advanced by the Town Board as quickly as possible, particularly in light of the circumstances surrounding the COVID-19 Pandemic and the impacts on our State and local economies. The Penizottos believe that it will be refreshing to the Town to have an applicant willing to continue to invest in the Town of Manlius and its residents at this uncertain time period.

Very truly yours,

COSTELLO, COONEY & FEARON, PLLC



John R. Langey

JRL/dl

Enclosures

cc: Town of Manlius Town Board
Ms. Allison A. Weber, Town Clerk
Timothy Frateschi, Esq., Town Attorney
John and Stella Penizotto
Greg Sgromo, P.E.