

The Town of Cicero Planning Board held a meeting on Monday, October 19, 2009 at 7:00p.m. at the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board minutes from October 7, 2009 (approved with corrections)\*
- Site Plan Modification, Tim Horton's USA Inc., 6360 East Taft Road, Proposed restaurant, TDK Engineering Assoc., P.C. (approved)
- Discussion: Sidewalk maintenance ordinance

Board Members Present: Patrick Leone, (Chairman), Richard Cushman, Robert Smith, Christopher Rowe, Jason Mott and William Purdy

Board Members Absent: Sharon May and Scott Harris (Ad-Hoc)

Others Present: Wayne Dean (Director, Planning & Development), Heather Cole (Esquire, Wladis Law Firm), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that the Site Plan for Northern Pine Golf Club and the Preliminary Subdivision Plan for Northern Pine Meadows would not be discussed tonight. He asked if anyone wanted to speak for or against the subdivision. There was no response and he left the public hearing open. Ms. Cole added the time line for an automatic default on the subdivision would start after the public hearing was closed. Mr. Leone encouraged those who would like to speak about an agenda item to do so by first being recognized by the Chairman and using the microphone in the front.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 10.7.09

Ms. Cole noted the following corrections. On page 5 in the first paragraph, Jeff Harrob should be corrected to read Jeff Harrop. On page 20 in paragraph 3 Sheath Drive should be corrected to read Shiva Drive. Mr. Smith made a motion to approve the October 7, 2009 Planning Board meeting minutes with the corrections noted above. Mr. Mott seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes

Mr. Rowe: Yes  
Mr. Mott: Yes  
Mr. Purdy: Yes  
Mr. Leone: Yes

SITE PLAN MODIFICATION, TIM HORTON'S USA INC.  
6360 EAST TAFT ROAD, PROPOSED RESTAURANT  
TDK ENGINEERING ASSOCIATES, P.C.  
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 10.19.09)

Representatives: Joe Durand, P.E., TDK Engineering and Bob Bender, Tim Horton's

Mr. Leone noted that there was a site plan approved on April 20<sup>th</sup> for this location. I believe there was an issue relative to the use of some area that National Grid controls. And so, the applicants are back in to adjust the site plan. I believe what you have before us is the same basic style store and the same driveways in and out. The change is a movement of the store further to the west on the same parcel. Is that correct?

Mr. Bender: For the record it is a movement of the store further to the south, from the north side to the south side. The power company is requiring us to sign a very restrictive document which basically gives them the right at any time to say, you can not use this area anymore. Our largest concern was for the drive-up lane, which was located within National Grid's easement. We did not want to take the chance that, for what ever reason, National Grid might tell us that we could not use the drive-up anymore. We are less concerned with the access and that being restricted because National Grid doesn't seem to have any concerns with that.

That forced us to go back and re-visit the site plan. This new site plan keeps all of our development, except for the driveway and the truck parking, out of that easement.

Mr. Leone asked for a review of the changes that were made.

Mr. Bender explained that there was a driveway modification. The driveway out on East Taft has shifted 18' to the east. That was done so that the traffic in the drive-up did not back straight out towards the road to create a conflict for people entering the parking lot. We can

offset that driveway from the drive-up lane. The driveways remain the same. Off of Northern Boulevard we have a right-in, right-out. The right turn-in brings you right into the site towards the drive-up lane. All traffic goes around the front of the store; whether they are going to the parking area to come inside the store, or coming around to the drive-up lane. The driveway off of East Taft is a more direct route into the drive through. It also provides access into the parking lot. We have a full exit, right out only out to Northern Blvd.

The driveway plan shows a do not enter sign in this area. We do not have any signs that lead customers to the drive through in here. But because customers are forced this way, we feel it is a natural movement. I don't think that there is any room for confusion.

We have continued to provide the full escape lane all the way around the outside of the drive-up. There is a drive through sign located on the end of this isle.

More discussion occurred regarding the movement of traffic around the site and signage for that movement.

Mr. Bender continued. We have reduced parking by two spots. We shoot for 25 spots, so we have 29 on this site. We feel that is more than sufficient.

Mr. Parrish noted the seating capacity was 30.

Mr. Bender added it is the same model building. We have just moved it to the other side. We spoke with the Planning Board before about putting another pylon sign in this area. Since the building has sifted so far to the south, we are asking that the Board approve a second pylon sign. This one is a monument to keep it below the required width for the power company. We are also proposing a pylon sign here that is set back 20' from the right-of-way. The sign package shows that.

Mr. Parrish: The plan I have shows it less than 20'. I want to make sure that gets noted on the plan.

Mr. Bender: The landscaping has essentially stayed the same. We have it fairly dense up in this corner around the sign. We have added some landscaping along the inside corner. We have

added landscaping around the proposed, new pylon sign and have dense landscape plantings right in front of the store. We will maintain the easement area.

Mr. Durand explained that the storm water geometry and detention basin have basically stayed the same. The control structure has been modified a little because we have 10,000 square feet less of impervious surfaces.

Mr. Bender: Basically the lighting is the same. The new signs are internally lit. We have a couple of poles along the perimeter here and three double-headed poles in the center of the parking lot. There is another one up here to light this corner.

Mr. Leone asked Mr. Parrish if the applicant had addressed the other do not enter sign.

Mr. Parrish responded yes. It is not on the large plan but it is shown on the signage plan in a smaller scale.

Mr. Leone: You give signage details. There are 153 sq. ft of sign and the frontage is about 75 linear feet?

Mr. Parrish: Yes. Signage includes directional signs, menu boards, etc, but only takes into account the pylon sign, the monument sign and the two signs on the building.

Mr. Bender: We kept the monument sign the same size and duplicated that size on the pylon. The pylon is 13'10" to the bottom, 18' to the top.

Mr. Leone: Do the entrances have enough light?

Mr. Bender: We felt that there was enough light from the public lighting at the intersections to make the entrances visible. We did not put any directionals there.

Mr. Leone: You have no left out from the Northern Blvd. entrance. Is that the DOT's design? Did you discuss with Jim Stelter the movement of the driveway?

Mr. Durand: The 18' movement, yes but, not the one on Taft. We must do a permit.

Mr. Dean: Because this was a site plan modification, it was not sent back to the County for review. Are you meeting the power companies' entire criterion now?

Mr. Bender: We will have to sign the access agreement with them because of the roadway and the truck parking. We do not expect them to have any issues with the plan.

Ms. Cole noted before they will be able to complete the project they will need to execute the Town's standard storm water agreement. We talked about that with the previous approval.

Mr. Bender: We may want to do the demolition of the house on the site over the winter. But I suspect that we will not start heavy construction until March.

Mr. Leone: Did we ask for an inspection by our engineer? That's a call for Zoning as much as for us.

Mr. Cushman: I don't think that we thought this required it.

Mr. Dean: I don't have any issues with doing it at all. I don't think that it is that complicated.

Mr. Leone made a motion regarding SEQR. He read: Be it resolved that the Planning Board of the Town of Cicero hereby determines that the proposed act will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the ECL of the State of New York. Mr. Smith seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

Mr. Parrish noted the site plan's revision date of October 5, 2009 and the signage package prepared by Custom Signs Center Inc.

Mr. Bender stated we will coordinate our engineering drawings and resubmit them with the signs reflected upon them.

Mr. Leone made a motion to approve the site plan modification for the Tim Horton's site located at 6360 East Taft Road as provided in the site drawings dated October 5, 2009. It includes 153 sq. ft. of signs based upon a sign package prepared by Custom Signs. It is contingent upon the acceptability by the Onondaga County DOT of the 18' movement of the driveway entering Taft Road and the execution of the Town's standard storm water agreement. Mr. Smith seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

#### DISCUSSION: SIDEWALK MAINTENANCE ORDINANCE

Mr. Smith: As a Planning Board it is a part of our job to make recommendations to the Town regarding planning issues. It is about that time again. I would like us to consider a resolution asking the Town Board to again consider and pass a sidewalk maintenance ordinance so that when developers put in sidewalks and agree to maintain them, the developers can be forced to be maintain them. The ordinance is not unusual. It is typical in all of our surrounding urban towns and villages. It is public safety. I know that it is something that has been worked on.

Mr. Leone: I thought that we asked for this once.

Mr. Dean: I don't believe you discussed maintenance. I thought that you just requested that sidewalks be installed.

Ms. Cole: I think that we talked about sidewalk standards---width, construction that type of thing.

Mr. Smith: We have an opportunity now to say that sidewalks should be shoveled, but not at

the taxpayer's expense.

Mr. Leone: People seem to corner me about sidewalks going to no where. From a planning perspective, I don't believe that. I think they are sidewalks to our future. As we continue to negotiate this path that we are on, it gets hard. Developers are opposed to sidewalks going no where. They spend their money on it. It is hard because everyone should be on the same page. I realize that they do not belong in every single project, but they must be viewed as a part of a project. The SMTC agrees.

More discussion occurred regarding sidewalks along Routes 31, 11 and Thompson Road.

Mr. Smith: I would be happy to amend the resolution, and ask that it be sent to our County representatives and to the Town Board showing how strongly we feel that the Thompson Road project should have a sidewalk. It is incredible that the County would take this position given the fact that sidewalks connect neighborhoods. It is a pinch point for pedestrian traffic.

Mr. Leone: I would encourage you to go to Jim Stelter.

Mr. Mott: Should we draft something and send it down as a Planning Board?

Mr. Leone: (To Ms. Cole) If we could get you guys to draft something on behalf of the Planning Board. The County's position questioned who would maintain the sidewalks after they were installed. They wanted the Town to take care of it.

Ms. Cole: For the next meeting? Sure.

More discussion occurred.

Mr. Leone: Someday these sidewalks will connect. If we can not get them to connect, maybe we can go after some grant money to have that done. I am told that is available.

Mr. Smith: The Federal government requires it. If they see pedestrian traffic move through an area and there are several dollars spent, as part of the project they require sidewalks be

installed to accommodate that traffic. I think this Planning board has made that case clear. Someday when the State spends federal dollars out on Route 11, it will have to happen. Will we hold on the motion until the next meeting? We can wait to get something drafted.

The Board agreed to wait.

Mr. Smith made a motion to adjourn. Mr. Leone seconded the motion. The motion was approved unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:31 P.M.

Dated: October 30, 2009

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Tonia Mosley, Clerk

\*Additional changes were made to the Preliminary Subdivision Plan for Shiva Estates at the Planning Board meeting held 11/4/09.



October 19, 2009

Planning Board  
Town of Cicero  
P.O. Box 1517  
Cicero, New York 13030-1517

Attention: Patrick Lonne, Chairman

Re: Tim Horton's, East Taft Road Site Plan  
Review  
File: 010125439.343

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

1. Title Sheet dated October 2009
2. Site Plan dated September 29, 2009 revised October 5, 2009
3. Erosion & Sediment Control Plan dated September 29, 2009 revised October 5, 2009
4. Erosion & Sediment Control Details & Specifications dated September 29, 2009 revised October 5, 2009
5. Demolition Plan dated September 29, 2009 revised October 5, 2009
6. Demolition Notes dated September 29, 2009 revised October 5, 2009
7. Paving, Grading & Drainage Plan dated September 29, 2009 revised October 5, 2009
8. Paving, Grading & Drainage Details & Specifications (2 sheets) dated September 29, 2009 revised October 5, 2009
9. Utility Plan dated September 29, 2009 revised October 5, 2009
10. Utility System Details & Specifications dated September 29, 2009 revised October 5, 2009
11. Pavement Marking & Partial Signage Plan dated September 29, 2009 revised October 5, 2009
12. Photometric Lighting Plan dated September 29, 2009 revised October 5, 2009
13. Photometric Lighting Details & Specifications dated September 29, 2009 revised October 5, 2009
14. Landscaping Plan dated September 29, 2009 revised October 5, 2009
15. Landscaping Planting Chart dated September 29, 2009 revised October 5, 2009
16. Building Plans & Elevations dated September 29, 2009 revised October 5, 2009
17. Stormwater Pollution Prevention Plan dated December 22, 2008 last revised September 30, 2009
18. Signage Package, variously dated.

TDK Engineering Associates, P.C. prepared items 1 to 17 and Castout Sign Control, Inc. prepared item 18

The Planning Board granted Site Plan approval for the referenced project earlier this year. The above materials have been submitted to show modifications to the Site Plan due to requirements from National Grid for the area on the east side of the site that is encumbered by overhead electric transmission lines and an associated easement. The main modification is the relocation of the building from the northerly to the southerly portion of the site. The impacts of this on the various aspects of the project are as follows:

1. The comments relative to sanitary sewer service in our previous letter are still applicable and should be complied with but no modifications to the Site Plan are needed.

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2. The comments relative to stormwater management in our previous letter are still applicable and should be complied with. Minor modifications to the grading and stormwater facilities have been made to accommodate the revised site layout but the location and nature of the stormwater management area has not changed but no modifications to the Site Plan are needed.
3. The comments relative to site access and traffic circulation in our previous letter are still applicable and should be complied with. It is recommended the Board review the site circulation and parking as significant modifications have been made to accommodate the revised site layout. The number of parking spaces on the site has been reduced from 31 to 29 and the stacking length has been reduced from 13 to 10 cars. It is recommended consideration be given to providing a "Do Not Enter" sign in the area of the pavement markings adjacent to the southeast corner of the building.
4. The comments relative to water service in our previous letter are still applicable and should be complied with but no modifications to the Site Plan are needed.
5. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are some comments for the Board's consideration regarding these issues:
  - a. The lighting is consistent with the previously approved plan and generally appears reasonable.
  - b. The total signage area is approximately 153 square feet (not including directional signs, menu board or preview board) and includes a pylon sign adjacent to the East Tuft Road entrance that was not previously shown. The maximum frontage of the building is approximately 75 feet including the equipment enclosure on the west side of the building. The Town Code allows for 1 square foot of sign area per linear foot of building frontage. The location of the pylon sign should be adjusted so a 20-foot minimum setback is provided from the right-of-way line.
6. The comments relative to wetlands in our previous letter are still applicable and should be complied with but no modifications to the Site Plan are needed.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERR ENGINEERS, INC.



Mark C. Parrish, P.E.  
Managing Engineer

cc: Town Board - Town of Cicero  
Wayne Dean, Director of Planning and Development - Town of Cicero  
Toni Mosley, Code Enforcement Officer - Town of Cicero  
Heather Cole, Esq. - Wladis Law Firm, P.C.  
Joseph Durand, P.E. - JTK Engineering Associates, P.C.  
Gary D. Cannerelli, P.E. - O'Brien & Gere

